

Your Ref:
Our Ref: F18/30

09 October, 2018

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

Attention: Regional Planning Group

Dear Sir,

**RE: APPLICATION FOR RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT
LOT 1 ON MPH3410 AND LOTS 27 & 100 ON SP298279, RIVER ROAD AND WILSON STREET,
BIBOOHRA.**

This application is for a Reconfiguration of a Lot – Boundary Realignment over land described as Lot 1 on MPH3410 and Lots 27 & 100 on SP298279, situated on River Road and Wilson Street, Biboohra is submitted on behalf of A.G. Girgenti and G.S. Caldwell the applicants of the proposed Reconfiguration.

The application comprises of Application Forms, SmartMaps, Twine Surveys Sketch Plan, and this Town Planning Submission. It is understood that the proponent will provide \$1,015.00 in payment of the Application Fee over the counter at the Mareeba Shire Council.

The Site

The subject land is described as Lot 1 on MPH3410 and Lots 27 & 100 on SP298279, Locality of Biboohra and situated on River Road and Wilson Street, Biboohra. The site is owned by A.G. Girgenti (Lots 27 & 100) and G.S. Caldwell (Lot 1) who are the applicants for the proposed Reconfiguration. The site encompasses three (3) allotments, is FreeHold, irregular in shape, has an area of 13.8587 hectares, contains frontage to River Road, Wilson Street and the Mulligan Highway and encompasses existing Dwelling Houses and Associated Structures in addition to vacant land. The site abuts the Barron River to the east.

The site is access from the existing Road Network being River Road and Wilson Street, no access is provided from the Mulligan Highway. The site is provided with all available services, being power and telecommunications and provided with the necessary services being domestic water supplies and effective effluent disposal systems.

In relation to the current State Governmental Mapping the site is Mapped as containing Remnant Vegetation in the south-eastern corner of the site which is similar to the Mapped GES Wetland Mapping. The site is located within 25 metres of a State Controlled Road, being the Mulligan Highway. The site is not located within 25 metres of a Railway Corridor.

Referral Agencies

The site is Mapped as containing Remnant Vegetation that is 'of concern' Regional Ecosystems, in the south-eastern corner of the site. This extremely small area is located on the boundary of the site and within an existing Exemption. It is considered that the Mapping is incorrect and not Ground-truthed. However, the site is designated in the Low Density Residential Planning Area and proposes an Urban Use within an Urban Area and therefore the Development Application **does not** require Referral to the Department of State Development, Manufacturing, Infrastructure and Planning for Vegetation Purposes.

The site is located within 25 metres of a State Controlled Road, being the Mulligan Highway. The proposal is for a Boundary Realignment and does not create any additional allotment nor any additional allotment fronting the Mulligan Highway. The proposal does not require an additional access from the Mulligan Highway and therefore the proposal **does not** to require Referral to the Department of State Development, Manufacturing, Infrastructure and Planning for Transport and Main Roads concerns.

The site is Mapped as containing an overlap along the boundary that adjoins the Barron River as a GES Wetland. It is considered that the proposal **does not** require Referral to the Department of State Development, Manufacturing, Infrastructure as the proposal does not undertake High Impact Earthworks within the Mapped GES Wetland.

The Proposed Development

The proposed development is for a Boundary Realignment between three allotments in the Low Density Residential Zone of the Mareeba Shire Planning Scheme. The allotments are located on River Road and Wilson Street, Bibohra and are more particularly described as Lot 1 on MPH3410 and Lots 27 & 100 on SP298279. The site has an area of 13.8587 hectares, contains frontage to the Mulligan Highway, River Road and Wilson Street and encompasses Dwelling Houses and Associated Structures in addition to vacant land.

A Development Permit for a Boundary Realignment is sought to realign the common boundaries resulting in a larger Residential Allotment for existing Lot 27. The proposal results in the increase of the smaller Residential Allotment, Lot 27, by 5,000 m².

The site is connected to all available and necessary services with no change to the existing services proposed with the Boundary Realignment. The proposed Realignment of the common boundaries will ensure that no change to the existing Residential nature of the site and surrounding area is envisaged. The site gains access from the existing Road Network being River Road and Wilson Street via existing crossovers with no change to the existing accesses, Dwelling Houses or structures envisaged with the Realignment. No access is proposed from the Mulligan Highway.

The existing areas of the allotments are:

Lot 1 on MPH3410	10.964 ha
Lot 27 on SP298279	2,937 m ²
Lot 100 on SP298279	2.601 ha.

The Boundary Realignment proposes new allotments, described as Lots 11, 12 and 13. The proposed areas of these allotments are:

Proposed Lot 11	10.964 ha
Proposed Lot 12	2.101 ha.
Proposed Lot 13	7,937 m ²

The proposed allotments meet the minimum area requirements of the Mareeba Shire Council's Planning Scheme's Reconfiguration of a Lot Code for allotments in the Low Density Residential Zone. It is not considered that the proposed Reconfiguration will be detrimental to the adjacent sites or adversely impact on the surrounding area. It is considered that the Performance Outcomes of the both the Low Density Residential Zone Code and the Reconfiguration of a Lot Code can be met in this instance.

The site is located in the Low Density Residential Zone of the Mareeba Shire Council's Planning Scheme. Reconfiguration of a Lot is a Code Assessable Use within this Zone. The application is Code Assessable.

Far North Queensland Regional Plan 2009-2031

Lot 1 on MPH3410 and Lots 27 & 100 on SP298279 are identified as being in the Urban Footprint designation of the FNQ Regional Plan Mapping.

The proposal provides for additional land stock to the smaller existing Lot 27 increasing it by 5,000 m² to ensure a more appropriate allotment. No change to the existing buildings and structures are proposed with the realignment and each proposed allotment will be used for Urban Purposes.

It is considered that the proposed Reconfiguration is not in conflict with the Intent for Urban Footprint designation in the FNQ Regional Plan 2009-2031.

Low Density Residential Zone Code

A Development Permit for a Reconfiguration of a Lot – Boundary Realignment is sought to provide an additional 5,000 m² to existing Lot 27. The site is designated as Low Density Residential Zone and no change to the existing Residential Zone is proposed with the Reconfiguration. The proposal will maintain the existing amenities and Uses of the site.

Performance outcomes	Acceptable outcomes	Comment
Height		
PO1 Building height takes into consideration and respects the following: <ul style="list-style-type: none"> (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length. 	AO1 Development has a maximum building height of: <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	Not Applicable. No Buildings proposed with the Boundary Realignment.
Outbuildings and residential scale		
PO2 Domestic outbuildings: <ul style="list-style-type: none"> (a) do not dominate the lot on which they are located; and 	AO2 Domestic outbuildings do not exceed: <ul style="list-style-type: none"> (a) 100m² in gross floor area; and (b) 5.5 metres in height above natural ground level. 	Not Applicable. No Buildings proposed with the Boundary Realignment.

Performance outcomes	Acceptable outcomes	Comment
(b) are consistent with the scale and character of development in the Low-density residential zone.		
Siting, where not involving a Dwelling house Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.		
PO3 Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; and (f) appearance of building bulk; and (g) relationship with road corridors. 	AO3.1 Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> (a) 6 metres from the primary road frontage; and (b) 3 metres from any secondary road frontage. 	Not Applicable. No Buildings proposed.
	AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.	Not Applicable. No Buildings proposed.
Accommodation density		
PO4 The density of Accommodation activities: <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site. 	AO4 Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B .	Not Applicable. No Buildings proposed as the proposal is for a Boundary Realignment. No change to the existing maximum density is provided and the proposal is considered compliant with Table 6.2.6.3B.
Gross floor area		
PO5 Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features. 	AO5 Gross floor area does not exceed 600m ² .	Not Applicable. No Buildings proposed with the Boundary Realignment.
For assessable development		
Building design		
PO6 Building facades are appropriately designed to: <ul style="list-style-type: none"> (a) include visual interest and architectural variation; 	AO6 Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.	Not Applicable. No Buildings proposed with the Boundary Realignment.

Performance outcomes	Acceptable outcomes	Comment
(b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space.		
PO7 Development complements and integrates with the established built character of the Low density residential zone, having regard to: (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and window and door size and location.	AO7 No acceptable outcome is provided.	Not Applicable. No Buildings proposed with the Boundary Realignment. However, any future dwellings or buildings can comply with the requirements of the Low Density Residential Zone Code having regard to the existing amenity.
Non-residential development		
PO8 Non-residential development is only located in new residential areas and: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) directly supports the day to day needs of the immediate residential community; and (d) does not impact on the orderly provision of non-residential development in other locations in the shire.	AO8 No acceptable outcome is provided.	Not Applicable. No Buildings proposed with the Boundary Realignment resulting in Residential Uses and Development.
Amenity		
PO9 Development must not detract from the amenity of the local area, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	AO9 No acceptable outcome is provided.	Complies, The proposal is for a Boundary Realignment within an existing Residential Area. It is not considered that the proposed Boundary Realignment will detract from the local amenity. No change to the existing amenity is envisaged with the Reconfiguration.
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation;	AO10 No acceptable outcome is provided.	Complies, The proposal is for a Boundary Realignment within an existing Residential Area. It is not considered that the proposed Boundary Realignment will detract or negatively

Performance outcomes	Acceptable outcomes	Comment
(c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.		impact on the existing environment. No change to the existing amenity is envisaged with the Reconfiguration and the proposal ensures to take into consideration and seek to ameliorate the existing environment as demonstrated by the proposed layout.

It is not considered that the proposed Boundary Realignment conflicts with the Acceptable Outcomes and if not available or able to be met, with the Performance Outcomes of the Low Density Residential Zone.

Airports Environs Overlay Code

The site is within the 1,500 metre buffer of the Biboohra CVOR on the Mareeba Overlay Mapping. No buildings or structures are proposed with the Boundary Realignment nor anything that is considered to interfere with the CVOR. It is considered that the Airports Environs Overlay Code is Not Applicable to the proposed Boundary Realignment given that the site's location and proposed Use (Boundary Realignment).

Flood Hazard Overlay Code

The site is located within the General Extent of Modelled Flood Levels as demonstrated on the Flood Hazard Overlay Mapping. Within this Modelling, the site is Mapped as containing an Extreme, High, Significant, and Low Flood Hazard Area however, the site contains appropriate areas outside of the Mapped Flood Area. No new buildings or structures are proposed with the Boundary Realignment and any new dwelling provided on site can be provided with appropriate level of Flood Immunity. It is considered that the proposed Boundary Realignment is Not Applicable to the Flood Hazard Overlay Code.

Environment Significance Overlay Code

The site is Mapped as containing Regulated Vegetation, a Waterway and a Waterway Buffer on the Environmental Significance Overlay Mapping. It is not considered that the provided Mapping is correct and reflects the actual on-ground environment. No change to the existing Waterway and Regulated Vegetation will be envisaged with the Reconfiguration. The Reconfiguration is to provide additional area to the smaller Residential Allotment (Lot 27) with no change to the existing buildings and structures nor the Mapped Remnant Vegetation and Waterways. It is considered that in this instance the proposal is considered acceptable and that the Environmental Significance Overlay is Not Applicable.

Bushfire Hazard Overlay Code

The site is Mapped as containing areas of Potential Impact Buffer (100 metres) and Medium Bushfire Hazard over the site. The proposal is for the Boundary Realignment over the site with no change to the existing buildings or structures. No additional buildings or structures are proposed with the Realignment. The proposal will ensure that each allotment is provided with appropriate areas located with limited Bushfire Hazard. Any future dwellings are able to be provided with appropriate setbacks and firebreaks if located within the Mapped Hazard. The proponents will ensure that maintenance and upkeep of the site will be maintained to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. It is not considered that the proposal will affect the Bushfire Hazard of the site as the site will ensure to remove any piling of fuel loads, contains existing firebreaks and is provided with appropriate water sources. Any appropriate water source will

contain sufficient storage of water for Firefighting Supply and will be provided with the appropriate connections where required.

Slope Overlay Code

The site is Mapped as containing areas of Slope in relation to the Slope Overlay Mapping. The proposal is for a Boundary Realignment and no new buildings are proposed nor will the Reconfiguration result in any change to the existing buildings. It is understood that the Mapped Slope fingers are located towards the middle of the site. Each proposed Urban Residential Allotment will be provided with sufficient area outside of the Mapped Sloped Area and it is not considered in this instance that assessment against the Slope Overlay Code is applicable. Any future dwelling provided on slopes greater than 15% will provide an associated Geotechnical Report.

Landscaping Code

The proposal is for a Boundary Realignment in the Low Density Residential Zone. It is not considered that the Landscaping Code is applicable.

Parking and Access Code

The proposal is for a Boundary Realignment in the Low Density Residential Zone. It is not considered that the Parking and Access Code is applicable as no dwellings are proposed with the development nor is any additional allotment being created. However, it is noted that each allotment will contain the ability to connect to the existing Road Network and will not detrimentally affect the existing a Road Network. No change to the existing accesses are proposed with the Realignment.

Reconfiguration of a Lot Code

The proposal is for a Reconfiguration of a Lot – Boundary Realignment in the Low Density Residential Zone of the Mareeba Shire Council’s Planning Scheme. The purpose is sought to transfer 5,000 m² to the existing smaller Lot 27. The proposed Reconfiguration is to preserve the existing nature of the site and the immediate and surrounding amenity in accordance with the Mareeba Shire Council’s Planning Scheme.

The minimum lot size in the Low Density Residential Zone’s is 350 m² requiring a minimum frontage of 10 metres.

The existing areas of the allotments are:

Lot 1 on MPH3410	10.964 ha
Lot 27 on SP298279	2,937 m ²
Lot 100 on SP298279	2.601 ha.

The Boundary Realignment proposes new allotments, described as Lots 11, 12 and 13. The proposed areas of these allotments are:

Proposed Lot 11	10.964 ha
Proposed Lot 12	2.101 ha.
Proposed Lot 13	7,937 m ²

Each proposed allotment contains areas greater than the minimum requirements within the Code and contains a frontage to the existing Road Network substantially greater than 10 metres. It is considered that the existing access arrangement is to be maintained ensuring the provision of safe access to the local Road Network. No new

buildings or structures are proposed with this Boundary Realignment and no change to the existing services are proposed.

The proposed allotments meet the minimum area requirements of the Mareeba Shire Council's Planning Scheme Reconfiguring a Lot Code. It is not considered that the proposed Realignment will be detrimental to the adjacent sites or adversely impact on the surrounding area. It is considered that the Performance Outcomes of the Reconfiguring a Lot Code can be met in this instance.

Works, Services and Infrastructure Code

The proposal is for a Boundary Realignment in the Low Density Residential Zone of the Mareeba Shire Council's Planning Scheme. No change to the existing services, accesses or buildings and structures is envisaged.

It is considered that the proposed Reconfiguration complies with the Intent of the Works, Services and Infrastructure Code.

Conclusion

It is considered that the proposed development being a Reconfiguration of a Lot – Boundary Realignment over land described as Lot 1 on MPH3410 and Lots 27 & 100 on SP298279 is appropriate. In particular, the proposed development:

- Can meet the Performance Outcomes and Acceptable Outcomes relating to minimum allotment size and dimension;
- No change to the existing Residential nature or character of the area is envisaged, and the Realignment will ensure that the new realigned allotments will remain to be used for Residential Uses within the Low Density Residential Zone;
- Can meet the Performance Outcomes, Purposes and the Intent of the Reconfiguring a Lot Code for land included in the Low Density Residential Zone;
- Is not in conflict with the Mapped Overlays;
- Can meet the Intent and Objectives for the Low Density Residential Zone; and
- Is not in conflict with the Far North Queensland Regional Plan 2009 – 2031, in particular the Urban Footprint Designation.

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision over the site. If you have any queries please do not hesitate to contact Freshwater Planning Pty Ltd.

Yours faithfully,



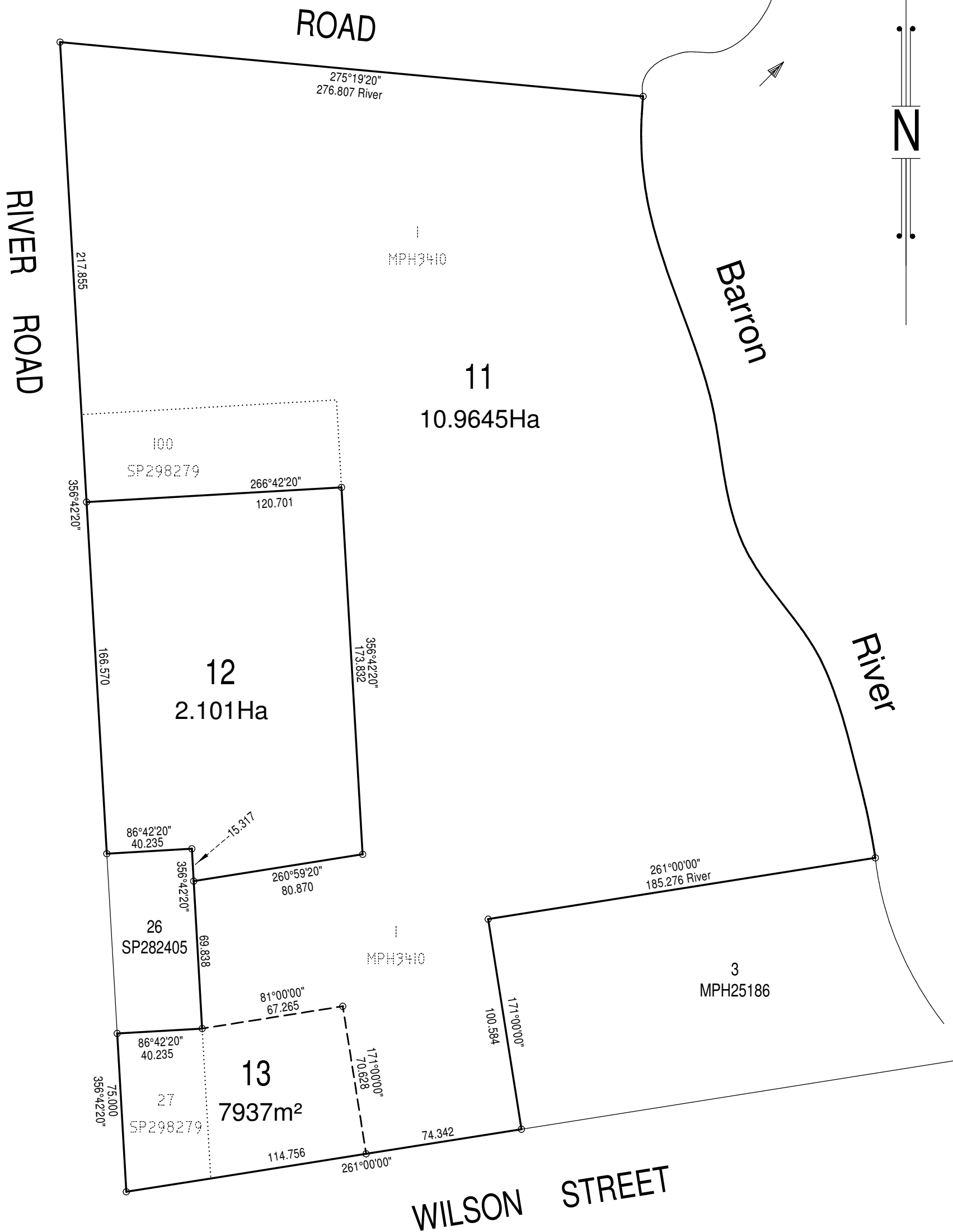
MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 4870



SCALE : 1 : 2000

0m 50m 100m 150m 200m 250m 300m

PROPERTY DESCRIPTION	REGISTERED OWNERS
LOT 1 ON MPH3410	G S CALDWELL
LOT 27 ON SP298279	A G GIRGENTI
LOT 100 ON SP298279	A G GIRGENTI

REGISTERED OWNERS
G S CALDWELL
A G GIRGENTI
A G GIRGENTI

AMENDMENTS
A - ORIGINAL

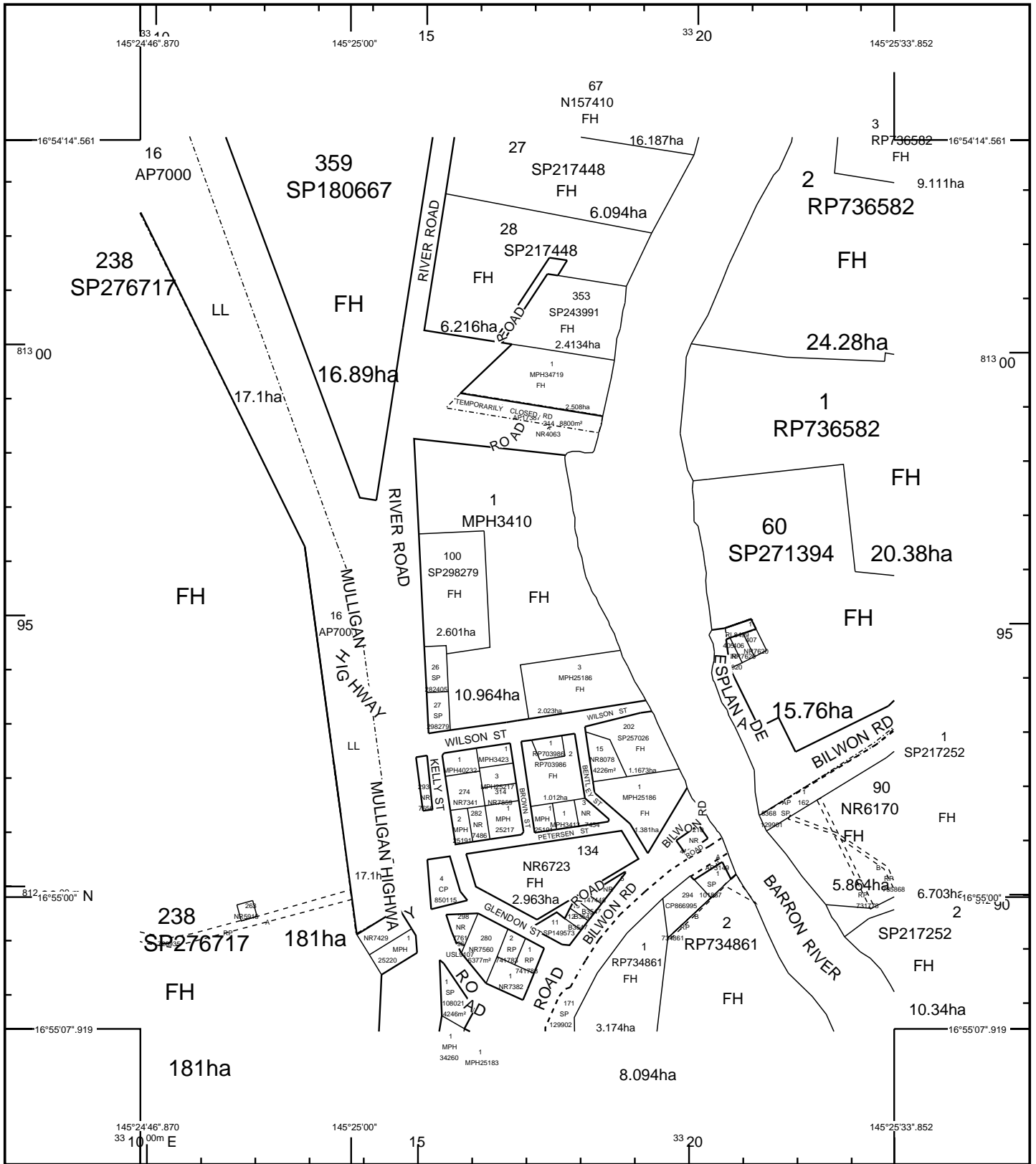
LOCAL GOVERNMENT: MSC
 LOCALITY: BIBOOHRA
 SITUATED AT :
 RIVER ROAD &
 WILSON STREET

**PROPOSED RECONFIGURATION
 OF A LOT (3 LOTS INTO 3 LOTS)**

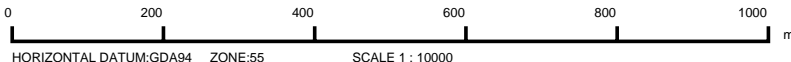
DWG NO. 8227 - LL1 4.9.2018 REV A



TWINE SURVEYS PTY LTD
 36 Mabel St, Atherton 4883
 PO Box 146, Atherton 4883
 P 07 40911303
 E info@twinesurveys.com.au



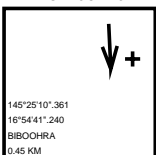
STANDARD MAP NUMBER
7964-22424



SmartMap

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Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	1/MPH3410
Area/Volume	10.964ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	BIBOOHRA
Segment/Parcel	9107/49

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 08/10/2018

DCDB 05/10/2018

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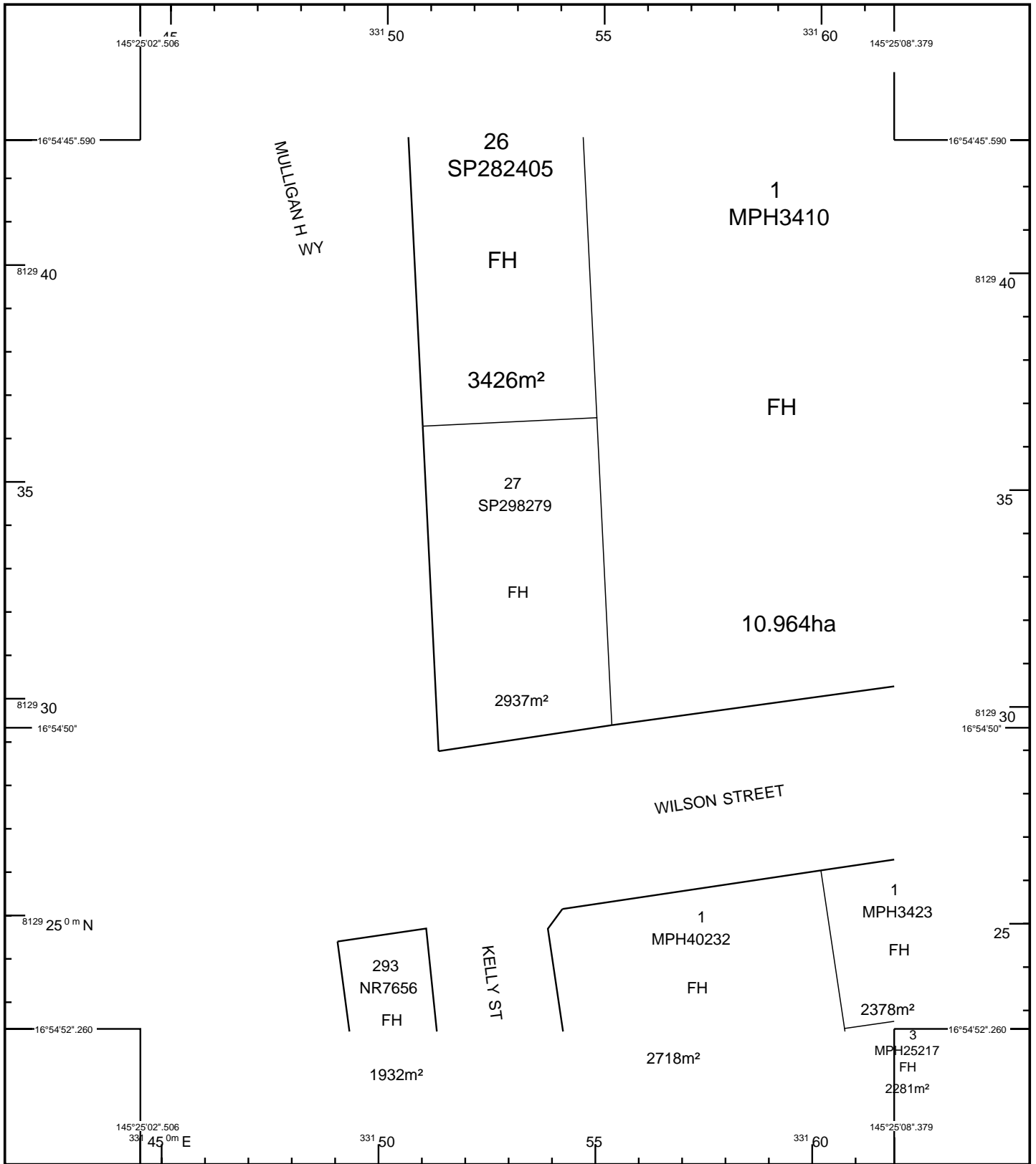
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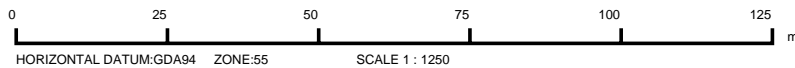


Queensland Government
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Natural Resources,
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STANDARD MAP NUMBER
7964-22424



SmartMap

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Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

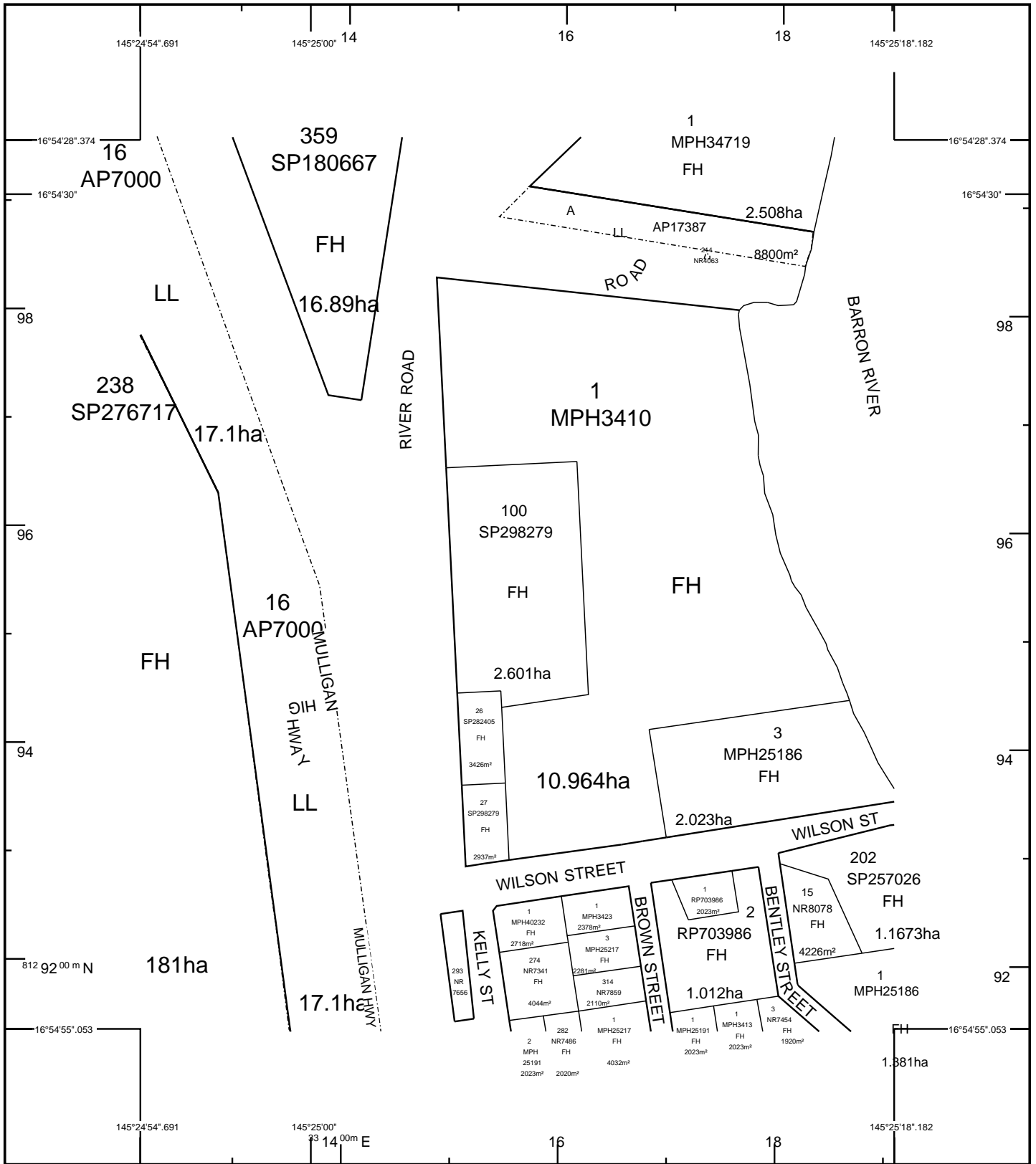
DCDB	
Lot/Plan	27/SP298279
Area/Volume	2937m ²
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	BIBOOHRA
Segment/Parcel	9107/738

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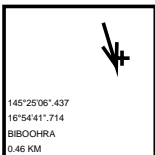
Queensland Government
(c) The State of Queensland,
(Department of Natural Resources,
Mines and Energy) 2018.



STANDARD MAP NUMBER
7964-22424



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	100/SP298279
Area/Volume	2.601ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	BIBOохра
Segment/Parcel	9107/735

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DCDB 05/10/2018

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SmartMap

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Based upon an extraction from the Digital Cadastral Data Base



Queensland Government
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4.9.2018

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

Dear Sir,

**RE: APPLICATION FOR A RECONFIGURATION OF A LOT (3 LOTS INTO 3 LOTS)
LOT 1 ON MPH3410 – 30 RIVER ROAD BIBOOHRA
LOT 27 ON SP298279 – WILSON STREET, BIBOOHRA
LOT 100 ON SP298279 – RIVER ROAD, BIBOOHRA**

Under Section 51 of the *Planning Act, 2016* it is mandatory for the owner of the land to which a Development Application relates to consent to the making of the Application.

I, GERARD STEPHEN CALDWELL as the registered owner of 30 RIVER ROAD, BIBOOHRA and more particularly described as LOT 1 ON MPH3410, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on my behalf.


Gerard S Caldwell

4.9.2018

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

Dear Sir,

**RE: APPLICATION FOR A RECONFIGURATION OF A LOT (3 LOTS INTO 3 LOTS)
LOT 1 ON MPH3410 – 30 RIVER ROAD BIBOOHRA
LOT 27 ON SP298279 – WILSON STREET, BIBOOHRA
LOT 100 ON SP298279 – RIVER ROAD, BIBOOHRA**

Under Section 51 of the *Planning Act, 2016* it is mandatory for the owner of the land to which a Development Application relates to consent to the making of the Application.

I, ALFIO GERARD GIRGENTI as the registered owner of property on RIVER ROAD, BIBOOHRA and more particularly described as LOT 27 and LOT 100 ON SP298279, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on my behalf.


.....
Alfio G Girgenti

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	AG Girenti and GS Caldwell
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	C/- Freshwater Planning Pty Ltd 17 Barron View Drive
Suburb	Freshwater
State	Queensland
Postcode	4870
Country	Australia
Contact number	0402 729 004
Email address <i>(non-mandatory)</i>	FreshwaterPlanning@outlook.com
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	F18/30

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application <input type="checkbox"/> No – proceed to 3)	



PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
			River Road and Wilson Street	Biboohra
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	1	MPH3410	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			River Road and Wilson Street	Biboohra
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	27 & 100	SP298279	Mareeba Shire Council

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

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

- Additional premises are relevant to this development application and their details have been attached in a schedule to this application
 Not required

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

<input checked="" type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	Barron River
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	

Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment *(requires public notification)*

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

Boundary Realignment (3 Lots 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

6.2) Provide details about the second development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment *(requires public notification)*

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

e) Relevant plans

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

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

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

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

8.2) Does the proposed use involve the use of existing buildings on the premises?		
<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
3	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

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

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

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)
Lot 1 on MPH3410	10.964 Hectares	Proposed Lot 11	10.964 Hectares
Lot 27 on SP298279	2937 m ²	Proposed Lot 13	7937 m ²
Lot 100 on SP298279	2.601 Hectares	Proposed Lot 12	2.101 Hectares

12.2) What is the reason for the boundary realignment?

SEE ATTACHED FRESHWATER PLANNING PTY LTD SUBMISSION

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? <i>(e.g. pedestrian access)</i>	Identify the land/lot(s) benefitted by the easement

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

- | | | |
|---|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <input type="text"/> | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? *(e.g. subdivision)* Yes – specify number of new lots: No**14.3) What is the monetary value of the proposed operational work? *(include GST, materials and labour)***\$ **PART 4 – ASSESSMENT MANAGER DETAILS****15) Identify the assessment manager(s) who will be assessing this development application**

Mareeba Shire Council

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

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

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?***Note: A development application will require referral if prescribed by the Planning Regulation 2017.* No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6Matters requiring referral to the **chief executive of the Planning Regulation 2017:** Clearing native vegetation

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

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

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

Hazardous chemical facilities

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

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

No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

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

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

No

Note: See www.qld.gov.au for further information.

Environmental offsets

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

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

No

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

Koala conservation

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

Yes

No

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

Water resources

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

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

No

Note: DA templates are available from www.dilgp.qld.gov.au.

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

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

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

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

No

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

Quarry materials from land under tidal waters

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

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

No

Note: Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.

Referable dams

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

Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application

No

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

Tidal work or development within a coastal management district

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

Yes – the following is included with this development application:

Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)

A certificate of title

No

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

Queensland and local heritage places

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

Yes – details of the heritage place are provided in the table below

No

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

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

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