

PLANNING REPORT PROPOSED EXPANSION OF SAND EXTRACTION OPERATIONS BY PNQ ON LOT 7 ON RP800492, BOWER ROAD, ARRIGA

78385
Proposed Expansion of Sand
Extraction
1
09 April 2019

REPORT

Document status

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Approval for issue

Owen Caddick-King



11 April 2019

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Annexure B Completed DA Form 1 and owners consent

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Document Status

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Approval for Issue

| Name | Signature | Date |
|-------------------|---|------------|
| Owen Caddick-King |  | April 2019 |

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) to facilitate the expansion of sand extraction activities on land described as Lot 7 on RP800492. The subject site has an overall area of 67.5 hectares and an area of approximately 18.4ha has previously been approved for the extraction of sand on the land and sand extraction activities are currently being undertaken on the land. The additional area proposed for the expanded sand extraction activities is an area of approximately 46.4 hectares, dependant on the availability of the sand resource on the land, as per RPS Drawing No. 9369-31a (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 existing and proposed sand extraction operations seek to extract and process not more than 100,000 tonne of material per year, the ERA's 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.

The scale of the proposed extraction activity does not constitute a Concurrence ERA. An amended Environmental Authority for the proposed activity is in the process of being arranged with the Department of Environment and Science (DES). Potential environmental impacts will be managed in accordance with the Environmental Authority.

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 which also incorporates mapping and regulatory provisions relating to the State's KRA designation.

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 is described as Lot 7 on RP800492 which fronts Bower Road, approximately 14.5 km west of Mareeba. The site is located within the Rural Zone and is surrounded by agricultural activities.

The subject site has an overall area of 67.5 hectares and an area of approximately 18.4ha has previously been approved for the extraction of sand on the land and sand extraction activities are currently being undertaken on the land. The additional area proposed for the expanded sand extraction activities is an area of approximately 46.4 hectares, dependant on the availability of the sand resource on the land, as per RPS Drawing No. 9369-31 (refer to Annexure A).

In addition to the existing sand extraction activities, other rural uses being undertaken on the land include fruit orchards and a farm residence.

An 'Unmapped drainage feature/watercourse' which is also mapped as a Green Waterway is indicated to pass through the western portion of the site. A determination is currently being sought to confirm that the 'Unmapped drainage feature/watercourse' is not a watercourse pursuant to the Water Act.

3.0 THE PROPOSAL

The proposal relates to the expansion of an approved/existing sand extraction activity over parts of the site not currently permitted for sand extraction activities. Sand extraction is only intended where the sand resource exists in viable quantities which will be determined as the sand extraction activity progresses over the site.

The additional area proposed for the expanded sand extraction activities is an area of approximately 46.4 hectares, dependant on the existence of a viable sand resource, as per RPS Drawing No. 9369-31a (refer to Annexure A). While the extraction of sand may be undertaken not less than 20m from existing residences, the screening and stockpiling of sand will be undertaken not less than 200m from existing residences.

Should the extraction of sand be undertaken where the Green Waterway is located, where required, the sand extraction and rehabilitation works will be undertaken in accordance with the Waterway Barrier Works Accepted Development Code.

The scale of the proposed extraction activity does not constitute a Concurrence ERA. An amended Environmental Authority for the proposed activity is in the process of being arranged with the Department of Environment and Science (DES). Potential environmental impacts will be managed in accordance with the Environmental Authority.

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> | Code |

4.3 Referral Agencies

A review of Schedule 10 of the Planning Regulation 2017 indicates that referral is triggered by the proposed development, as follows:

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) |

4.4 Public Notification

The proposal is Code Assessable and public notice is not required.

5.0 STATUTORY PLANNING ASSESSMENT

5.1 State and Regional Assessment Benchmarks

5.1.1 Regional Plan

Section 2.2 of the Planning Scheme states that, “The minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area”. Accordingly, assessment against the applicable Planning Scheme provisions will address any relevant Regional Plan matters.

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 The proposal relates to extractive industry activity of not more than 100,000t per year and sand extraction on the portion of the site that approval is sought will commence as sand resources are exhausted on the existing approved sand extraction area; and
- 2) The existing intersection between North Walsh Road, which provides access from Bower Road and the State Controlled Road, the Mareeba-Dimbulah Road, has already been adequately upgraded to accommodate the extractive industry haul access requirements (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, as has been permitted with other similar proposals that have recently been approved.

5.2 Local Authority Assessment Benchmarks

This application is to be assessed against the current Mareeba Shire Council Planning Scheme – Alignment Amendment 2017. The assessment benchmarks applicable under the Planning Scheme are addressed below.

5.2.1 Zone

The Mareeba Shire Council Planning Scheme includes the subject land within the Rural Zone where the proposed operation of a sand extraction and screening facility, is Code Assessable Development where it is 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;
- 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 proposal's 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 are reasonably distant from Bower Road and rehabilitation will be completed progressively which will limit visual amenity impacts;
- 2) The subject land, being located in 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 land's suitability for agricultural purposes and in respect of this, it is noted that the sand extraction area will be rehabilitated to facilitate future agricultural production.

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/permitted extractive industry haul routes;
- 2) The landowner's residential dwelling is the closest sensitive receptor and no additional sensitive receptors are proposed as part of the development;
- 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 owner's residence, sand extraction activities are to be separated from residences on adjoining properties by not less than 20m and screening and stockpiling activities are to be not less than 200m from sensitive receptors.

Given that sand extraction activities are similar in nature to other rural activities and the higher impact screening and stockpiling activities are able to be carried out a reasonable distance from sensitive receptors, the proposed extractive industry operation is able to be operated in a manner that is able to mitigate potential impacts upon sensitive receptors;

- 2) Given the subject site's location with the KRA 151 and that the extraction and rehabilitation is expected to be completed progressively, the visual amenity impacts of the proposed operation are expected to be limited;
- 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; and
- 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 administered by the Department of Environment and Science.

Landscaping Code

While this Code is identified as applicable Code, 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

Given that the sand extraction activity will use the existing permitted haul access, it is anticipated that there will be no additional requirements for the on-going use of the permitted haul access.

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 rehabilitated in accordance with the Environmental Management Plan (EMP) to be administered by the Department of Environment and Science (DES);
- 2) The EMP will detailed how water quality discharge from the site is to be managed through an erosion and sediment control plan, inclusive of monitoring and maintenance requirements; and
- 3) The EMP will detail how potential air quality impacts associated with the proposed extraction and screening operations, will be managed 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 the expansion of extractive industry activities over land described as Lot 7 on RP800492.

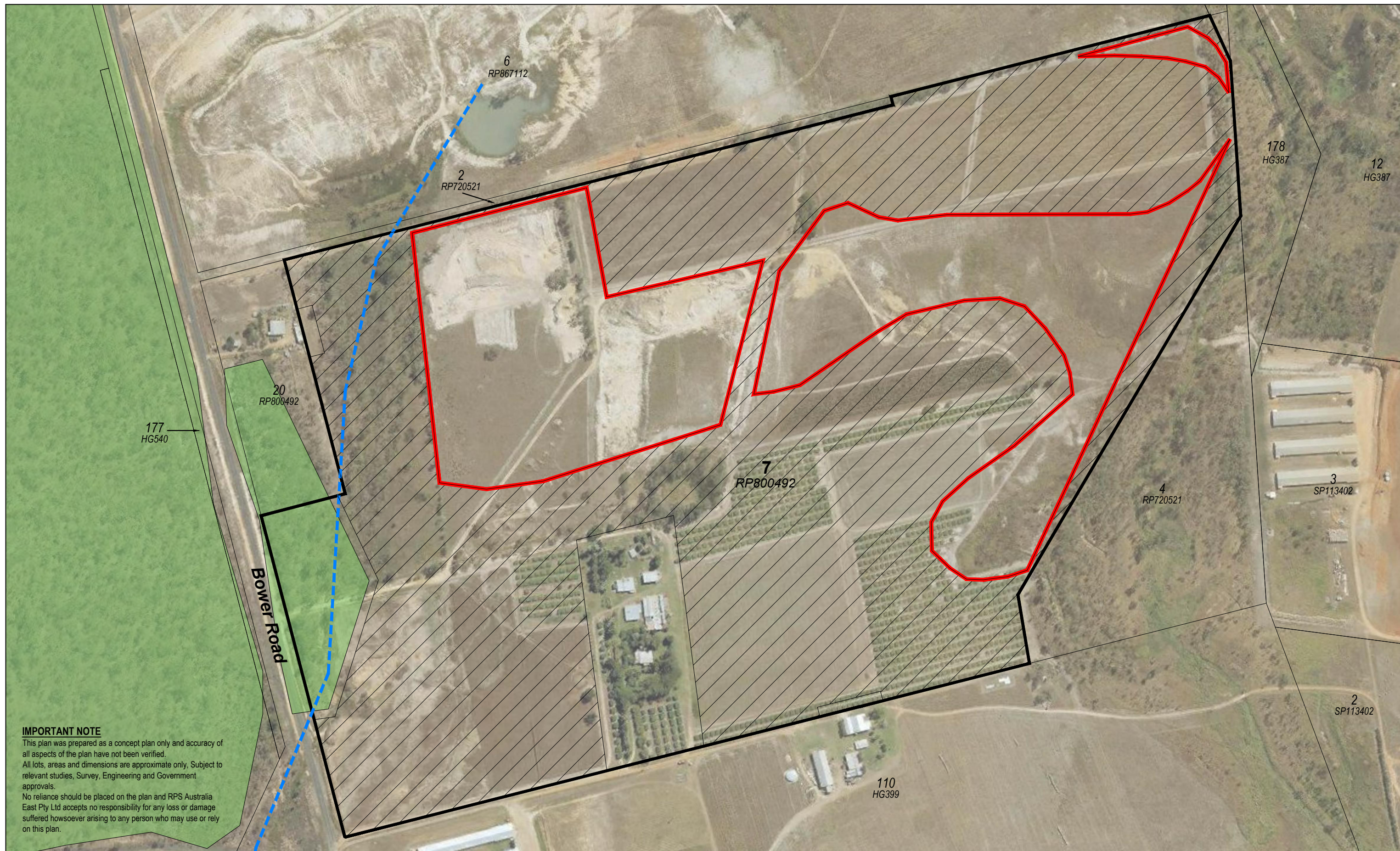
The proposal seeks a Code Assessable MCU Development Approval to facilitate the expansion of the approved/existing sand extraction and screening operation into an area of approximately 46.4 hectares, as per RPS Drawing No. 9369-31a (refer to Annexure A).

The report demonstrates the proposal's consistency with the applicable Mareeba Shire Council Planning Scheme Code provisions and other relevant assessment requirements.

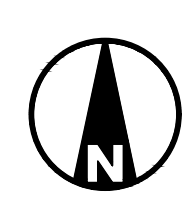
The subject site is appropriately located within the State's Key Resource Area and it is considered evident that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be adequately addressed through the imposition of reasonable and relevant conditions. We therefore commend the development for approval.

Annexure A

Proposal Plan - RPS Drawing No. 9369-31a



IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



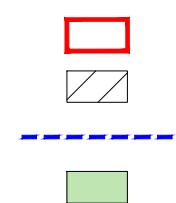
Pioneer North QLD Pty Ltd

Proposed Expansion of Sand Extraction on Lot 7 on RP800492



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

- Legend**
- Approved Sand Extraction Area
 - Proposed Expansion of Sand Extraction Area
 - Green Waterway
 - Regulated Vegetation Management Category B (least concern)



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Annexure B

Completed DA Form & Owners Consent

DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) 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 (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

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

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

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

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

PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|--|--|
| Applicant name(s) <i>(individual or company full name)</i> | Pioneer North Queensland Pty Ltd 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) 4276 1027 |
| 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> | 9369-9 |

| 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 |
| | | | Bower Road | Arriga |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | 4880 | 7 | RP800492 | 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:

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

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

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

☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

| | | | |
|---|--|--|--|
| 6.1) Provide details about the first development aspect | | | |
| a) What is the type of development? <i>(tick only one box)</i> | | | |
| <input checked="" type="checkbox"/> Material change of use | <input type="checkbox"/> Reconfiguring a lot | <input type="checkbox"/> Operational work | <input type="checkbox"/> Building work |
| b) What is the approval type? <i>(tick only one box)</i> | | | |
| <input checked="" type="checkbox"/> Development permit | <input type="checkbox"/> Preliminary approval | <input type="checkbox"/> Preliminary approval that includes a variation approval | |
| c) What is the level of assessment? | | | |
| <input checked="" type="checkbox"/> Code assessment | <input type="checkbox"/> Impact assessment <i>(requires public notification)</i> | | |
| d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i> | | | |
| Material change of use for the expansion of an existing approved Extractive Industry facility, including the extraction of sand over the balance of the land and processing of the extracted sand, where the scale of sand extraction is to be less than 100,000t of material per year. | | | |
| e) Relevant plans | | | |
| <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"/> 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? <i>(tick only one box)</i> | | | |
| <input type="checkbox"/> Material change of use | <input type="checkbox"/> Reconfiguring a lot | <input type="checkbox"/> Operational work | <input type="checkbox"/> Building work |
| b) What is the approval type? <i>(tick only one box)</i> | | | |
| <input type="checkbox"/> Development permit | <input type="checkbox"/> Preliminary approval | <input type="checkbox"/> Preliminary approval that includes a variation approval | |
| c) What is the level of assessment? | | | |
| <input type="checkbox"/> Code assessment | <input type="checkbox"/> Impact assessment <i>(requires public notification)</i> | | |
| d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i> | | | |
| | | | |
| e) Relevant plans | | | |
| <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 type="checkbox"/> 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) |
|---|--|---|---|
| Proposed expansion of an existing approved Extractive Industry facility, including the extraction of sand over the balance of the land and processing of the extracted sand, where the scale of sand extraction is to be less than 100,000t of material per year. | Extractive Industry | | |

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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify: | <input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation |
| 14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) | |
| <input type="checkbox"/> Yes – specify number of new lots: | |
| <input type="checkbox"/> No | |
| 14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour) | |
| \$ | |

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

17) 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*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure – designated premises
- ☒ Infrastructure – state transport infrastructure
- ☐ Infrastructure – state transport corridors and future state transport corridors
- ☐ Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure – near a state-controlled road intersection
- ☐ On Brisbane core port land near a State transport corridor or future State transport corridor
- ☐ On Brisbane core port land – ERA
- ☐ On Brisbane core port land – tidal works or work in a coastal management district
- ☐ On Brisbane core port land – hazardous chemical facility
- ☐ On Brisbane core port land – taking or interfering with water
- ☐ On Brisbane core port land – referable dams
- ☐ On Brisbane core port land - fisheries
- ☐ Land within Port of Brisbane's port limits
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- ☐ Wetland protection area

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

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- ☐ 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 <i>Transport Infrastructure Act 1994</i> : |
| <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) |
| <input type="checkbox"/> Strategic port land |
| Matters requiring referral to the relevant port operator : |
| <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark) |
| Matters requiring referral to the Chief Executive of the relevant port authority : |
| <input type="checkbox"/> Land within limits of another port (below high-water mark) |
| Matters requiring referral to the Gold Coast Waterways Authority : |
| <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters |
| Matters requiring referral to the Queensland Fire and Emergency Service : |
| <input type="checkbox"/> Tidal works marina (<i>more than six vessel berths</i>) |

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

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 checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input type="checkbox"/> No | | | |
| List of approval/development application references | Reference number | Date | Assessment manager |
| <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application | MCU/07/0013 | 19 December 2007 | Mareeba Shire Council |
| <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 – a 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 (e.g. building and construction work is less than \$150,000 excluding GST) | | |
| Amount paid | Date paid (dd/mm/yy) | QLeave levy number |
| \$ | | |

| 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 | |
|--|-------------------------|
| <u>Environmentally relevant activities</u> | |
| 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 <i>Environmental Protection Act 1994</i> ? | |
| <input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No | |
| <i>Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i> | |
| Proposed ERA number: | Proposed ERA threshold: |
| Proposed ERA name: | |
| <input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application. | |

| <u>Hazardous chemical facilities</u> |
|---|
| 23.2) Is this development application for a hazardous chemical facility ? |
| <input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No |
| <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i> |

| <u>Clearing native vegetation</u> |
|--|
| 23.3) Does this development application involve clearing native vegetation that requires written confirmation that the chief executive of the <i>Vegetation Management Act 1999</i> is satisfied the clearing is for a relevant purpose under |

section 22A of the *Vegetation Management Act 1999*?

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

☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

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

☒ No

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

Koala 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.des.qld.gov.au for further information.

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

| | | | |
|---|--|-----------|--|
| <input checked="" type="checkbox"/> No Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information. | | | |
| Quarry materials from land under tidal waters | | | |
| 23.10) Does this development application involve the removal of quarry materials from land under tidal water under the <i>Coastal Protection and Management Act 1995</i> ? | | | |
| <input type="checkbox"/> Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development <input checked="" type="checkbox"/> No Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information. | | | |
| Referable dams | | | |
| 23.11) Does this development application involve a referable dam required to be failure impact assessed under section 343 of the <i>Water Supply (Safety and Reliability) Act 2008</i> (the Water Supply Act)? | | | |
| <input type="checkbox"/> Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application <input checked="" type="checkbox"/> No Note: See guidance materials at www.dnrme.qld.gov.au for further information. | | | |
| Tidal work or development within a coastal management district | | | |
| 23.12) Does this development application involve tidal work or development in a coastal management district ? | | | |
| <input type="checkbox"/> Yes – the following is included with this development application: <div style="margin-left: 20px;"> <input type="checkbox"/> Evidence the proposal meets the code for assessable development that is prescribed tidal work (<i>only required if application involves prescribed tidal work</i>) <input type="checkbox"/> A certificate of title </div> <input checked="" type="checkbox"/> No Note: See guidance materials at www.des.qld.gov.au for further information. | | | |
| Queensland and local heritage places | | | |
| 23.13) Does this development application propose development on or adjoining a place entered in the Queensland heritage register or on a place entered in a local government's Local Heritage Register ? | | | |
| <input type="checkbox"/> Yes – details of the heritage place are provided in the table below <input checked="" type="checkbox"/> No Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places. | | | |
| Name of the heritage place: | | Place ID: | |
| Brothels | | | |
| 23.14) Does this development application involve a material change of use for a brothel ? | | | |
| <input type="checkbox"/> Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> <input checked="" type="checkbox"/> 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? | | | |
| <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>DA 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. Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</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 Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or required by other legislation (including the <i>Right to Information Act 2009</i>); or otherwise required by law. <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 | |

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

I, *RAMADAN LATIF*.

Director of the company mentioned below.

and I, *MAJELLA LATIF*.

Director

Of

Fairchat Pty Ltd ACN 074 412 249

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

Lot 7 on RP800492, Bower Road, Arriga

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 the Expansion of an Extractive Industry on the above described land

Company seal *(if used)*

Company Name and ACN: Fairchat Pty Ltd ACN 074 412 249

.....
Signature of Director

.....
Date

.....
Signature of Director

.....
Date

Annexure C

Photos of the intersection of North Walsh Road and the Mareeba-Dimbulah Road



