



Planning Report

Material Change of Use for the Proposed Extraction of Fine Sand by PNQ on Land Known as Camano's Farm

Prepared by:

RPS AUSTRALIA EAST PTY LTD

135 Abbott Street
PO Box 1949
CAIRNS QLD 4870

T: +61 4031 1336
F: +61 4031 2942
E: owen.caddick-king@rpsgroup.com.au

Prepared for:

PIONEER NORTH QUEENSLAND PTY LTD

Client Manager: Owen Caddick-King
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Document Status

Version	Purpose of Document	Orig	Review	Review Date
Draft	DA – MCU	OCK		

Approval for Issue

Name	Signature	Date
Owen Caddick-King		25 September '17

Contents

1.0	INTRODUCTION	1
2.0	THE SITE	2
3.0	THE PROPOSAL	3
4.0	LEGISLATIVE REQUIREMENTS.....	4
4.1	Assessment Manager	4
4.2	Categories of Assessment	4
4.3	Referral Agencies.....	4
5.0	STATUTORY PLANNING ASSESSMENT.....	5
5.1	State and Regional Assessment Benchmarks.....	5
5.1.1	Regional Plan	5
5.1.2	State Planning Policy	5
5.1.3	State Development Assessment Provisions.....	5
5.2	Local Authority Assessment Benchmarks.....	5
5.2.1	Zone.....	5
5.2.2	Codes.....	6
6.0	CONCLUSION	9

Annexures

Annexure A	Proposal Plan - RPS Drawing No. PR137274-2
Annexure B	Completed DA Form 1 and owners consent
Annexure C	Photos of North Walsh Road intersection with Mareeba-Dimbulah Road

1.0 Introduction

RPS Australia East Pty Ltd has been engaged by Pioneer North Queensland Pty Ltd (the 'applicant') to seek a Material Change of Use (MCU) Development Approval to facilitate the proposed extraction of fine sand from land known as Camano's Farm, described as Lot 77 on CP902753. The subject site has an overall area of 157.4 hectares, however the area of proposed extraction would be limited to approximately 19.8 hectares, as per RPS Drawing No.PR137274-2 (refer to **Annexure A**).

The proposed sand extraction is prescribed as an Environmentally Relevant Activity (ERA) in accordance with Schedule 2 of the *Environmental Protection Regulation 2008*. Given that the proposed sand extraction operation is intended to extract and process not more than 100,000 tonne of material per year, the ERA's proposed for the site are as follows:

- ERA 16 2(a) Extracting more than 5,000t but less than 100,000t of material per year; and
- ERA 16 3(a) Screening more than 5,000t but less than 100,000t of material per year.

Given the scale of the proposed extraction activity, the proposed activity does not constitute a Concurrence ERA. A concurrent application for an Environmental Authority has been submitted to the Department of Environmental and Heritage Protection (EHP) for the proposed sand extraction and screening operations and potential environmental impacts will be managed in accordance with the Environmental Authority, once issued by EHP and the Environmental Management Plan (EMP) that is in the process of being reviewed and approved by EHP as part of the Environmental Authority approval process.

The proposal is appropriately located in the State Government's Extractive Industry Key Resource Area (KRA) 151 and is compliant with Council's Planning Scheme requirements.

To facilitate Council's assessment of the proposal, the completed DA Form 1 and owners consent is provided for reference in **Annexure B**.

2.0 The Site

The subject land, known locally as Camano's Farm and more formally described as Lot 77 on CP902753, is located off Kimalo Road, approximately 14.5 km west of Mareeba. The subject site comprises a total area of 157.4 hectares. The site is located within the Rural Zone and surrounded by agricultural activities, primarily sugar cane and horticultural production.

The land is relatively flat with minor undulations of alluvial plains. The Mareeba Shire Council Environmental Significance - Waterways Overlay depicts waterways traversing the subject land to a drainage line immediately adjacent to Kimalo Road. The subject site has been inspected by the Department of Natural Resources and Mines (DNR&M) and it has been determined that the mapped waterways are Drainage Features pursuant to the *Water Act 2000* and not a watercourse pursuant to the Water Act.

The applicant proposes to extract sand from an area depicted in RPS Drawing No. PR137274-2 (refer to **Annexure A**), which provides an exclusion area of not less than 10m from an area mapped as remnant vegetation. An assessment undertaken by an ecologist has determined that existing vegetation present on the site did not constitute remnant vegetation and that this part of the site should be mapped as Category X (Non-remnant). While the part of the site currently mapped as remnant vegetation does not comprise part of the development application, should this part of the site be reclassified as Category X (Non-remnant), the applicant is likely to seek to extract the sand from this part of the site in the future.

Dependant on the constraints related to the drainage features, the existing access off Kimalo Road and an alternate access maybe required for the purposes of haul access.

A residential dwelling and ancillary farming sheds exist on the site, approximately 380 metres, north of Kimalo Road and approximately 200 metres to the closest point of proposed extraction.

3.0 The Proposal

The proposal relates to the extraction and screening of fine sand from land known as Camano's Farm. The proposed extraction would occur from area of approximately 19.8 hectares. The proposed sand extraction area and the proposed screening operation is depicted in the Proposal Plan, RPS Drawing No. PR137274-2 provided for reference in **Annexure A**. The proposal relates to the removal and storage of topsoil in earthen bunds, extraction of the sand resource, and screening of the material into stockpiles prior to haulage off-site via Kimalo Road.

The proposed sand extraction operation is intended to extract not more than 100,000 tonne of material per year.

An assessment of the proposed development against the provisions of the *Environmental Protection Regulation 2008*, has determined that the proposed development does not constitute a Concurrence ERA. An application has been made to the Department of Environment and Heritage Protection for a Site Specific Environmental Authority over land described as Lot 77 on CP902753, for the following:

- ERA 16 2(a) extracting, other than by dredging, in a year, 5,000t to 100,000t of material; and
- ERA 16 3(a) screening, in a year, 5,000t to 100,000t of material.

Potential environmental impacts associated with the proposed extraction and screening activity shall be managed in accordance with the conditions of an Environmental Authority to be issued by EHP and the Environmental Management Plan that is reviewed and approved by EHP as part of the Environmental Authority approval process.

To facilitate the commencement of sand extraction operations, the extraction and processing of up to 5000 tonne of material may be undertaken from two separate extraction pits prior to the issue of the Environmental Authority. The extraction pits are to be located either side of the sunwater drainage easement with each extraction pit gaining access to Kimalo Road from two separate points, from the existing farm access and the alternate access shown on the Proposal Plan. The initial extraction pits are anticipated to form the sediment retention ponds in the larger scale sand extraction operation.

4.0 Legislative Requirements

4.1 Assessment Manager

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

4.2 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 Material Change of Use	<i>Mareeba Shire Council Planning Scheme 2016</i>	Impact

4.3 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that referral is triggered by the proposed development, the following referrals apply:

Schedule 10:

Part	Division	Table	Referral trigger (Item 1)	Referral agency
Part 9 – Infrastructure related referrals	Division 4 – State transport infrastructure	Table 1 – Aspect of development stated in Schedule 20	Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument	The Chief Executive (SARA)

5.0 Statutory Planning Assessment

5.1 State and Regional Assessment Benchmarks

5.1.1 Regional Plan

In accordance with Section 26(2)(a)(i) of the *Planning Regulation 2017*, a review of the proposal against the assessment benchmarks stated in the Far North Queensland Regional Plan 2009-2031, reveals that the Mareeba Shire Council Planning Scheme 2016 has sufficiently integrated these assessment benchmarks. Thus compliance with the Planning Scheme is deemed sufficient from a Regional Plan perspective.

5.1.2 State Planning Policy

As outlined in Part 2 of the Mareeba Shire Council Planning Scheme 2016, all aspects of the State Planning Policy have been adequately reflected in the Council's current Planning Scheme. Accordingly, assessment against the applicable Planning Scheme provisions will address any relevant State Issues.

5.1.3 State Development Assessment Provisions

Given the quantity of material to be extracted the proposal triggers referral and assessment against the applicable State Development Assessment Provisions to facilitate the assessment of potential impacts on the State Controlled Road, the Mareeba-Dimbulah Road.

However, given that;

- 1) The proposal relates to extractive industry activity of not more than 100,000t per year; and
- 2) The existing intersection between North Walsh Road, which provides access from Kimalo Road and the State Controlled Road, the Mareeba-Dimbulah Road, has already been adequately upgraded to accommodate the extractive industry haul access requirements for other extractive industry operations that have now been exhausted (refer to photos provided for reference in **Annexure C**);

It is considered that completion of the applicable State Development Assessment Provisions is not necessary to facilitate the State's assessment of the proposed development and that no additional requirements should be imposed to facilitate the use of the State Controlled Road.

5.2 Local Authority Assessment Benchmarks

This application is to be assessed against the current Mareeba Shire Council Planning Scheme, July 2016. The assessment benchmarks applicable under the Planning Scheme are addressed below.

5.2.1 Zone

The Mareeba Shire Council Planning Scheme 2016 includes the subject land within the Rural Zone where the proposed operation of a sand extraction and screening facility, is Impact Assessable Development where it is not the expansion of an existing facility. The intent of the Rural Zone is to provide opportunities for non-rural uses that are compatible with agricultural production, including extractive industries, provided environmental impacts and land-use conflicts are minimised.

5.2.2 Codes

Mareeba Shire Council Planning Scheme codes applicable to the proposal are identified below:

- Rural Zone Code;
- Agricultural Land Overlay Code;
- Environmental Significance – Waterways Overlay Code;
- Extractive Resources Overlay Code;
- Industrial Activities Code;
- Landscaping Code;
- Parking and Access Code;
- Works Services and Infrastructure Code.

A review of the applicable Codes has been completed and the following commentary is provided in respect of the proposals compliance each Code:

Rural Zone Code

The majority of the Rural Zone Code provisions relate to building development and are not applicable to the extractive industry proposal. The Code provisions that are applicable seek to ensure that development does not detract from the local amenity and that development ameliorates any negative impacts arising from the development and in respect of those provisions, it is noted that;

- 1) The extraction activities and rehabilitation will be staged which will limit visual amenity impacts;
- 2) The subject locality's positioning within KRA 151, suggests that extractive industry activities are common within this vicinity and as such comprise part of the rural landscape; and
- 3) Any adverse impacts related to the extractive industry activity will be addressed in accordance with the Environmental Authority and the site's Environmental Management Plan.

Agricultural Land Overlay Code

The Code provisions applicable to the proposal seek to ensure that development does not impinge upon the lands suitability for agricultural purposes. It is noted that the proposed operation of a staged sand extraction and screening operation will enable the site to be progressively rehabilitated for future agricultural production.

Environmental Significance – Waterways Overlay Code

The Mareeba Shire Council Environmental Significance - Waterways Overlay depicts unnamed waterways traversing the subject land to a drainage line immediately adjacent to Kimalo Road.

As detailed in s. 2.0 of this report, the subject site has been inspected by the Department of Natural Resources and Mines (DNR&M) and it has been determined that the mapped waterways are a Drainage Feature pursuant to the *Water Act 2000* and are not watercourses pursuant to the Water Act.

It is understood that the Waterways in Council's Overlay Mapping reflected State Government mapping that identified the Drainage Features as a watercourse. Now that DNR&M have now confirmed that the Waterways are a Drainage Feature and not a Watercourse, the Waterway would not have been identified on the Overlay

Map and there is no specific provision intended to be made for the mapped Waterways, in response to the Code's provisions, except for adopting appropriate erosion and sediment control provisions in the site's Environmental Management Plan.

Extractive Resources Overlay Code

Extractive Resources Overlay Code refers in detail to the protection of Key Resource Area (KRA) and associated haulage routes for both existing and future extractive operations. The following commentary is provided in respect of the Code's provisions:

- 1) The proposal is appropriately located in the KRA and proposes to use nominated extractive industry haul routes;
- 2) With the exception of the landowner's residential dwelling, there are no sensitive receptors within 650m of the proposed haulage route;
- 3) The proposal relates solely to the operation of a sand extraction and screening operation, it is intended that only persons associated with this operation will be present; and
- 4) The proposed extractive industry and screening operation will be adequately separated from adjoining sensitive receptors to mitigate any adverse impacts.

Industrial Activities Code

With regard to the Industrial Activities Code, the following commentary is provided in respect of the Code's provisions;

- 1) Except for the land owners residence, the nearest sensitive receptors to the proposed extraction area are rural residences, located:
 - a. Approximately 900m to the north north east;
 - b. 700m to the north east; and
 - c. 650m to the south west.

As such, the proposed extractive industry operation is appropriately located to mitigate potential impacts upon sensitive receptors;

- 2) Given the subject site's location with the KRA 151 and the staged progression of the extraction and rehabilitation, the visual amenity impacts of the proposed operation are expected to be minimal;
- 3) The site is of a size that is able to accommodate the proposed use;
- 4) The extractive industry use is to be established within the surrounds of existing farming land and safety fencing would not be required in this instance to maintain public safety;
- 5) Management of potential environmental impacts and rehabilitation of the land will be undertaken in accordance with the Environmental Management Plan and associated Environmental Authority which is in the process of being sought from the Department of Environment and Heritage Protection.

Landscaping Code

While these Codes are identified as applicable Codes, it is suggested that they are not particularly relevant to the extractive industry proposal that is located within the Rural Zone and KRA 151.

Parking and Access Code

If required, the existing access to Kimalo Road and proposed Alternate Access will be upgraded to meet the vehicle crossover requirements in accordance with FNQROC Regional Development Manual.

Works Services and Infrastructure Code

With respect to the Works Services and Infrastructure Code, the following commentary details compliance with the applicable code provisions:

- 1) Excavated areas associated with the sand extraction operation will be progressively rehabilitated in accordance with the EMP;
- 2) The EMP provides detailed provisions for the management of water quality discharge from the site through an erosion and sediment control plan, inclusive of monitoring and maintenance requirements; and
- 3) The EMP provides detailed provisions for the mitigation of potential air quality impacts associated with the proposed extraction and screening operations, inclusive of monitoring requirements.

6.0 Conclusion

This town planning report supports a development application made on behalf of Pioneer North Queensland Pty Ltd to Mareeba Shire Council for a Material Change of Use for operation of an extractive industry, over land locally known as Camano's Farm and described as lot 77 on CP902753.

The proposal seeks Development Approval to facilitate the operation of sand extraction and screening activities from an area of approximately 19.8 hectares as per RPS Drawing No. PR137274-2 (refer to **Annexure A**).

The report has demonstrated the proposal's consistency with the intent and code requirements of the Mareeba Shire Council Planning Scheme 2016, details that the subject site is appropriately located within the State's Key Resource Area and has provided appropriate justification for aspects of the proposed development in relation to the Planning Scheme.

In summary, we submit that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be adequately addressed through the imposition of reasonable and relevant conditions. We therefor commend the development for Council approval.

Annexure A

Proposal Plan - RPS Drawing No. PR137274-2



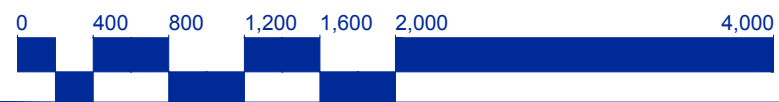
LEGEND

- Subject Parcels
- - - Proposed Haul Road
- ▨ Proposed Extraction Areas

Imagery Date of Capture: 3/8/2015



Site Layout Plan



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Scale 1:4,000 @ A3 | Date 28-08-2017 | Drawing PR137274-2

Annexure B

Completed DA Form I

& Owners Consent

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>	Pioneer North Queensland c/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	9369

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
			Kimalo Road	Arriga
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	77	CP902753	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

☐ 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 *Environmental Protection Act 1994*

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):*

Material change of use for an Extractive Industry including the extraction and processing of sand at a scale of not greater than 100,000t per year.

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 checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input 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)
Sand extraction and screening activities not more than 100,000t per year	Extractive industry	N/A	N/A

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

<input type="checkbox"/> Yes		
<input checked="" 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?

--

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 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)

12.2) What is the reason for the boundary realignment?

--

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

☐ Yes – specify number of new lots:

☐ No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS**15) Identify the assessment manager(s) who will be assessing this development application**

Mareeba Shire Council

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

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

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?**

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

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

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

- ☐ Clearing native vegetation
- ☐ Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input checked="" 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?

☐ 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 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**

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

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

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

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

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

PART 7 – FURTHER DETAILS**20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)**

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

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

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

☐ Yes – the yellow local government/private certifier's 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

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 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:	
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Proposed ERA name:	
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☐ 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*

☒ No

Decision under section 62 of the *Transport Infrastructure Act 1994*

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

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☒ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION**24) Development application checklist**

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

☒ Yes**Note:** See the *Planning Regulation 2017* for referral requirementsIf building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

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

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see *DA Forms Guide: Relevant plans*.☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration☒ By making this development application, I declare that all information in this development application is true and correct☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***Note:** It is unlawful to intentionally provide false or misleading information.

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

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

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

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

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I, Michael John Barry

Director of the company mentioned below.

and I, Belinda Maree Kenny - Director

{Insert name in full.

{Insert position in full—i.e. another director, or a company secretary.}

Of

MP AUSTRALIA INVESTMENTS PTY LTD A.C.N. 156 630 527

the company being the owner of the premises identified as follows:

Lot 77 on CP902753, Kimalo Road

consent to the making of a development application under the *Planning Act 2016* by:


Pioneer North Queensland Pty Ltd

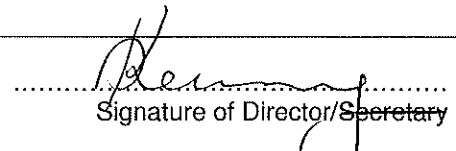
on the premises described above for:

Material Change of Use for an Extractive Industry

Company seal *[if used]*

Company Name and ACN: MP AUSTRALIA INVESTMENTS PTY LTD A.C.N. 156 630 527


.....
Signature of Director
12 September 2017
.....
Date


.....
Signature of Director/Secretary
12 September 2017
.....
Date

Annexure C

Photos



