

Our Ref: M3-19

19 June 2019

Chief Executive Officer
Mareeba Shire Council
65 Rankin Street
Mareeba, QLD, 4880

Attention: Planning Department

Dear Sir/Madam,

COMBINED DEVELOPMENT APPLICATION - DEVELOPMENT PERMIT
MATERIAL CHANGE OF USE – NON-RESIDENT WORKFORCE ACCOMMODATION (45 BEDS) &
CARETAKER'S RESIDENCE
RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT & ACCESS EASEMENT

We act on behalf of our client, Ross Patane in preparing and submitting the following development application which seeks a development permit to Reconfigure the allotment and a Material Change of Use under the Planning Act 2016 at 49 Fichera Road, Mareeba. The reconfiguration of the allotment component seeks to realign the boundaries whilst providing a suitable legal access arrangement to each allotment via a new internal access easement. The second component relating to the Material Change of Use seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence.

The subject site is located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the Mareeba Shire Planning Scheme 2016.

In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed reconfiguration is **\$3,635.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

Where possible, we would appreciate every effort from all departments involved in the assessment of this application, to assist in delivering a quick turnaround for this development application. Thankfully, the particulars of this application have been presented to Council for preliminary comments, which we hope will assist in the fast track assessment of this application.

The deadline to get all matters including building approvals resolved before the next mango season is soon approaching and our client is quickly running out of time. We acknowledge and appreciate that everyone is busy with various tasks and thank all involved in advance for all the help.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately. We also ask if possible that a copy of all correspondence be forwarded to our office via email.

Yours faithfully,



Ramon Samanes

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

PLANNING REPORT

COMBINED DEVELOPMENT APPLICATION - DEVELOPMENT PERMIT

**MATERIAL CHANGE OF USE – NON-RESIDENT WORKFORCE
ACCOMMODATION (45 BEDS) & CARETAKER’S RESIDENCE**

**RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT &
ACCESS EASEMENT**

PROJECT LOCATION:

SITUATED AT 49 FICHERA ROAD, MAREEBA
FORMALLY DESCRIBED AS LOT 1, 2 & 3 ON RP711195

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ASSESSMENT MANAGER:	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
DEVELOPMENT TYPE:	DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE
PROPOSED WORKS:	BOUNDARY REALIGNMENT & ACCESS EASEMENT (CODE ASSESSABLE) NON-RESIDENT WORKFORCE ACCOMMODATION (45 BEDS) & CARETAKER’S RESIDENCE (IMPACT ASSESSABLE)
REAL PROPERTY DESCRIPTION:	LOT 1, 2 & 3 ON RP711195
LOCATION:	49 FICHERA ROAD, MAREEBA
ZONE:	RURAL ZONE
APPLICANT:	ROSS PATANE C/- U&I TOWN PLAN
ASSESSMENT CRITERIA:	RECONFIGURATION OF A LOT (CODE ASSESSABLE) MATERIAL CHANGE OF USE (IMPACT ASSESSABLE)
REFERRAL AGENCIES:	IT HAS BEEN CONFIRMED THAT NO REFERRALS APPLY TO THIS DEVELOPMENT.

IMPORTANT NOTE

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report may be reproduced by any process without the written consent of R&A Samanes Pty Ltd ('U&i Town Plan').

This Report has been prepared for Ross Patane for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguring of a Lot & a Material Change of Use on land at 49 Fichera Road, Mareeba (over lot 1, 2 & 3 on RP711195) for the purpose of a boundary realignment and access easement, and non-resident workforce accommodation and caretaker's residence. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.

U&i Town Plan has made certain assumptions in the preparation of this report, including:

- a) That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;*
- b) That information obtained as a result of a search of a government register or database is complete and accurate.*

U&i Town Plan is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report.

While every effort has been made to ensure accuracy, U&i Town Plan does not accept any responsibility in relation to any financial or business decisions made by parties' other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and/or content of this Report without consent of U&i Town Plan, U&i Town Plan disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified U&i Town Plan from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

1.0 EXECUTIVE SUMMARY

This combined development application seeks a development permit to Reconfigure the allotment and a Material Change of Use under the Planning Act 2016 at 49 Fichera Road, Mareeba. The reconfiguration of the allotment component seeks to realign the boundaries whilst providing a suitable legal access arrangement to each allotment via a combined internal access easement. The other component for the Material Change of Use seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence. The subject site is located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quiet location for guests that is only 5 minutes' drive from town.

The proposal constitutes a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. This is based on the following characteristics of the proposal:

- The proposal reflects an appropriate land use outcome for the site given its zoning, location and surrounding land uses;
- The proposal is consistent with the Strategic Framework for the planning scheme;
- The proposal is consistent with the desired character and land use outcomes for the Rural Zone;
- The proposal meets the solutions prescribed by all relevant planning scheme codes and policies; and
- The proposal meets the solutions prescribed by all relevant State level planning policies.

The conclusion of this report is that all the requirements set by the assessment criteria can be met and that the strategic level policy outcomes sought by the planning scheme and any applicable State planning instruments can be achieved. It is the opinion of the applicant that once all the policy requirements have been taken into account by assessing authorities and equitably balanced with the site constraints and benefits of the proposal; the assessment process established under the Planning Act will result in the approval of this development application and the issuing of a development permit subject to conditions. This opinion is based on the level of strategic and analytical justification provided in support of the proposal and the decision-making requirements imposed on regulatory authorities under the Planning Act.

2.0 SITE DESCRIPTION

The subject land is described as Lot 1, 2 & 3 on RP711195, located at 49 Fichera Road, Mareeba. The site encompasses three (3) freehold allotments with a combined road frontage of approximately 1 kilometre along Fichera Road, covering a combined total area of 26.257 hectares. Proposed lot 3 will contain the Packing Shed associated with the Mangoes plantation, a primary dwelling, the proposed caretaker's residence and the four (4) proposed non-resident workforce accommodation buildings (45 beds). Proposed Lot 2 will contain another primary dwelling and a large farm shed, while proposed lot 3 is proposed as a vacant allotment. All three (3) properties contain frontage and access to the Tinaroo Creek to the North and East which provides water to the properties all year round. The proposed combined access easement from Fichera Road extends into the property to provide access to all three (3) allotments.



Figure 1: Aerial View of the Subject Land

A site summary is provided below:

Table 2.0: Site summary

Street address:	49 Fichera Road, Mareeba
Real property description:	Lots 1, 2 & 3 on RP711195
Local government area	Mareeba Shire Council
Tenure:	Freehold title
Site area:	26.257 hectares
Zone:	Rural zone
Precinct:	N/A
Sub-precinct:	N/A
Current use:	Rural Allotment
Road frontage:	Fichera Road
Adjacent uses:	Rural

Topography:	<i>The site is relatively flat where the mango plantation is located and then slopes towards Tinaroo Creek north of the mango packing shed and east of the plantation.</i>
Vegetation:	<i>The riparian vegetation along the Tinaroo Creek is mapped as remnant vegetation. The remainder of the land is predominantly cleared and void of any significant vegetation.</i>
Easements:	<i>N/A</i>
Existing infrastructure:	<i>The site has access to Fichera Road which is a sealed road with power running across Tinaroo Creek to the north and into the middle of all three (3) proposed properties as shown of the plans for the development.</i>

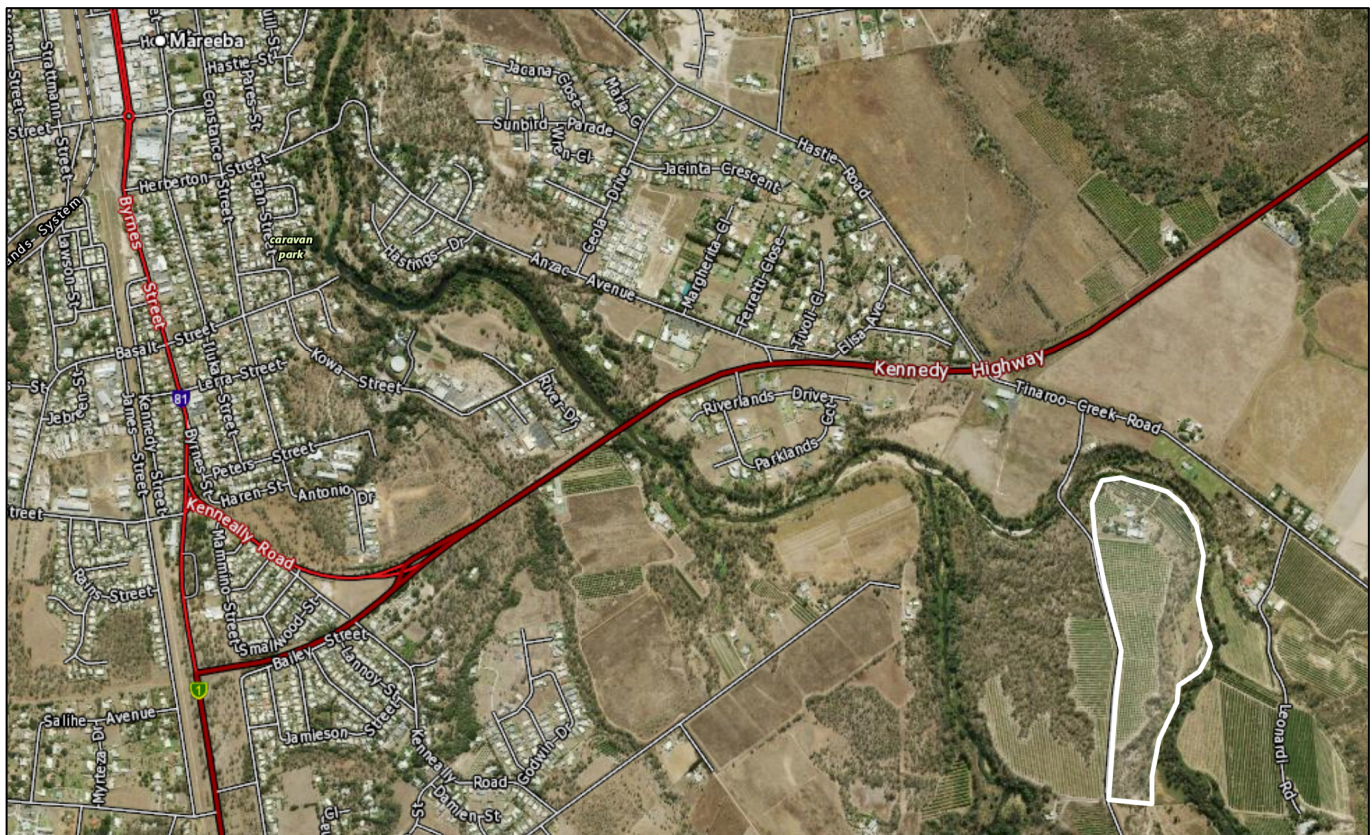


Figure 2: Site Locality

3.0 DEVELOPMENT PROPOSAL

This combined development application seeks a development permit to Reconfigure the allotment and a Material Change of Use under the Planning Act 2016 at 49 Fichera Road, Mareeba. The reconfiguration of the allotment component seeks to realign the boundaries whilst providing a suitable legal access arrangement to each allotment via a new internal access easement. The other component for the Material Change of Use seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence. The subject site is located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned

in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

The site encompasses three (3) freehold allotments with a combined road frontage of approximately 1 kilometre along Fichera Road and covers a combined total area of 26.257 hectares. Proposed lot 1 will contain the Packing Shed associated with the Mangoes plantation, a primary dwelling, the proposed caretaker's residence and the four (4) proposed non-resident workforce accommodation buildings (45 beds). Proposed Lot 2 will contain another primary dwelling and a large farm shed, while proposed lot 3 is proposed as a vacant allotment. All three (3) properties contain frontage and access to the Tinaroo Creek to the North and East which provides water to the properties all year round. The proposed combined access easement from Fichera Road extends into the property to provide access to all three (3) allotments.

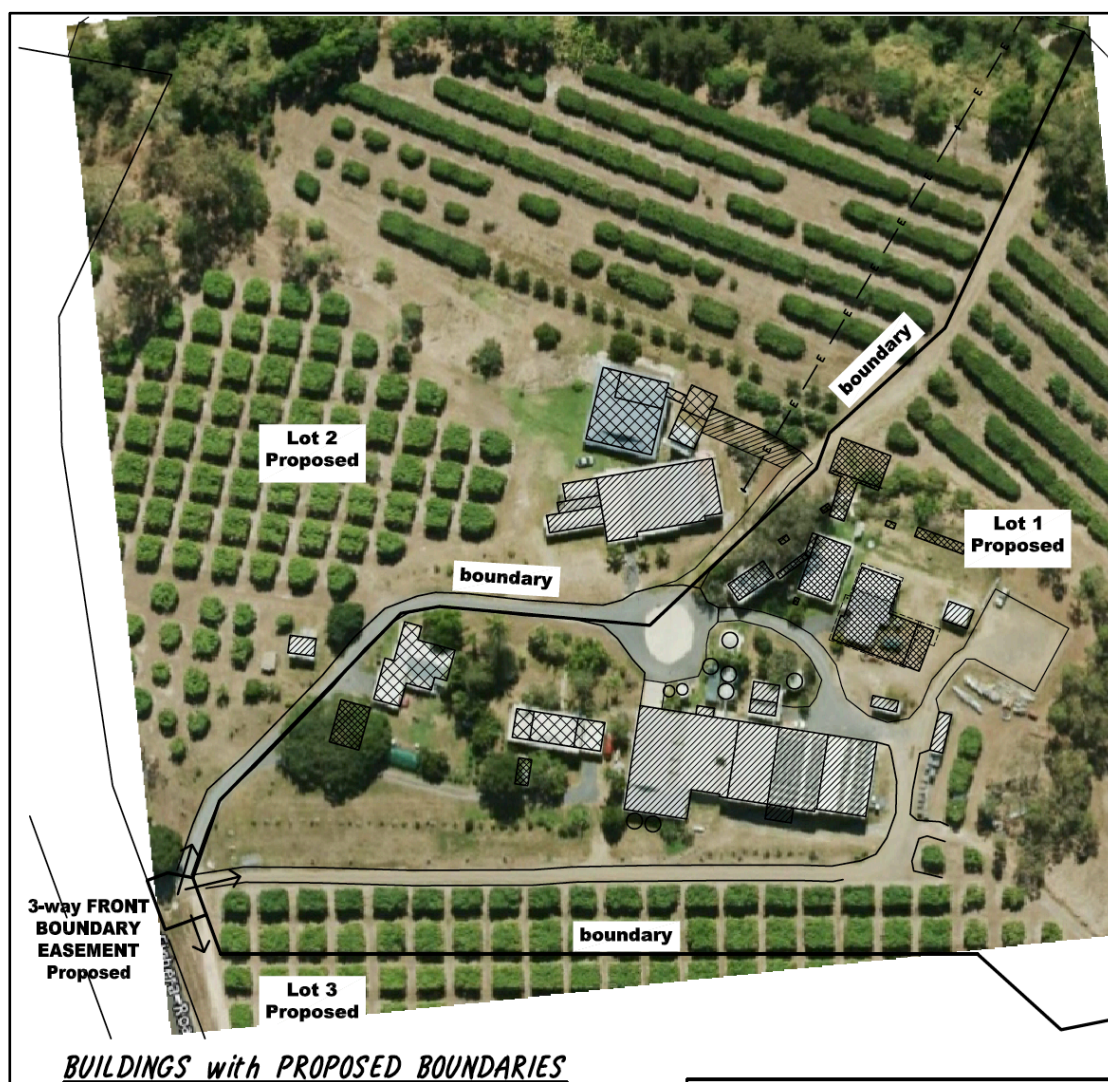


Figure 3: Extract from Development Plans

See Appendix 3: Development Plans for further detail.

3.1 Development Definitions

Material Change of Use – Part 1

The first component of the proposed development is defined under the act as a Material Change of Use under the *Planning Act 2016*. The extract of definition is provided as follows:

material change of use, of premises, means any of the following that a regulation made under [section 284](#)(2)(a) does not prescribe to be minor change of use—

- (a) the start of a new use of the premises;
- (b) the re-establishment on the premises of a use that has been abandoned;
- (c) a material increase in the intensity or scale of the use of the premises.

The proposed ‘Non-resident workforce accommodation’ and ‘Caretaker’s Residence’ use that we are seeking to establish for the site is defined under the Mareeba Shire Planning Scheme 2016 as follows:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Non-resident workforce accommodation	Premises used to provide accommodation for non-resident workers. The use may include provision of recreational and entertainment facilities for the exclusive use of residents and their visitors.	Contractor’s camp, construction camp, single person’s quarters, temporary workers’ accommodation	Relocatable home park, short-term accommodation, tourist park
Caretaker’s accommodation	A dwelling provided for a caretaker of a non-residential use on the same premises.		Dwelling house

The subject site is zoned as ‘Rural’ under Mareeba Shire Planning Scheme 2016, where the purpose within the Rural Zone is to achieve the following:

1. *The purpose of the Rural Zone Code is to:*
 - a) *Provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*
 - b) *Provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*
 - c) *Protect or manage significant natural resources and processes to maintain the capacity for primary production.*
2. *Mareeba Shire Council’s purpose of the Rural zone code is to recognise the importance of primary productions to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.*

The purpose of the Rural zone code is to:

- a) Recognise the diversity of rural uses that exists throughout the region;*
- b) Protect the rural character of the region;*
- c) Provide facilities for visitors and tourists that are accessible and offer unique experience;*
- d) Protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;*
- e) Maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;*
- f) Provide for a range of uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;*
- g) Prevent adverse impacts of development on ecological values;*
- h) Preserve land in large holdings; and*
- i) Facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.*

The purpose of the Rural zone code will be achieved through the following overall outcomes:

- (a) Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoided;*
- (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;*
- (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;*
- (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;*
- (e) Development is reflective of and responsive to the environmental constraints of the land;*
- (f) Residential and other development is appropriate only where directly associated with the rural nature of the zone;*
- (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;*
- (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;*
- (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;*
- (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and*
- (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.*

While the proposed 'Caretaker's Residence' is code assessable within the Rural zone, the proposed development for a 'Non-resident workforce accommodation' elevates the level of assessment to require an **Impact Assessable** application to be prepared and submitted to Council to obtain the necessary Development Permit for the Material Change of Use.

An Impact Assessable application is subject to Public Notification for a period of not less than 15 business days. Public Notification provides an opportunity for members of the public to lodge submissions to Council regarding a planning application. So long as submissions are properly made Council will consider these submissions and submitters will be afforded third party appeal rights.

An Impact Assessable Development Application is assessable against the entirety of the planning scheme.

Reconfiguration of a Lot – Part 2

The proposal is described as a “Reconfiguration of a Lot” under the Planning Act and planning scheme, more specifically described as rearranging the boundaries of the allotments. The proposal is defined under the Planning Act as follows:

reconfiguring a lot means—

- (a) creating lots by subdividing another lot; or
- (b) amalgamating 2 or more lots; or
- (c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or
- (d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—
 - (i) a lease for a term, including renewal options, not exceeding 10 years; or
 - (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997 ; or
- (e) creating an easement giving access to a lot from a constructed road.

As noted previously, the site is zoned rural where the reconfiguration of a lot code specifies the following minimum lot size and dimensions for the various zones under the planning scheme:

Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m ²	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	350m ²	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	600m ²	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m ²	5 metres
	All other lots	800m ²	16 metres
	Rear lot	600m ²	5 metres
Medium density residential	All other lots	400m ²	10 metres
	All lots	1,500m ²	45 metres
Industry	All lots	Not specified	Not specified
Recreation and open space	All lots	Not specified	Not specified
Rural	All lots	60 hectares	400 metres

The current existing lots are a by-product of the original design and carve up of the land well and truly before today’s current Planning Act rules. Hence, the new proposed lot sizes will not meet the minimum design requirements for rural zone allotments, we are not creating any additional allotments and the results from this realignment of the boundaries will improve the current arrangement on site where the current boundaries are positioned over structures. The development will also consolidate the existing mango farming operation on the larger parcel. As part of this boundary realignment we will also be creating a new shared access easement to provide access to all three (3) allotments internally.

Under the planning scheme the proposed reconfiguration of a lot application within the Rural Zone typically triggers a **Code Assessable** application. However, given this component of the application is combined with the material change of use application, the highest level of assessment applies. In this instance, the level of assessment will be **Impact** based on the non-resident workforce accommodation component of the project.

4.0 DEVELOPMENT APPLICATION DETAILS

This combined development application seeks a development permit to Reconfigure the allotment and a Material Change of Use under the Planning Act 2016 situated at 49 Fichera Road, Mareeba. The reconfiguration of the allotment component seeks to realign the boundaries whilst providing a suitable legal access arrangement to each allotment via a new internal access easement. The other component being the Material Change of Use, seeks to obtain approval for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence. By way of this development application, the applicant is seeking specific approval in the form of a development permit to authorise the two (2) development components as detailed within this planning report.

4.1 Material Change of Use

The impact assessable Material Change of Use component of this development seeks to obtain approval for a Non-resident Workforce Accommodation comprising of four (4) separate buildings with a total of 45 beds and a separate Caretaker's Residence located towards the entrance to the property. The buildings contained within this component of the development are proposed to be located within entirely within proposed lot 3, with suitable setbacks provided to the new boundaries. This allotment will also contain the mango packing and machinery storage shed associated with the mango plantation and the primary dwelling. Proposed Lot 2 will contain another primary dwelling and a large farm shed, while proposed lot 3 is proposed to contain no structures and will be the only vacant allotment of the three. All three (3) properties contain frontage and access to the Tinaroo Creek to the North and East which provides water to the properties all year round. The proposed eight (8) metre wide internal access easement from Fichera Road extends into the property to provide access to all three (3) allotments, with a five (5) metre wide access and water easement extending through to Tinaroo Creek.

The accommodation facilities associated with the non-resident workforce accommodation have been established on-site since 2012 providing accommodation initially for up to 30 or so workers. The purpose initially was to provide accommodation to the applicant's own workforce. The applicant was then approached to provide accommodation to seasonal workers being part of the Seasonal Worker Program. Accommodation is pre-arranged by Jobs Australia Enterprises Ltd prior to the workers arriving to Australia, of which the standard of accommodation is enforced by the Department of Employment. Recent developments on-site include modifications to an existing building being constructed to cater for the demand bringing the total up to 45 beds.

The site has been used as an accommodation facility for workers employed by Jobs Australia Enterprises Ltd under the Seasonal Worker Program. The applicant was not aware of the requirement to obtain a development approval for the accommodation use until recently when they were made aware of the new Labour Hire Licensing legislation requirements and the future Fair Farms initiative. This has prompted the push to bring the current facilities up to standards to ensure our client can continue to provide short-term accommodation/rooming accommodation to seasonal workers.

The demographic of the workforce is best described as all being very fit and able-bodied males and females from the South Pacific Islands (Vanuatu). This eliminates the requirement for handicap access and separate male/female living quarters, however, the site does contain 2 worker rehabilitation shower/toilet facilities. Transport for the workers staying on the premises is provided with up to five (5) mini buses each containing 12 seats as required by Jobs Australia Enterprises Ltd to transport them to and from the place of work. Parking for five (5) vehicles is

provided within the machinery shed. Additional vehicle parking is not required as the workers do not own vehicles. The demand for non-resident workforce accommodation is surpassing supply. The proposal demonstrates that the use is appropriate for the site and locality.

4.2 Boundary Realignment & Access Easement

The proposed development for a Reconfiguration of a Lot – Boundary Realignment and Access Easement is sought to rectify the current arrangement of the three (3) existing allotments which currently run through buildings, and at the same time formalise the access to all three (3) allotments via an access easement from Fichera Road to provide formal access to all newly aligned allotments. The subject land is designated within the Rural Zone of the Mareeba Shire Planning Scheme and no change to the zoning is proposed as part of this development.

The minimum lot size in the Rural Zone is 60 hectares with a minimum road frontage of 400 metres. The existing areas of the allotments are listed as follows:

- Lot 1 – 3.245 hectares;
- Lot 2 – 2.039 hectares; and
- Lot 3 – 20.973 hectares.

The proposed boundary realignment proposed the new lots to be described as Lot 1, 2 and 3 with the following lot areas proposed:

- Proposed Lot 1 – 4.08 hectares;
- Proposed Lot 2 – 3.31 hectares; and
- Proposed Lot 3 – 18.80 hectares.

In terms of the services provided as part of this development, we have proposed the following to be provided as part of this development:

- **Access:** In light of the pre-lodgement advice received from Council, the existing shared/combined access crossover may need to be upgraded to ensure it complies with relevant FNQROC Standard Drawing S1105e for rural property accesses. **Response:** Currently the access crossover has a Council installed culvert measuring 8.6 metres and it is bitumen sealed;
- **Access Easement:** In light of the pre-lodgement advice received from Council, we expect that a condition of approval will require the shared access easement area to be sealed to remove any impacts associated with dust;
- **Water:** All proposed allotments and infrastructure will be contained within each new allotment. Each allotment has Riparian access to the water from Tinaroo creek and will also provide water tanks for additional water storage near the dwelling at the time of building approval for a dwelling;
- **Sewerage:** Existing on-site sewerage systems are located within proposed lots 1 and 2 to service the existing dwellings and buildings provided on-site. A condition of approval will require the system on proposed lot 1 to require and Environmentally Relevant Activity (ERA) approval and license for the systems as the property will generate waste over 21 equivalent persons (EP). A new on-site effluent disposal system will have more than adequate area on proposed lot 3 and will be provided as part of subsequent development application for building and plumbing works. A condition of approval on this development will specify this requirement;
- **Power:** Proposed lot 1, 2 and 3 all have existing connections to power, and power to lot 1 can be readily made available from the existing power infrastructure;
- **Telecommunications:** Not considered applicable to this development as it is within the rural zone and there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.

Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit based on sound planning grounds that justify and support the realignment of the boundaries and creation of the access easement.

See Appendix 1 – Development Application Forms & Appendix 2 - Owners Consent form for further application detail.

A development application summary table is provided below:

Table 4.0: Development application summary

Assessment manager:	Mareeba Shire Council
Development type:	Material Change of Use & Reconfiguration of a Lot
Approval type:	Development permit
Proposed use:	Non-resident workforce accommodation (45 beds) & Caretaker's Residence Boundary Realignment & Access Easement
Level of assessment:	Assessable development - Impact assessable
Applicant details:	Ross Patane C/- U&i Town Plan PO Box 430, Earlville QLD 4870 M. 0411 344 110 E. ramon@uitownplan.com.au
Assessment criteria:	Mareeba Shire Council Planning Scheme <ul style="list-style-type: none"> • Strategic Framework • Rural Zone Code • Accommodation Activities Code • Landscape Code • Parking and Access Code • Works, Services and Infrastructure Code • Reconfiguration of a Lot Code • Agricultural Land Code • Airport Environs Overlay Code • Bushfire Hazard Overlay Code • Environmental Significance Overlay Code • Flood Hazard Overlay Code
Referral agencies:	It has been confirmed through written formal pre-lodgement advice that referral is not triggered as part of this development.
Regional plans:	Far North Regional Plan 2009-2031
Public notification required:	Yes
Confirmation notice required:	Yes
Supporting documentation:	Proposed Plans for Development, Owner's Consent, DA Forms, SARA Pre-lodgement Response

5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for the Reconfiguration of Lot 1, 2, & 3 on RP711195 to realign the existing boundaries to allow for the material change of use and provide suitable legal access arrangements. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Zone and Reconfiguring a Lot Code.

The proposal is consistent with the purpose of the Rural Zone code by contributing to the accommodation facilities available within the locality whilst providing in a quiet rural setting only minutes from town without compromising the character and amenity of the area. The proposed use will complement the established land uses within the area and will result in a good land use outcome for the site and the locality. The site layout and amenity features, such as landscaping and car parking, reflect the nature and specific operational dynamics of the use. As such, the proposal meets the requirements set by the assessment benchmarks from the Mareeba Planning Scheme and is consistent with its Strategic Framework. This is demonstrated further in the following sections of the report which demonstrate compliance against the relevant assessment benchmarks.

5.1 Pre-lodgement Consultation

The proponent, and U&i Town Plan have undertaken numerous pre-lodgement consultations with both the Mareeba Shire Council to obtain preliminary comments on the site layout and configuration as well as access servicing feedback from Council, and the Department of State Development, Manufacturing, Infrastructure and Planning and the Department of Natural Resources, Mines and Energy in the interest of confirming vegetation referral triggers for the project and where applicable identifying any key issues which would require addressing as part of this development application. The identified issues related primarily to site access in terms of potentially being required through a condition of approval to upgrade the crossover - if necessary - to bring it up to code standard, the suitability of the proposed access easement arrangement provided a sealed road is provided, and power will likely have to be provided to all lots and controlled through a condition of approval. It was also confirmed through this process that the development does not trigger referral for vegetation clearing. Overall, assessing authorities are generally supportive of the proposal and a number of changes have been made to the site to address the items raised. In addition, all requested supporting documentation has been provided in the interest of minimising the need for any information request and providing certainty in the determination of compliance with the assessment benchmarks.

The purpose of the pre-lodgement consultation and feedback was to confirm that there were no fundamental issues associated with the proposed development. The proposal was generally accepted as a suitable land use outcome subject to some relatively minor design element changes and sufficient articulation of the proposal's compliance with the planning instruments. This position was confirmed through formal pre-lodgement meeting minutes. See Appendix 4 –Pre-lodgement Advice Request Response for further details.

5.2 Assessment Benchmarks

A direct assessment against the assessment benchmarks has been completed and is contained the following sections of this report. The section of the report provides an assessment against the applicable codes and policies from the planning scheme and SDAPs. The justification provides assessing authorities with the surety that the applicable policy outcomes have been addressed and that the development application can be approved.

Given that the application is Impact assessable, the application is required to be assessed against the entire planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Strategic Framework;
- Rural Zone Code;
- Accommodation Activities Code;
- Landscape Code;
- Parking and Access Code;
- Works, Services and Infrastructure Code;
- Reconfiguration of a Lot Code;
- Agricultural Land Code;
- Airport Environs Overlay Code;
- Bushfire Hazard Overlay Code;
- Environmental Significance Overlay Code; and
- Flood Hazard Overlay Code.

Accordingly, an assessment of the proposed development against the above listed codes has been completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the planning scheme. In terms of the assessment documented in this report, should any part of the development not comply with any sections of the codes, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

5.2.1 Strategic Framework

The Strategic Intent, and the Strategic Framework (the Framework) as a whole is a set of high order strategic outcomes and land use strategies which set the overarching policy intent for the lower order, more detailed components of the planning scheme i.e. zones, codes, overlays and policies. The Framework is split into five (5) themes which cover the main aspects of land use planning and development governance. Given the level the Framework operates at, it is difficult to provide a direct, site specific assessment of the proposal against its many components. However, a proposal that satisfies the lower order components of the planning scheme, i.e. zone codes, development codes, overlay codes, planning scheme policies, etc.; inherently satisfies the intent of the Framework.

The code table assessments below demonstrate how the proposal satisfies the most applicable lower order components of the Mareeba Shire Council Planning Scheme 2016. This justification demonstrates how the proposal is a good land use outcome for the site and how it has been designed to adequately address any environmental, economic or social impacts. Each Code has been satisfied by addressing the relevant Acceptable Outcome individually. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the “Purpose” of the code was inherently satisfied, as is the Strategic Framework for the City Plan 2014 as a whole.

The way forward: Mareeba Shire in 2031

Mareeba Shire continues to foster the development of a range of economic activity including primary industries, tourism, renewable energy, mining and resource activity, regionally significant industry, education and research, cultural and arts activities. New and expanding industries contribute to the ongoing prosperity of Mareeba Shire, through economic diversification and increases in activity of regional, national and international significance. Mareeba airport continues to expand as a regional hub for aviation services, and its broader contribution to economic activity and employment is recognised and maintained.

Mareeba Shire provides a diverse collection of landscape settings within the *rural areas*, from productive agricultural land to internationally significant rainforests, open grazing country to dry savannah. These *rural areas* continue to contribute to the shire's unique character through their preservation and enhancement.

Agriculture strengthens the character and identity of the area and is recognised for its contribution to the local economy, food security and stewardship of the land for future generations. The sustainable use of the regions vast natural resources, including but not limited to agricultural land and extractive resources, is acknowledged as providing one of the pillars for the economic prosperity of the Mareeba Shire. Value add rural activities capitalise on synergies with the tourism industry and further strengthen high quality paddock to plate enterprise within the shire and extending to Cairns and boutique markets in other Australian and international cities.

The Material Change of Use component of the development which seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence provides an opportunity to provide accommodation for seasonal workers that are used both in conjunction with the farm on-site and on other farms in the region. This development supports the shires important and every growing primary industry, by providing a facility which can house the workers needed to service the industry. The demand for appropriate purpose-built non-resident workforce accommodation is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

Mareeba Shire's residents and visitors are supported by a range of services and infrastructure, providing for improved liveability, and community health and increased levels of social interaction. The community and settlement pattern is resilient in the face of bushfires, cyclones, flooding, landslides and other related weather events. New development incorporates appropriate mitigation measures to reduce the associated increased risks and severity forecast from climate change.

Ultimately, Mareeba Shire balances a range of competing interests in a manner that ensures the shire's ongoing economic prosperity, self-sufficiency, environmental health, sustainability and community well-being. Development is also respectful of the shire's past, its unique character and its diverse people that truly define it as a place like no other, a place where quality of life and lifestyle is paramount.

The Material Change of Use component of the development which seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence provides an opportunity to provide accommodation for seasonal workers that are used both in conjunction with the farm on-site and on other farms in

the region. This development supports the shires important and every growing primary industry, by providing a facility which can house the workers needed to service the industry. The demand for appropriate purpose-built non-resident workforce accommodation is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (1) Mareeba Shire is intended to support a widely dispersed population in a variety of settings, including rural towns, small rural settlements, villages, rural residential areas, cropping lands, grazing lands and broad-hectare grazing properties. Future development maintains this settlement pattern and the distinct character that it provides to the shire. The settlement pattern also ensures the continuing viability of the shire's rural economy, particularly through the provision of high quality services.
- (5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The valued, relaxed rural lifestyle, character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

The Material Change of Use component of the development which seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence provides an opportunity to provide accommodation for seasonal workers that are used both in conjunction with the farm on-site and on other farms in the region. This development supports the shires important and every growing primary industry, by providing a facility which can house the workers needed to service the industry. The demand for appropriate purpose-built non-resident workforce accommodation is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

3.3.5 Element–Rural activity centres

3.3.5.1 Specific outcomes

- (1) Chillagoe and Dimbulah are the Rural activity centres within Mareeba Shire and continue to provide a level of commercial and community services to their rural catchments. Further development of emerging lower intensity activities is commensurate with the scale and amenity of the relevant local catchment, and includes support to primary industries, mining activities and tourism uses.
- (2) Rural industries, workers accommodation and mining infrastructure are accommodated in suitable locations. Any expansion of mining activity in the shire is anticipated to result in positive increases to population. Social, economic and environmental change within affected settlements is to be managed to ensure the long term sustainability of these settlements is protected.
- (3) The *rural activity centres* of Mareeba Shire maintain their relaxed, low density, small town character and lifestyle. Infill development will maintain larger lot sizes than other *activity centres* in the shire in order to retain the rural character and expected levels of amenity. Lower residential densities are also enforced due to a lack of sewerage infrastructure.
- (4) Chillagoe supports significant tourist activity and visitor numbers in addition to servicing its local community.

3.3.11 Element–Rural areas

3.3.11.1 Specific outcomes

- (1) *Rural areas* include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.
- (2) Land in *rural areas* is maintained in economically viable lot sizes, ensuring that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses.
- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the *rural area* in a way which:
 - (a) does not impede or conflict with agricultural activities and production; and
 - (b) does not compromise rural character and scenic qualities; and
 - (c) does not adversely impact on ecological and biodiversity values.
- (4) *Other rural areas* will be largely maintained in their current configuration, only being subdivided where viable holdings are achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in *other rural areas* where appropriately located, serviced and otherwise consistent with the Strategic Framework.
- (6) *Agricultural areas* will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.
- (7) *Rural areas* preserve lands for future uses beyond the life of the planning scheme.

The Material Change of Use component of the development which seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence provides an opportunity to provide accommodation for seasonal workers that are used both in conjunction with the farm on-site and on other farms in the region. This development supports the shires important and every growing primary industry, by providing a facility which can house the workers needed to service the industry. The demand for appropriate purpose-built non-resident workforce accommodation is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

3.7 Economic development

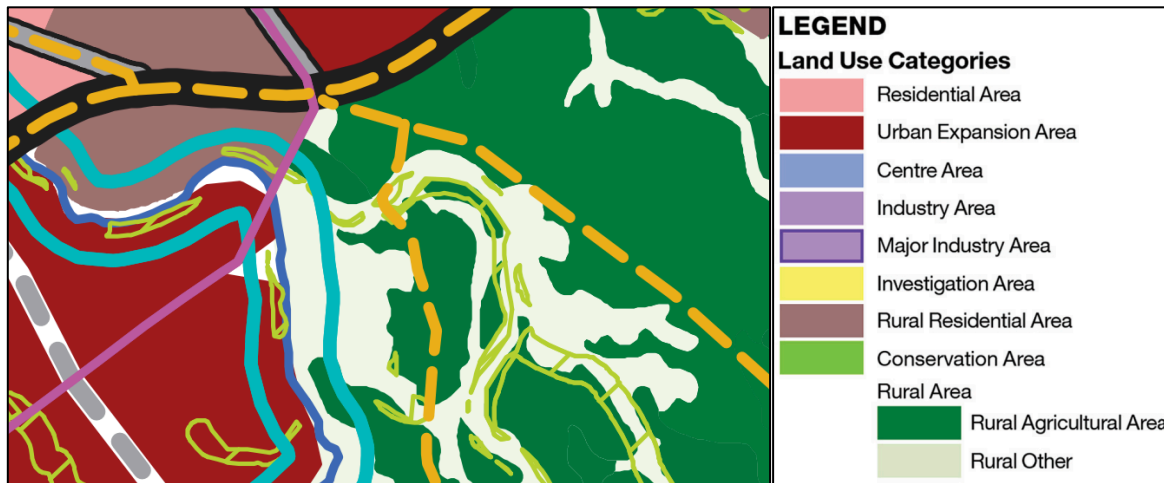
3.7.1 Strategic outcomes

- (1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.
- (2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

- (1) *Agricultural areas* are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.
- (2) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.
- (3) Urban and rural residential development provides a buffer to adjacent *rural areas* in accordance with best practice.
- (4) Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.
- (5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.



The Material Change of Use component of the development which seeks to obtain approvals for a Non-resident Workforce Accommodation for 45 beds and a Caretaker's Residence provides an opportunity to provide accommodation for seasonal workers that are used both in conjunction with the farm on-site and on other farms in the region. The proposed accommodation buildings are located along a ridgeline on the property which would be unsuitable for farming. It appears that it is mapped as 'Rural Other' in the strategic framework mapping extract above. This development supports the shire's important and every growing primary industry, by providing a facility which can house the workers needed to help service the industry. The demand for non-resident workforce accommodation is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quite location for guests that is only 5 minutes' drive from town.

5.2.2 Rural Zone Code

3. *The purpose of the Rural Zone Code is to:*
 - a) *Provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*
 - b) *Provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*
 - c) *Protect or manage significant natural resources and processes to maintain the capacity for primary production.*
4. *Mareeba Shire Council's purpose of the Rural zone code is to recognise the importance of primary productions to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.*

The purpose of the Rural zone code is to:

- j) *Recognise the diversity of rural uses that exists throughout the region;*
- k) *Protect the rural character of the region;*
- l) *Provide facilities for visitors and tourists that are accessible and offer unique experience;*
- m) *Protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;*
- n) *Maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;*
- o) *Provide for a range of uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;*
- p) *Prevent adverse impacts of development on ecological values;*
- q) *Preserve land in large holdings; and*
- r) *Facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.*

The purpose of the Rural zone code will be achieved through the following overall outcomes:

- (a) *Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoided;*
- (b) *The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;*
- (c) *The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;*
- (d) *Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;*
- (e) *Development is reflective of and responsive to the environmental constraints of the land;*
- (f) *Residential and other development is appropriate only where directly associated with the rural nature of the zone;*
- (g) *Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;*
- (h) *The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;*
- (i) *Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;*
- (j) *Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and*
- (k) *Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.*

The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Zone, Accommodations Activities Code and Reconfiguring a Lot Code. Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit on solid planning grounds to justify and support the establishment of a Non-resident Workforce Accommodation facility (45 beds) and a Caretaker's Residence. The facility provides an opportunity to accommodate not only the seasonal workers associated with the farm on-site but also to provide an appropriate accommodation site for the workforce needed by other farms in the region. This development supports the shire's important and every growing primary industry, by providing a facility which can house the workers needed to service the industry. The demand for appropriate purpose-built non-resident workforce accommodation

is currently surpassing supply. The proposal demonstrates that the use is appropriate for the site and the greater rural locality. The subject site is conveniently located close to town being only 5 kilometres from the central business district, with the accommodation facilities positioned in a quiet and secluded pocket of the property surrounded by the orchid and Tinaroo Creek. Accordingly, the site strongly lends itself to be utilised for this type of accommodation as it provides a suitable quiet location for guests that is only 5 minutes' drive from town.

ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
Height		
PO1	AO1.1 & AO1.2	<p>The existing buildings proposed as part of the material change of use (MCU) component for the Non-resident workforce accommodation does exceed the maximum building height of 8.5 metres. The buildings are located on the slope of the site which affects the height of the structures. Additionally, the proposed development achieves compliance with the relevant performance outcome in that it takes into consideration the topography of the site and how it relates to the adjoining allotment of which is currently vacant.</p> <p>Satisfied.</p>
Siting, where not involving a Dwelling House		
PO2	AO2.1	<p>The proposed boundaries and the setbacks to the existing structures will not achieve compliance with the 10m setback prescribed under the Rural Zone.</p> <p>The reconfiguration of the allotments (ROL) will ensure sufficient area and dimensions are provided to accommodate the existing structures and land uses within each newly aligned allotment. Accordingly, the development complies with the relevant performance outcome in that the ROL will not compromise the use of the structures within each section of land.</p> <p>Satisfied.</p>
	AO2.2 & AO2.3	<p>The building and structures are not for a roadside stall. The setback provisions of 10 metres applies from the frontage to a sealed road.</p> <p>The proposed development achieves compliance with the 10m setbacks requirements from Fichera Road.</p> <p>Satisfied.</p>
Accommodation Density		
PO3	AO3.1 & AO3.2	<p>The proposed development exceeds the residential density of one dwelling house per lot on proposed Lot 3. Proposed Lot 3 will meet the density of the two (2) dwellings prescribed under AO3.2, with the proposed caretaker's accommodation located at the front of the allotment.</p>

		<p><i>Additionally, the proposed accommodation activity for the non-resident workforce accommodation respects the nature and density (2.5 persons/ha) of the surrounding land uses and is complementary and subordinate to the rural and natural landscape values of the area. The accommodation activity is not visible from Fichera Road.</i></p> <p>Satisfied.</p>
Site Cover		
PO4	N/A	<p><i>The existing buildings proposed as part of the material change of use (MCU) component for the Non-resident workforce accommodation occupy the site in a manner that makes efficient use of land and does not impact on the rural use of the site or surrounding areas.</i></p> <p>Satisfied.</p>
PO5	N/A	<p><i>Additionally, the proposed accommodation activity for the non-resident workforce accommodation respects the nature and density (2.5 persons/ha) of the surrounding land uses and is complementary and subordinate to the rural and natural landscape values of the area. The accommodation activity is not visible from Fichera Road.</i></p> <p>Satisfied.</p>
Amenity		
PO6 & PO7	N/A	<p>- Noise <i>Noise produced is minimal as the use is for residential purposes. The nearest neighbouring dwelling is approximately 40m and is screened by the shed and landscaping.</i></p> <p>- Hours of operation; <i>The site is used for residential purposes only and does not involve any specific hours of operation that would apply to a business.</i></p> <p>- Traffic; <i>The occupants are picked up and dropped off by small buses. The traffic generated will not impact on the locality. The site has sufficient room onsite for parking.</i></p> <p>- Advertising devices; <i>No advertising devices are utilised onsite.</i></p> <p>- Visual amenity; <i>The accommodation use is adequately screened and is not visible from the Fichera Road frontage.</i></p> <p>- Privacy; <i>See comment on visual amenity</i></p> <p>- Lighting; <i>The site is used for a residential purpose. The nearest neighbouring dwelling is approximately 40m and is screened by the shed and landscaping.</i></p> <p>- Odour; <i>Not applicable</i></p> <p>- Emissions. <i>Not applicable</i></p> <p>Satisfied.</p>

5.2.3 Accommodation Activities Code

- (1) *The purpose of the Accommodation activities is to facilitate the provision of Accommodation activities in appropriate locations throughout the shire.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - a) *Accommodation activities are designed, located and operated to minimise any adverse impacts on the natural environment and amenity of surrounding uses;*
 - b) *Accommodation activities in the Centre Zone are facilitated where they can integrate and enhance the fabric of the centre and are located behind or above commercial development;*
 - c) *Accommodation activities provide a high level of amenity and are reflective of the surrounding character of the area;*
 - d) *Accommodation activities are generally established in accessible, well-connected locations with access or future access to public transport, cycling and pedestrian networks;*
 - e) *Accommodation activities do no compromise the viability of the hierarchy and network of centres, namely:*
 - (i) *Mareeba as a major regional activity centre, which accommodates most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire;*
 - (ii) *Kuranda as a village activity centre, which accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituents surrounding rural and rural residential communities;*
 - (iii) *Chillagoe and Dimbulah as Rural activity centres, which provide commercial and community services to their rural catchments; and*
 - (iv) *Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah as rural villages, that have limited centre activities and other non-residential activities; and*
 - f) *Accommodation activities are responsive to site characteristics and employ best practice industry standards.*

ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
All Accommodation activities, apart from Dwelling House		
PO1	AO1	<p><i>The site contains sufficient area to accommodate the use. The accommodation use is appropriately setback from the main dwelling and associated infrastructure on proposed lot 1 and 2, such that it will not create a nuisance.</i></p> <p><i>The accommodation buildings are orientated and adequately separated from the other buildings and properties along with suitable screening to avoid impacting on the amenity of nearby land uses.</i></p> <p>Satisfied.</p>
All Accommodation activities, apart from Tourist park and Dwelling house		

PO2	AO2.1	<i>The proposed refuse area on proposed lot 1 is located as illustrated on the development plans, and is serviced by the three (3) allocated refuse bin maintained by the caretaker on the property. The refuse bin is located next to the farm machinery shed on proposed lot 1, of which is easily accessible to all patrons, no access issues with the current location. Should the bins fill up before the weekly bin collection, the caretaker takes the rubbish to the dump to empty them as required.</i>
All Accommodation activities, except for Dwelling house		
PO3	AO3	<i>The accommodation buildings are designed to avoid overlooking or loss of privacy for adjoining uses. Any future dwellings on proposed lot 3 will be more than 50 to 60 metres (minimum) away from the proposed accommodation activity and will be buffered by the machinery shed and two (2) rows of mangoes either side of the new boundary which will ensure there are no privacy issues.</i> Satisfied.
PO4	AO4.1 & AO4.2	<i>The accommodation buildings and facilities provided contain covered and open recreation areas (grassed) for the occupants to utilise. In addition to the areas within the complex, the occupants have the liberty to use the balance of the property around the orchard for recreational activities. These activities include mountain bike riding (currently there are 11 bikes on site), team games including volleyball, mini-soccer and bocce played on cement/grass. Lot 1 also provides easy access to running/water trails, swimming and fishing at the various water holes located along Tinaroo Creek.</i> Satisfied.
	AO4.3	<i>Various clothes lines are provided around the accommodation to cater for the occupant's clothes drying needs adjacent to the open space recreation area.</i> Satisfied.
	AO4.4	<i>Not applicable to this development.</i> Satisfied.
If for Caretaker's Accommodation		
PO5	AO5.1 & AO5.2	<i>Not applicable to this development.</i> Satisfied.
If for Dwelling House		
PO6	AO6.1 & AO6.2	<i>Not applicable to this development.</i> Satisfied.
If for Dual Occupancy		
PO7	AO7.1 & AO7.2	<i>Not applicable to this development.</i> Satisfied.
If for Multiple dwelling, Residential care facility or Retirement facility		
PO8	AO8	<i>Not applicable to this development.</i>

		Satisfied.
PO9	AO9.1, AO9.2, AO9.3 & AO9.4	Not applicable to this development. Satisfied.
If for Residential care facility or Retirement facility		
PO10	AO10.1, AO10.2, AO10.3, AO10.4 & AO10.5	Not applicable to this development. Satisfied.
If for Home Based Business		
PO11	AO11.1, AO11.2, AO11.3, AO11.4, AO11.5, AO11.6, AO11.7 & AO11.8	Not applicable to this development. Satisfied.
PO12	AO12.1, AO12.2, AO12.3 & AO12.4	Not applicable to this development. Satisfied.
If for Rural Workers' accommodation		
PO13	AO13.1 & AO13.2	Not applicable to this development. Satisfied.
PO14	AO14.1 & AO14.2	Not applicable to this development. Satisfied.
Rural residential zone		
PO13	N/A	The development and is located in the Rural zone. The development is not creating a rural residential subdivision. Satisfied.
If for Caretaker's Accommodation		
PO15	N/A	The proposed Caretaker's Residence accommodation on site is necessary for the management and operation of both the farm and non-resident workforce accommodation use on-site. The owner of the property lives between Cairns and Mareeba and needs a caretaker to look after the place while they are away. Satisfied.
If for Residential care facility or Retirement facility		
PO16	N/A	Not applicable to this development. Satisfied.
If for Tourist Park		
PO17	N/A	Not applicable to this development. Satisfied.
PO18	AO18.1 & AO18.2	Not applicable to this development. Satisfied.
PO19	AO19.1 & AO19.2	Not applicable to this development.

		Satisfied.
PO20	AO20.1, AO20.2, AO20.3, AO20.4, AO20.5	Not applicable to this development. Satisfied.

5.2.4 Reconfiguring a Lot Code

The purpose of the Reconfiguring a lot code is to ensure that land is:

- (a) arranged in a manner which is consistent with the intended scale and intensity of development within the area;
- (b) provided with access to appropriate movement and open space networks; and
- (c) contributes to housing diversity and accommodates a range of land uses.

The purpose of the code will be achieved through the following overall outcomes:

- (a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;
- (b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.
- (c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;
- (d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;
- (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
- (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
- (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
- (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
- (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
- (j) Land in historical townships is not reconfigured to be used for urban purposes; and
- (k) Residential subdivision and greenfield development is designed to consider and respect:
 - (i) topography;
 - (ii) climate responsive design and solar orientation;
 - (iii) efficient and sustainable infrastructure provision;
 - (iv) environmental values;
 - (v) water sensitive urban design;
 - (vi) good quality agricultural land; and
 - (vii) the character and scale of surrounding development.

ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
Area and frontage of Lots		
PO1	AO1.1	In the rural zone, the minimum acceptable area and frontages are a 400m frontage and an area of 60 hectares.

		<p>Although the existing proposed lot sizes do not meet the minimum design requirements for newly created rural zoned allotments, we are not creating any additional allotments and the results from this realignment of the boundaries will improve the current arrangement on site where the current boundaries are positioned over old existing structures. The development will also consolidate the existing mango farming operation on the larger parcel. As part of this boundary realignment we will also be creating a new internal access easement to provide access to all three (3) allotments internally.</p> <p>Overall this development allows the desired amenity of the zone to be achieved and maintained, and is able to accommodate all buildings, structures and works associated with the intended future land use.</p> <p>Satisfied.</p>
Existing buildings and easements		
PO2	AO2.1	<p>No new lots are to be created.</p> <p>The proposal will support the ongoing operation of the Mango plantation whilst securing and including the accommodation within Lot 1. Proposed Lot 2 will contain another primary dwelling and a large farm shed, while proposed lot 3 is proposed as a vacant allotment.</p> <p>Satisfied.</p>
	AO2.2	<p>The proposed boundaries and the setbacks to the existing structures will not achieve compliance with the 10m setback prescribed under the Rural Zone.</p> <p>The reconfiguration of the allotments (ROL) will ensure sufficient area and dimensions are provided to accommodate the existing structures and land uses within each newly aligned allotment. Accordingly, the development complies with the relevant performance outcome in that the ROL will not compromise the use of the structures within each section of land.</p> <p>Satisfied.</p>
PO3	AO3	<p>The site does not contain existing easements. As part of this boundary realignment we will also be creating a new internal access easement to provide access to all three (3) allotments internally.</p> <p>Satisfied.</p>
Boundary Realignment		
PO4	N/A	<p>Will be complied with.</p> <p>The existing infrastructure connections to proposed lot 1, 2 & 3 will remain unchanged.</p> <p>Access to proposed lots 1, 2 & 3 will be formalised and provided via an access easement into the property from Fichera Road.</p>

		Satisfied.
Access and road network		
PO5	N/A	<p><i>Will be complied with.</i></p> <p><i>The existing infrastructure connections to proposed lot 1, 2 & 3 will remain unchanged.</i></p> <p><i>Access to proposed lots 1, 2 & 3 will be formalised and provided via an access easement into the property from Fichera Road.</i></p> <p>Satisfied.</p>
PO6	AO6	<p><i>Will be complied with.</i></p> <p><i>There is any existing vehicle crossover and driveway off Fichera Road that will be used to service proposed lot 1, 2 & 3 via an access easement. Council in the pre-lodgement advice suggested that the crossover may need to be upgraded as part of this development to ensure it meets the current standards set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</i></p> <p>Currently the access crossover has a Council installed culvert measuring 8.6 metres and is bitumen sealed. Accordingly, no further works is required as it exceeds the requirements specified under the standard drawings S1105E.</p> <p>Satisfied.</p>
PO7	N/A	<p>Not applicable.</p> <p><i>Site is in the rural zone.</i></p>
Rear Lots		
PO8	AO8.1	<p><i>Given the existing layout and configuration of the three (3) allotments, this development will still involve the realignment of one (1) rear lot – Proposed Lot 1. The rear lot is suitably positioned and overlooks Tinaroo Creek and over four (4) hectares of land that forms part of the allotment.</i></p> <p>Satisfied.</p>
	AO8.2	<p><i>Only one (1) rear lot is proposed as part of this development.</i></p> <p>Satisfied.</p>
	AO8.3	<p><i>No access handles are proposed as part of this development.</i></p> <p>Satisfied.</p>
	AO8.4	<p><i>Only one (1) rear lot is proposed as part of this development and is provided in accordance with this provision.</i></p> <p>Satisfied.</p>
	AO8.5	<p><i>Only one (1) rear lot is proposed as part of this development and is provided in accordance with this provision.</i></p> <p>Satisfied.</p>

	AO8.6	Not applicable. <i>Site is in the rural zone.</i>
Crime prevention and community safety		
PO9	N/A	<i>The development is located in the Rural zone. This provision doesn't particularly apply to this type of development within this zone and is more associated with residential lot developments within town.</i> Satisfied.
Pedestrian and cycle movement network		
PO10	N/A	<i>The development is located in the Rural zone. This provision doesn't particularly apply to this type of development within this zone and is more associated with residential lot developments within town.</i> Satisfied.
Public transport network		
PO11	N/A	<i>The development and is located in the Rural zone. The Site does not include public transport corridor or future public transport.</i> Satisfied.
Residential Subdivision		
PO12	N/A	<i>The development and is located in the Rural zone. The development is not creating a residential subdivision.</i> Satisfied.
Rural residential zone		
PO13	N/A	<i>The development and is located in the Rural zone. The development is not creating a rural residential subdivision.</i> Satisfied.
Additional provisions for greenfield development only		
PO14	N/A	Not applicable
PO15	N/A	Not applicable
PO16	N/A	Not applicable
PO17	N/A	Not applicable
PO18	N/A	Not applicable
PO19	N/A	Not applicable
PO20	N/A	Not applicable

5.2.5 Landscaping Code

This code is not addressed in detail given that the site has sufficient landscaped and grassed areas for the occupants to enjoy.

5.2.6 Parking and Access Code

MCU Component:

This code is not addressed in detail as the side has existing access from Fichera Road, of which will be controlled

and condition as part of the ROL component of this development. The accommodation use in accordance with the code triggers the demand for five (5) car parks. The Transport for the workers staying on the premises is provided with five (5) mini buses each containing 12 seats as required by Jobs Australia Enterprises Ltd to transport them to and from the place of work. Parking for five (5) vehicles is provided within the machinery shed. Additional vehicle parking is not required as the workers do not own vehicles. Accordingly, this development complies with the needs and demands associated with the use.

The Caretaker's accommodation has one (1) covered car space and shed for their own personal use.

ROL Component:

The proposal ROL component of this development does not require assessment in terms of car parking demands. As such, this code is not considered applicable to this development in terms of controlling parking demands and requirements as part of a reconfiguration of a lot. However, it is noted that each allotment will contain suitable access to the existing Road Network and will not detrimentally affect nor impact on the functionality of the existing a Road Network.

In light of the pre-lodgement advice received from Council, the existing shared/combined access crossover may need to be upgraded to ensure it complies with relevant FNQROC Standard Drawing S1105e for rural property accesses. **Currently the access crossover has a Council installed culvert measuring 8.6 metres and is bitumen sealed. Accordingly, no further works is required as it exceeds the requirements specified under the standard drawings S1105E.**

5.2.7 Works, Service and Infrastructure Code

MCU Component:

This code is not assessed in detail as the site has existing service and connections to infrastructure already provided in accordance with this code. The services and infrastructure that do need upgrading will be provided as part of the conditions of approval for the ROL Component of this development.

ROL Component:

In terms of the services provided as part of this development, we have proposed the following to be provided as part of this development:

- **Access:** In light of the pre-lodgement advice received from Council, the existing shared/combined access crossover may need to be upgraded to ensure it complies with relevant FNQROC Standard Drawing S1105e for rural property accesses. **Response:** Currently the access crossover has a Council installed culvert measuring 8.6 metres and it is bitumen sealed;
- **Access Easement:** In light of the pre-lodgement advice received from Council, we expect that a condition of approval will require the shared access easement area to be sealed to remove any impacts associated with dust;
- **Water:** All proposed allotments and infrastructure will be contained within each new allotment. Each allotment has Riparian access to the water from Tinaroo creek and will also provide water tanks for additional water storage near the dwelling at the time of building approval for a dwelling;
- **Sewerage:** Existing on-site sewerage systems are located within proposed lots 1 and 2 to service the existing dwellings and buildings provided on-site. A condition of approval will require the system on proposed lot 1 to require and Environmentally Relevant Activity (ERA) approval and license for the systems as the property will generate waste over 21 equivalent persons (EP). A new on-site effluent disposal system will have more than adequate area on proposed lot 3 and will be provided as part of subsequent development application for building and plumbing works. A condition of approval on this development

will specify this requirement;

- **Power:** Proposed lot 1, 2 and 3 all have existing connections to power, and power to lot 1 can be readily made available from the existing power infrastructure;
- **Telecommunications:** Not considered applicable to this development as it is within the rural zone and there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.

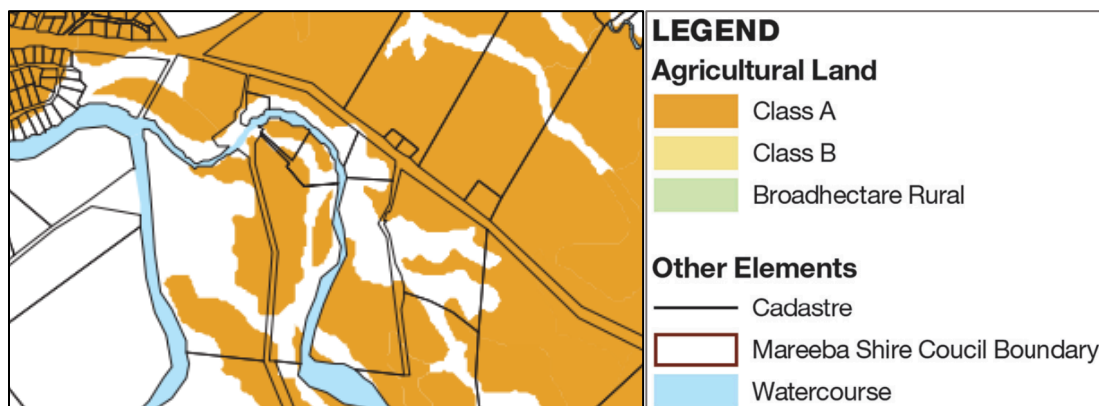
Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit based on sound planning grounds that justify and support the realignment of the boundaries and creation of the access easement. It is considered that the proposed Reconfiguration of a lot development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

5.2.8 Agricultural Land Overlay Code

The purpose of the Agricultural land overlay code is to protect or manage important agricultural areas, resources, and processes which contribute to the shire's capacity for primary production.

The purpose of the code will be achieved through the following overall outcomes:

- The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:*
 - an overriding need exists for the development in terms of public benefit,*
 - no suitable alternative site exists; and*
 - the fragmentation or reduced production potential of agricultural land is minimised;*
- 'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;*
- Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and*
- Land with the 'Broadhectare rural' area is maintained in its current configuration.*



The proposed ROL & MCU are located in a section of the property that is mapped as containing some 'Class A - Agricultural Land'. As noted previously, the buildings used as part of the MCU component already exist on the property and are located on the northern fringe of the agricultural land mapped. This area utilised as part of the development does not impact on the property's potential for primary production. In summary, this development

provides a consolidated outcome to improve the economic viability and continued farming of the existing operation on proposed lot 3. Accordingly, it is considered that this development achieves compliance with the purpose outcomes sought under the Agricultural Land Overlay Code.

5.2.9 Airport Environs Overlay Code

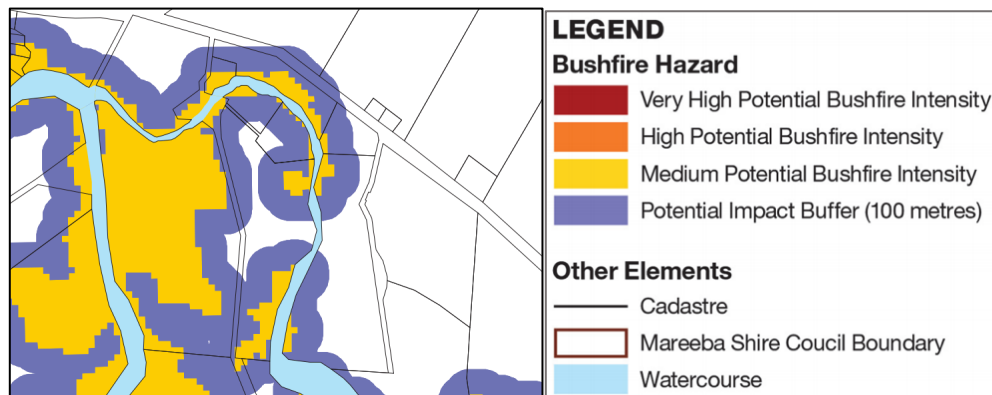
The site is within the 8kms buffer of the Mareeba Airport, on the Bird and Bat Strike Zones overlay mapping. The height of the existing buildings and structures on-site will not impact or interfere with the safe movement of aircraft. structures are proposed as part of the development. It is considered that the proposed development achieves the outcomes sought under Airports Environs Overlay Code and will in no way impact on the current and ongoing operations of the established airport infrastructure in Mareeba.

5.2.10 Bushfire Hazard Overlay Code

The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.

The purpose of the code will be achieved through the following overall outcomes:

- (a) *Development in a Bushfire hazard area is compatible with the nature of the hazard;*
- (b) *The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;*
- (c) *Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and*
- (d) *Appropriate infrastructure is available to emergency services in the event of a bushfire.*



The subject land is mapped as containing areas of 'medium' potential bushfire hazard intensity mapping, however is predominantly mapped as being located within the 'Potential Impact Buffer (100 metres)'. The hazard mapping strongly correlates with the riparian areas along Tinaroo Creek. The existing infrastructure within proposed lots 1 & 2 are located outside the 'potential impact buffer' and therefore this code does not apply to those allotments. Proposed Lot 3 is vacant and will be able to more than adequately accommodate a dwelling outside of the potential impact buffer as well. Additionally, the area where the infrastructures is located on each proposed lot is located well away from Tinaroo Creek which is mapped as the fire-source.

Additional fire safety provisions include the following:

- Rural farming property which has a total interconnected water storage holding capacity of 241,000 litres of which 54,000 litres is reserved for emergency supply;

- Two fire-fighting trailers, one with a 2,500litre holding capacity and the other with a 2,000 litre holding capacity;
- Two quick response units:
 - a) 4WD Nissan Patrol ute capable of transporting 400 litres skid mounted fire-fighting unit with 200 metre hose reel;
 - b) 4WD ATV capable of transporting personnel and 100 litres spot firefighting unit; and
- Fire safety management plans and evacuation practice drills currently exist for the accommodation buildings.

The appropriate water source contains sufficient storage of water for Firefighting Supply and will be provided with the appropriate connections where required. Lastly, both properties will be maintained by the landowners to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. Accordingly, it is considered that this development achieves compliance with the outcomes sought under the Bushfire Hazard Overlay Code.

5.2.11 Environmental Significance Overlay Code

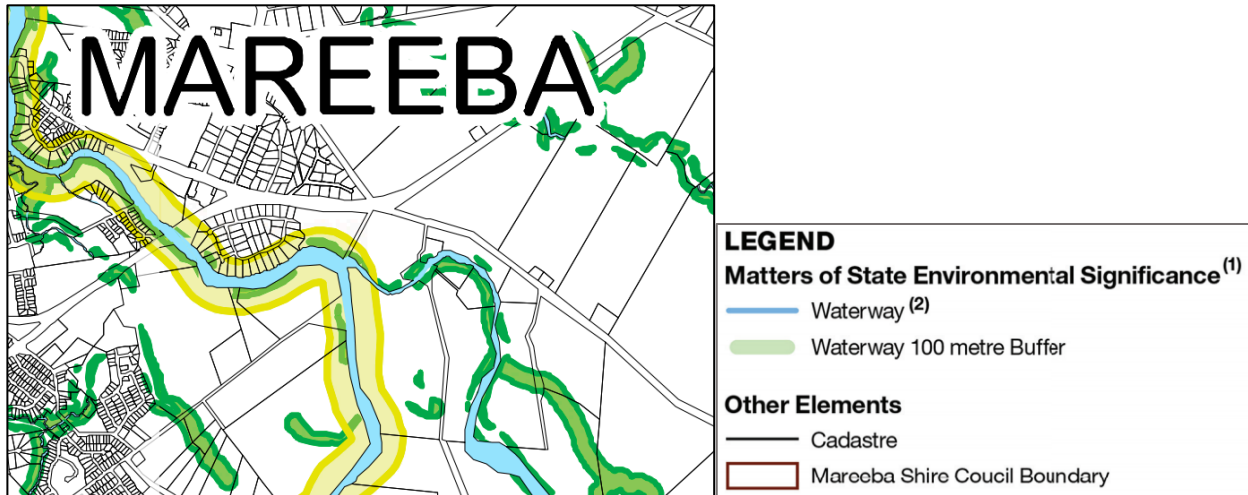
The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

The Environmental significance overlay code ensures that:

- (a) *waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) *the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.*

The purpose of the code will be achieved through the following overall outcomes:

- (a) *the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;*
- (b) *the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;*
- (c) *development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;*
- (d) *areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;*
- (e) *development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;*
- (f) *development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and*
- (g) *riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.*



The site is Mapped as containing Regulated Vegetation, a Waterway and a Waterway Buffer on the Environmental Significance Overlay Mapping. The areas mapped under this overlay are reflected in the state vegetation mapping, which relate to the areas along Tinaroo Creek which should be protected. The development does not trigger referral for vegetation clearing as confirmed through the pre-lodgement advice request process. In terms of the new allotments and the proposed MCU for the existing buildings on-site, the proposed development area is outside of the areas mapped as protected, therefore we consider that no further assessment of this development is required against the Environmental Significance Overlay Code.

5.2.12 Flood Hazard Overlay Code

The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas identified on the Flood hazard overlay maps (OM-006ao) so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.

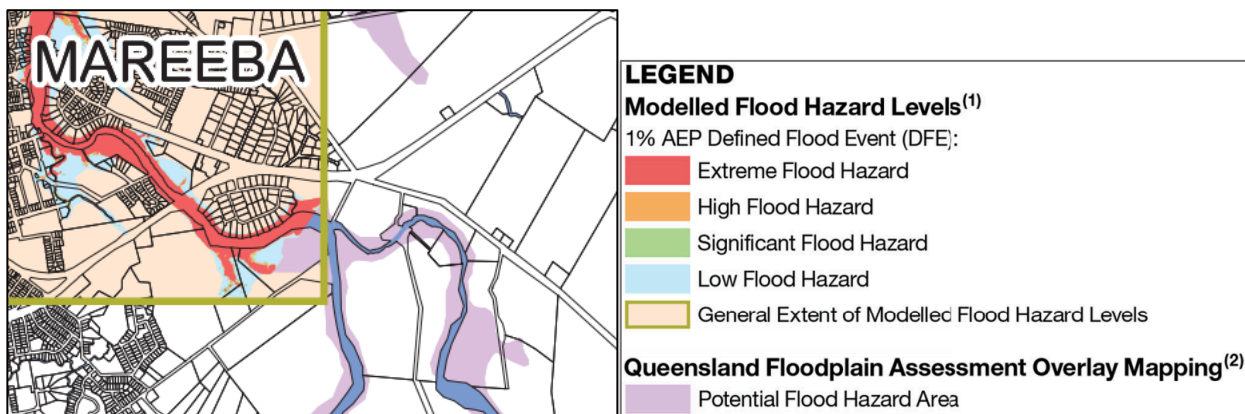
The purpose of the code will be achieved through the following overall outcomes:

- (a) *Development in the 'Extreme flood hazard area':*
 - i. *maintains and enhances the hydrological function of the land;*
 - ii. *does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
 - iii. *is limited to:*
 - A. *flood proofed Sport and recreation activities;*
 - B. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
 - C. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
 - D. *conservation and natural area management; and*
 - E. *replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined flood level and include freeboard;*

Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.

- (b) *Development in the 'High flood hazard area':*
- i. *maintains the hydrological function of the land;*
 - ii. *does not involve filling (earthworks) or changes to the existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
 - iii. *is limited to:*
 - A. *flood proofed Sport and recreation activities and Club uses;*
 - B. *Non-resident workforce accommodation, Relocatable home park, Resort complex, Rooming accommodation, Short term accommodation and Tourist park uses where these uses comprise permanent on-site management and a flood evacuation management plan ensures the health and safety of persons during a flood event;*
 - C. *a Dwelling house only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone or where for minor intensification of existing Dwelling houses;*
 - D. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
 - E. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
 - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
 - G. *conservation and natural area management; and*
 - H. *replacement of existing lawful development; Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*
 - iv. *protects surrounding land and land uses from increased flood hazard impacts;*
 - v. *elevates habitable rooms for all accommodation activities (including where for minor building work) above the defined flood level, including freeboard.*
- (c) *Development in the 'Significant flood hazard area':*
- i. *minimises risk to life and property from flood events;*
 - ii. *involves changes to the existing landform and drainage lines in this area only where detrimental impacts to the flood hazard risk of surrounding areas is avoided;*
 - iii. *is limited to:*
 - A. *Sport and recreation activities;*
 - B. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
 - C. *Rural activities;*
 - D. *Accommodation activities, excluding Residential care facility and Retirement facility;*
 - E. *flood proofed Community activities, excluding Child care centre, Hospital and Community use where a flood emergency evacuation plan ensures the safety of people during a flood event;*
 - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
 - G. *conservation and natural area management;*
 - iv. *locates habitable rooms for all accommodation activities above the defined flood level, including freeboard; and*
 - v. *locates the minimum floor level for all buildings other than accommodation activities, industrial activities and business activities above the defined flood level.*

- (d) *Development in the 'Low flood hazard area':*
 - i. *minimises risk to life and property from flood events;*
 - ii. *locates habitable rooms for all Accommodation activities above the defined flood level, including freeboard; and*
 - iii. *locates the minimum floor level for all buildings other than Accommodation activities above the defined flood level, including freeboard.*
- (e) *Development in the 'Potential flood hazard area':*
 - i. *maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property;*
 - ii. *does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain;*
 - iii. *locates habitable rooms for all Accommodation activities above a 1% Annual Exceedance Probability (AEP), including freeboard; and*
 - iv. *locates the minimum floor level for all building work other than Accommodation activities above the 1% AEP flood level, including freeboard.*



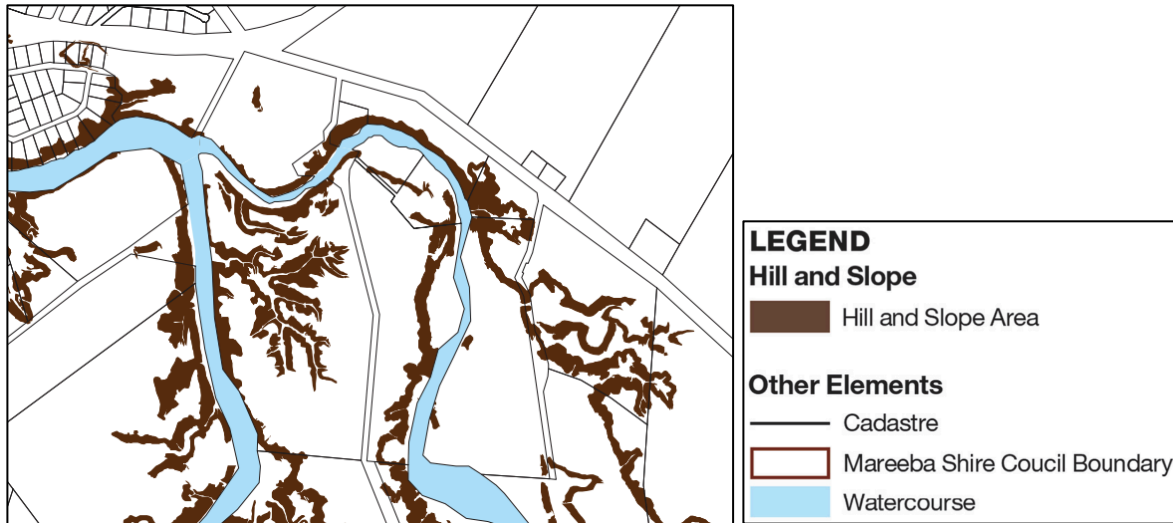
The subject land is mapped as having a 'Potential Flood Hazard' within the relevant flood mapping model completed. The hazard mapping strongly correlates with the riparian area along Tinaroo Creek. The existing infrastructure within proposed lots 1 & 2 are located well outside the 'potential flood hazard area' and therefore this code does not apply to those allotments. Proposed Lot 3 is vacant and will be able to more than adequately accommodate a dwelling outside of the potential flood hazard area as well. It is considered that the proposed development complies with the Flood Hazard Overlay Code requirements and no further assessment is required.

5.2.13 Hill and Slope Code

The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.

The purpose of the code will be achieved through the following overall outcomes:

- (a) *Development is located to avoid sloping land where practical; and*
- (b) *Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.*



The building proposed to be utilised as part of this development in the non-resident workforce accommodation facility and the caretaker's residence are within existing buildings constructed on-site. In relation to the hill and slope area mapped on the property, the buildings are all located outside of the mapped areas of concern. As such, the development meets the requirements of this code and no further assessment is required

5.3 State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The SDAP identifies the matters of interest – where relevant they have been addressed by heading in this section. Where the State is a referral agency for a development application under the provisions, the state code applies.

In this instance, the proposed development does not trigger any referrals and therefore does not require an assessment against any SDAP Codes.

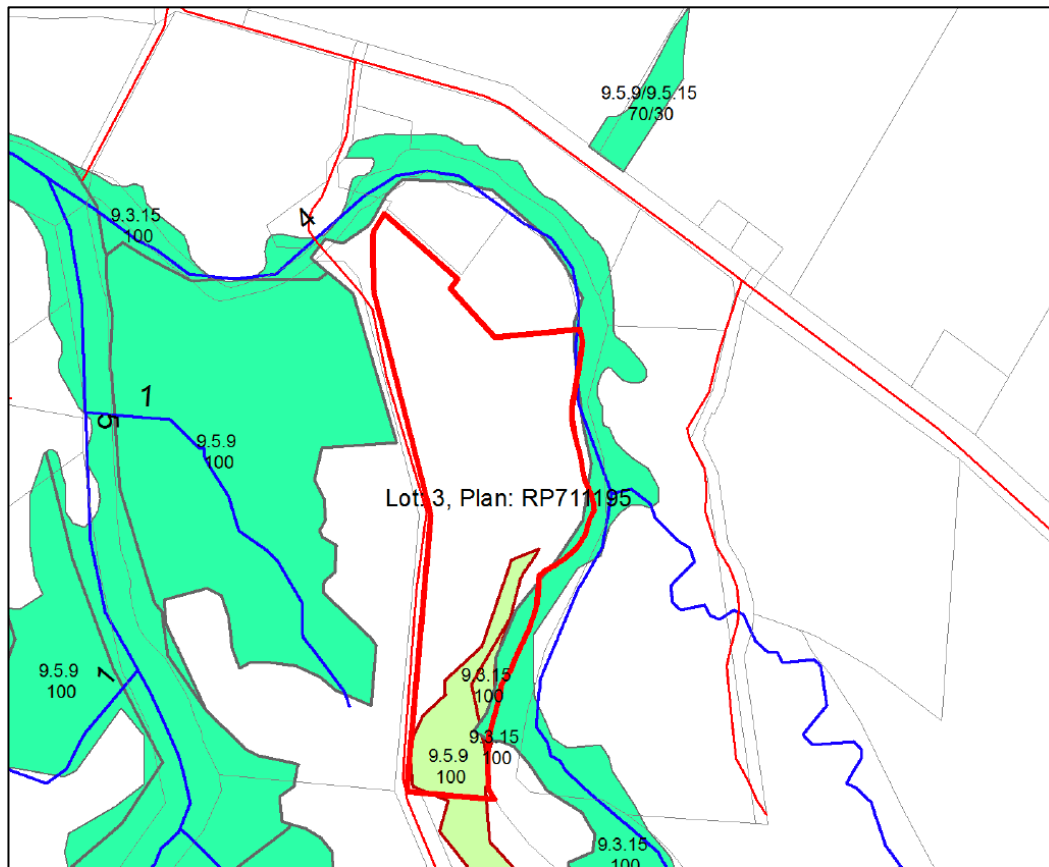


Figure 6: Mapping Layers for matters of state interest

5.3.1 Clearing Native Vegetation

The department has carried out a review of the information provided and the impacts of the proposal. The subject site includes areas mapped as Category B (least concern regional ecosystem) and Category R, Category C and Category X on the Regulated Vegetation Management Map. The proposed development shown in *Appendix 3* does not trigger referral agency assessment under the Planning Regulation 2019 for native vegetation clearing. The proposed development does not result in clearing native vegetation or create exemptions to clear in the area mapped as Category B. The relevant SARA pre-lodgement advice request response is provided in **Appendix 4**.

5.4 Far North Regional Plan 2009-2031

The site is located within the 'Regional Landscape and Rural Production Area Regional Land Use Category of the Far North Queensland 2009-2031 (see also Attachment 3). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009- 2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.0 CONCLUSION


It is considered that the proposed development being for a Combined Reconfiguration of the allotment (realignment of boundaries and access easement) and Material Change of Use (non-resident workforce accommodation & caretaker's residence) at 49 Fichera Road, Mareeba consist of two (2) appropriate developments for the site. The proposed use will complement and strengthen the established land uses within the area and will result in a good land use outcome for the site and the locality. The proposal constitutes a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. This is based on the following characteristics of the proposal:

- The proposal reflects an appropriate land use outcome for the site given its zoning, location and surrounding land uses;
- The proposal is consistent with the Strategic Framework for the planning scheme;
- The proposal is consistent with the desired character and land use outcomes for the Rural zone;
- The proposal meets the solutions prescribed by all relevant planning scheme codes and policies;
- The proposal meets the solutions prescribed by all relevant State level planning policies.

The applicant strongly believes that an assessment of the common material forming part of this development application in accordance with the decision-making rules established under the Planning Act will result in the approval of the development application and the issuing of a development permit subject to reasonable and relevant conditions.

The proposal is consistent with the "Purpose" of the Rural Zone, Accommodation Activities Code & Reconfiguring a Lot Code and the applicable State level policy. The proposal constitutes works and a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. The conclusion of this report is that all the requirements set by the assessment benchmarks can be met and that the strategic level policy outcomes sought by the planning scheme for the site and locality are already achieved and where necessary can be achieved. The common material provided as part of this development application contains sufficient justification to establish compliance with the assessment benchmarks. It is the applicant's opinion that the development application contains sufficient and strong justification to warrant approval subject to reasonable, practical and relevant conditions.

We request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice for the development. If you have any queries, please do not hesitate to contact our office on 0411 344 110.



Ramon Samanes, MPIA

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

APPENDIX 1: DEVELOPMENT APPLICATION FORMS 1

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) (individual or company full name)	Ross Patane c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes, Director
Postal address (P.O. Box or street address)	PO Box 430
Suburb	Earlville
State	QLD
Postcode	4870
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	ramon@uitownplan.com.au
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	n/a
Applicant's reference number(s) (if applicable)	M3-19

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
		49	Fichera Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	1, 2 & 3	RP711195	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? *(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 Non-Resident Workforce Accommodation (45 beds) & Caretaker's Residence

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):*

Reconfiguration of a Lot – Boundary Realignment & Access Easement

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 checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Workers Accommodation	Non-resident Workforce Accommodation	45 beds	n/a
	Caretaker's Residence	3 bedroom home	n/a

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

<input type="checkbox"/> Yes it does		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?

Three (3) Allotments

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input checked="" 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:
				Rural Lifestyle Allotments

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
- ☒ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 1	3.245 hectares	Proposed Lot 1	4.08 hectares
Lot 2	2.039 hectares	Proposed Lot 2	3.31 hectares
Lot 3	20.973 hectares	Proposed Lot 3	18.80 hectares

12.2) What is the reason for the boundary realignment?

Rectify issues on-site with buildings located over boundaries and formalise legal point of access to all 3 allotments.

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
Proposed Access Easement	~20m	~15m	Shared Access Easement	Lots 1 & 2 (benefited) Lot 3 (Burdened)

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: | | |

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*)
- ☐ 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*)

<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 <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)

- ☐ 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 – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

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

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

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

Hazardous chemical facilities

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

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

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

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

☒ No

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

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

Environmental offsets

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

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

☒ No

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

Koala 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
☒ No

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

Quarry materials from land under tidal waters

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

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

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

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ No

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

Tidal work or development within a coastal management district

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

- ☐ Yes – the following is included with this development application:
☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
☐ A certificate of title
☒ No

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

Queensland and local heritage places

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

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

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

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

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

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<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.</p> <p>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

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	

APPENDIX 2: OWNER'S CONSENT

CLIENT ACCEPTANCE FORM / OWNER'S CONSENT

(TO BE COMPLETED AND RETURNED)

PROJECT:	Combined Material Change of Use – Non-Resident Workforce Accommodation (45 beds) & Caretaker's Residence Reconfiguration of a Lot – Boundary Realignment & Access Easement
PROJECT ADDRESS:	49 FICHERA ROAD, MAREEBA (LOTS 1, 2 & 3 ON RP711195)

Client Details

Client:	ROSS PATANE (enter client name) (primary contact)
Invoice Address:	PO BOX 430 (enter invoice address) EARLVILLE QLD 4870
Phone:	0412070360 (enter client phone)
Email:	merrylross@internode.on.net (enter client email)
Accounts Contact:	AS ABOVE (enter accounts email & phone)

Landowner Details

Landowner Name/s:	ROSARIO SALVATORE PATANE (enter landowner name/s) MERRYL ANNE PATANE As shown on rates notice
Address:	49 FICHERA ROAD (enter address) MAREEBA QLD 4880
All Owners Signatures:	M. Patane (signatures from all R. Patane landowners & Dated)

I / we, the party named below (the Client), confirm the commission of R&A Samanes Pty Ltd t/a U&i Town Plan (the Consultant), in relation to the project referenced above and accept all terms and conditions of the Quote and in particular confirm responsibility for payment of fees generated by this commission and payable to the Consultant strictly prior to lodgement of the Application and in other cases within 7 days of the date of invoice.

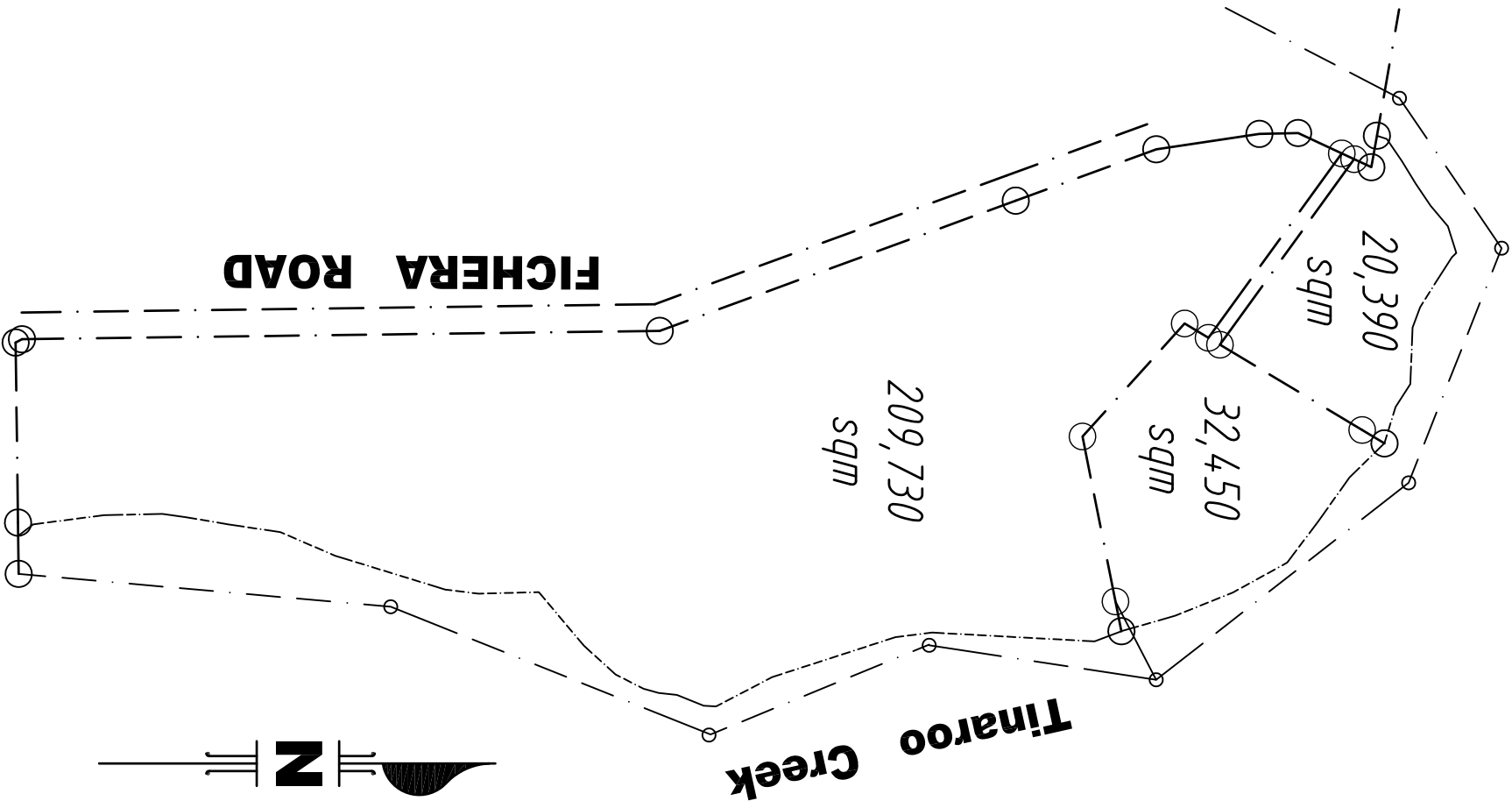
Signed: 

Name: ROSS PATANE

Date: 28/3/2019

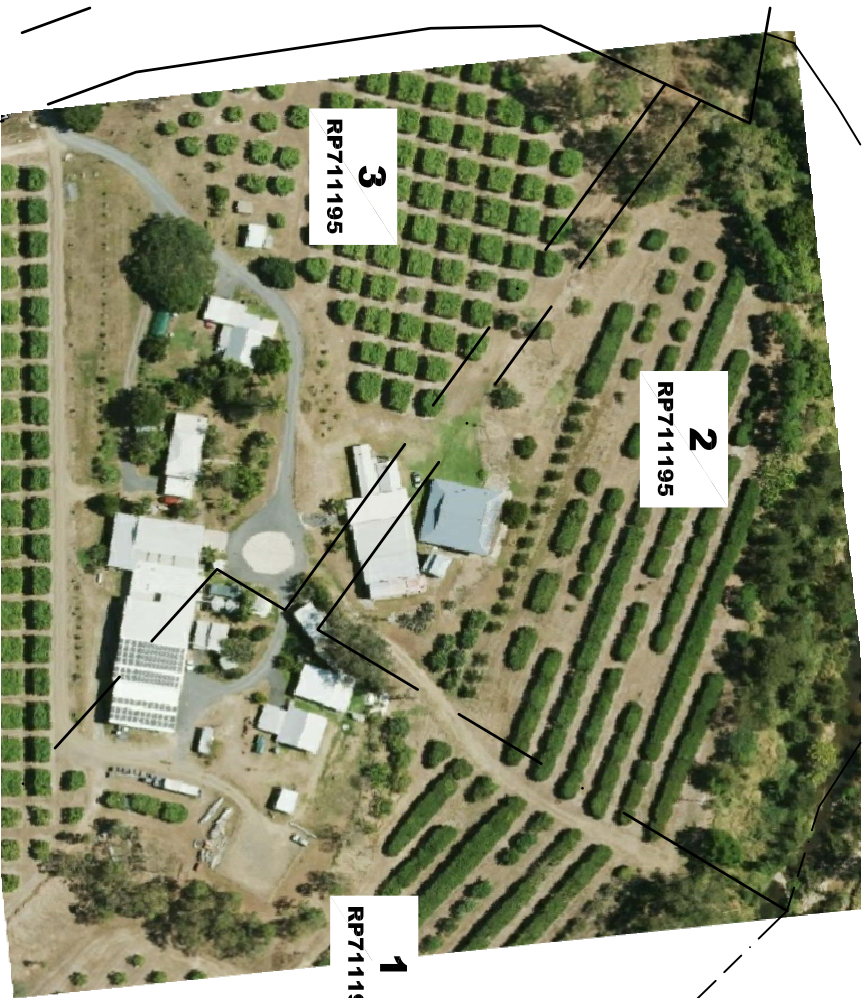
Please complete, sign and return this page only to: ramon@uitownplan.com.au

APPENDIX 3: DEVELOPMENT PLANS

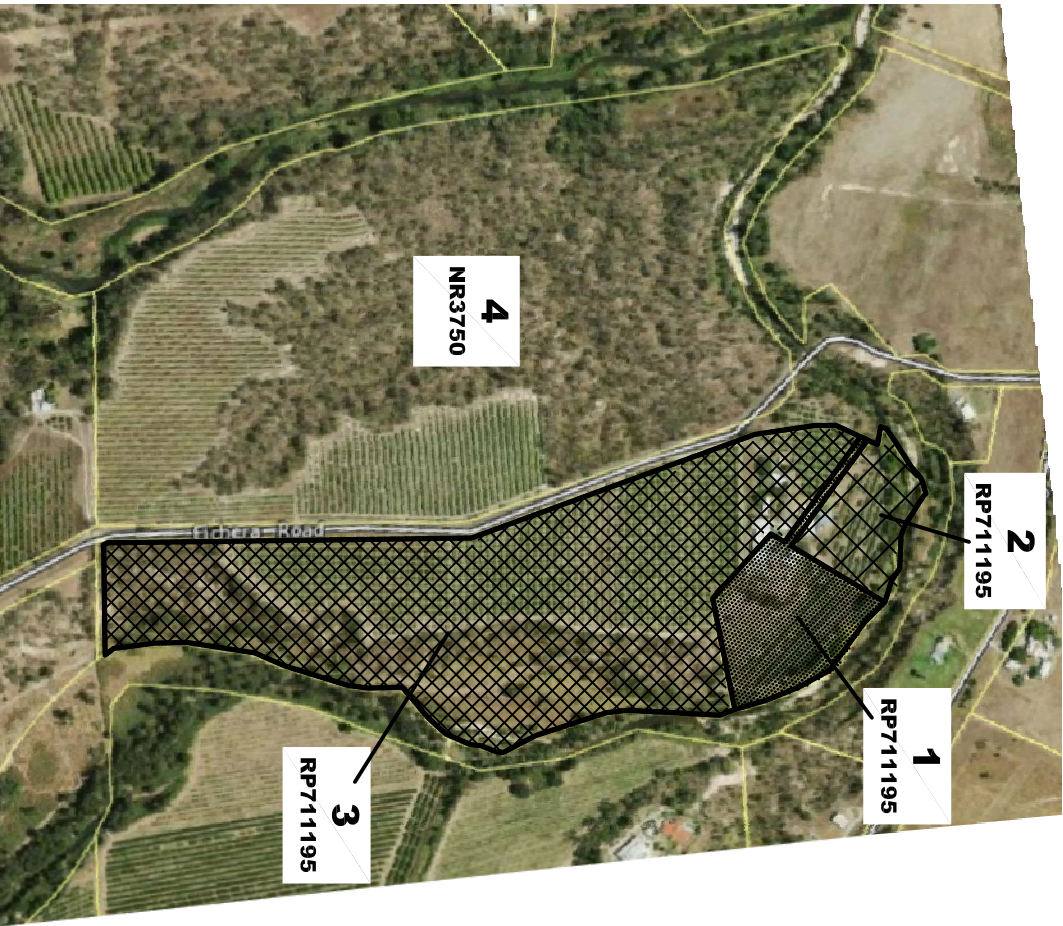


existing SITE PLAN
PROPERTY BOUNDARIES
(SCALE 1:5,000 ON A3)

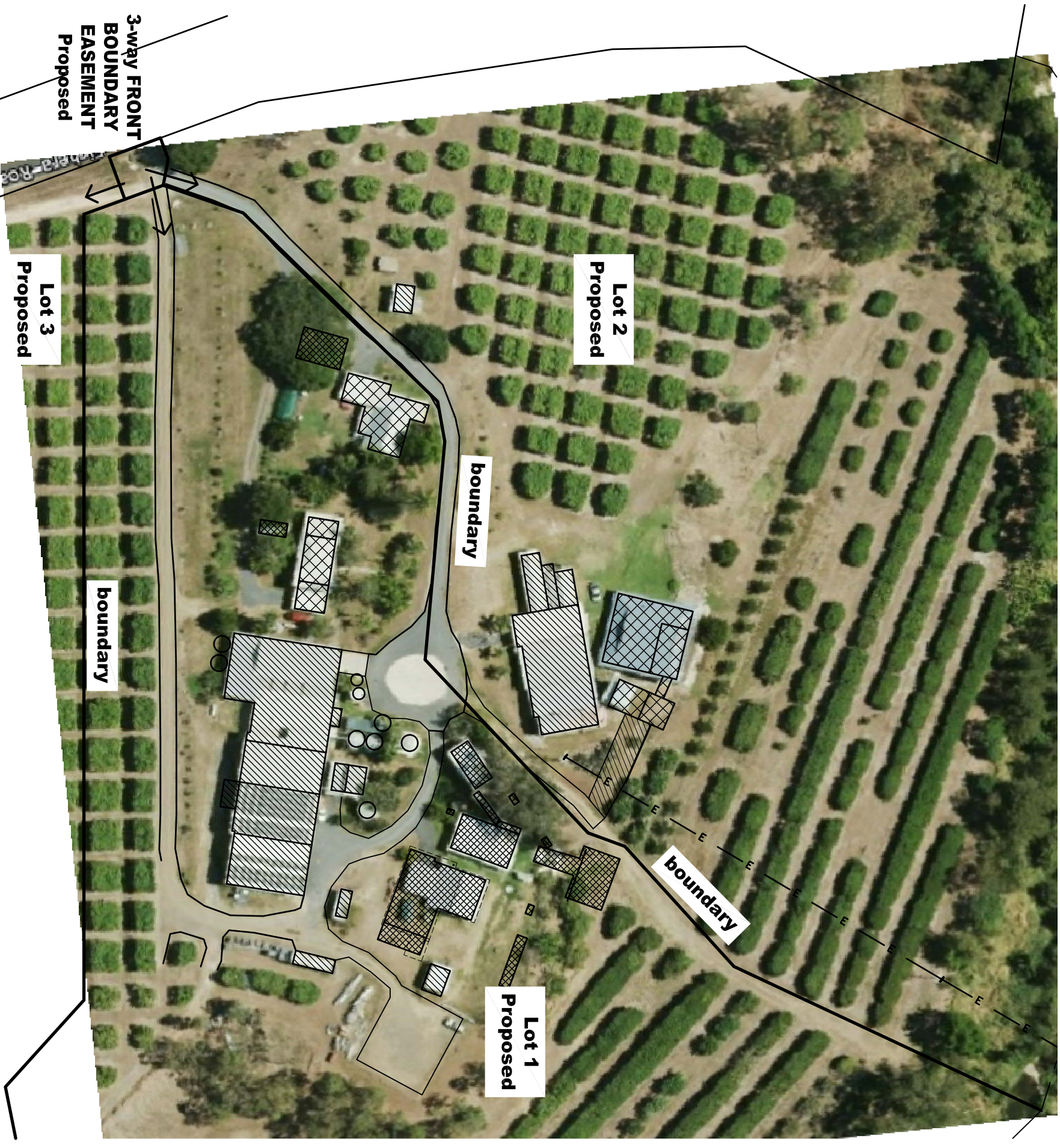
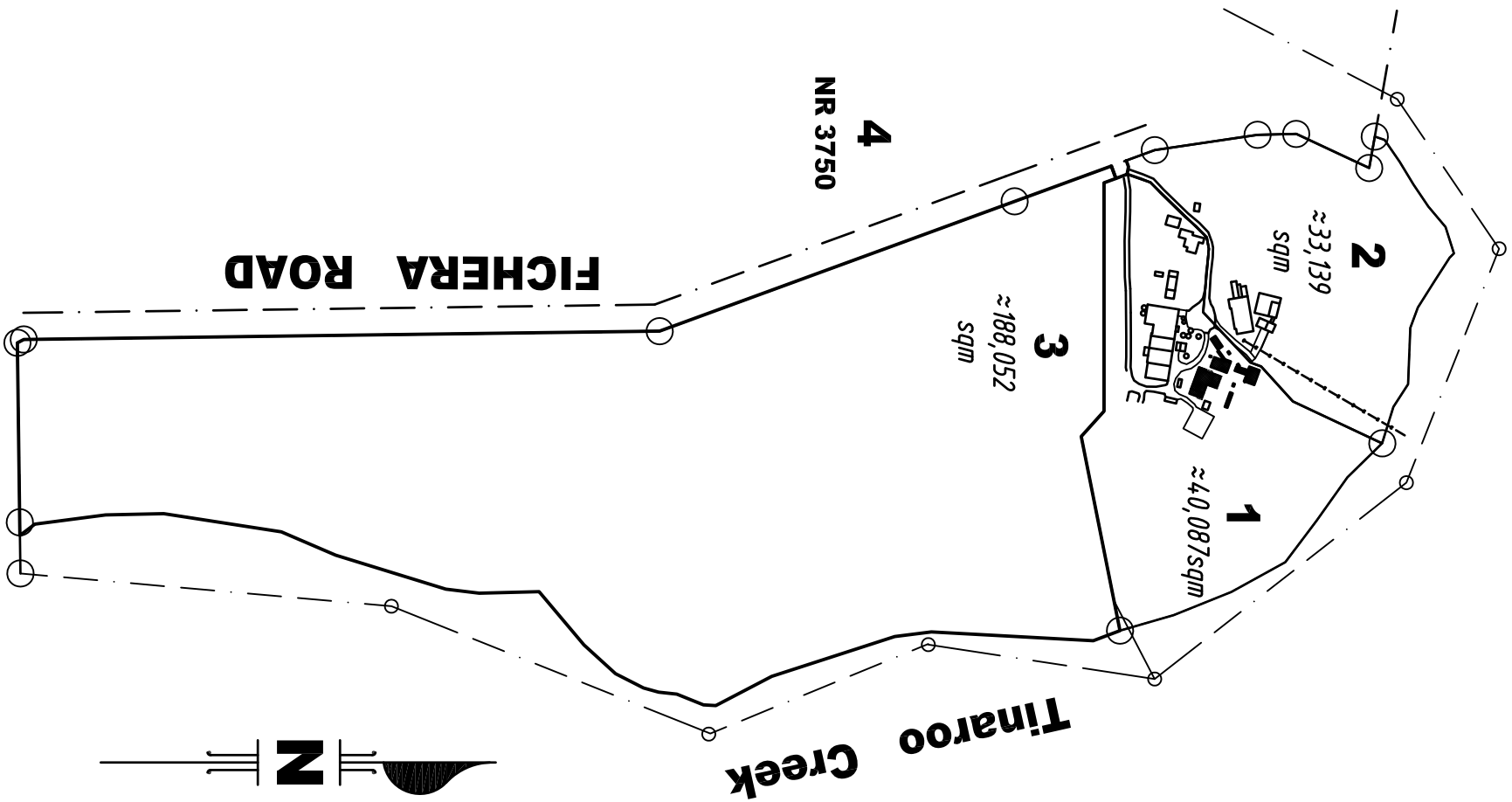
existing SITE
AERIAL VIEW
CURRENT QLD GLOBE
EXTRACT
(approx. 1:10,000 ON A3)



existing BUILDINGS
AERIAL VIEW
CURRENT QLD GLOBE EXTRACT
(approx. 1:2,000 ON A3)



phone: 04/28 294 235 EDMONTON 4869. QUEENSLAND	
Associate Diploma	
GREGORY G TERZI	
Building Design & Drafting	
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT:	DATE: NOV 2018
49 FICHERA RD	SCALE: AS SHOWN ON 'A3' SHEET
MAREEBA	DRAWING TITLE:
4880	<i>existing SITE PLANS</i>
-RURAL-	
PROPERTY BOUNDARIES	JOB NO. SHEET No. ISSUE
RE-ALIGNMENT	0527 DA 01 A



PROJECT:		DATE:	NOV 2018
49 FICHERA RD		SCALE:	AS SHOWN ON 'A3' SHEET
MAREEBA		DRAWING TITLE:	
4880			
-RURAL- PROPERTY BOUNDARIES		JOB NO.	0527
RE-ALIGNMENT		SHEET No.	DA 02
		ISSUE	D

phone: 0428 294 235	EDMONTON 4869.	QUEENSLAND
Associate Diploma		
Gregory G Terzi Architectural Technology		
Building Design & Drafting		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		

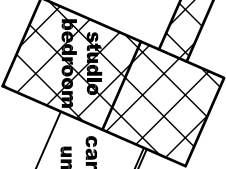
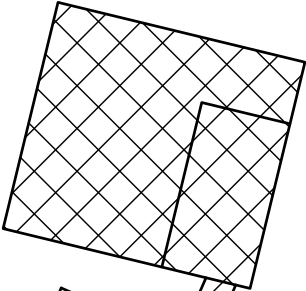
EXISTING BUILDINGS

IDENTIFICATION PLAN

(SCALE 1:500 ON A3)

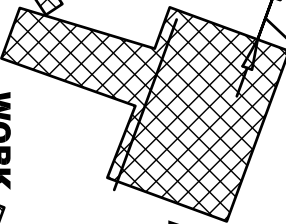
LOT 2

Lot-2
PRIMARY RES.
(single level with open storage under)



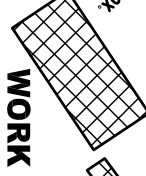
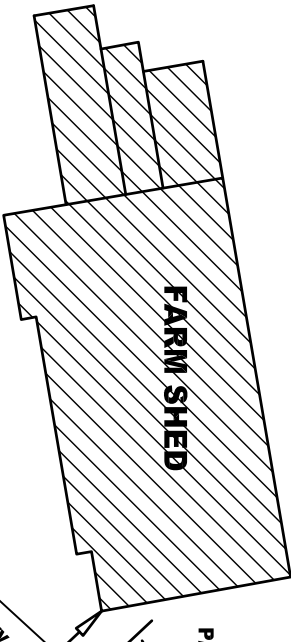
approx. 3000

WORK ACCOM. BLD-3
(2-storey)

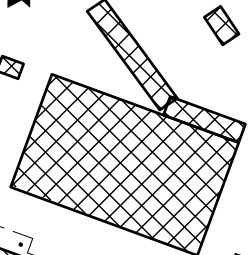


Pipeline

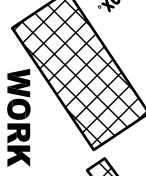
approx. 1359



WORK ACCOM. BLD-2
(1-storey)



WORK ACCOM. BLD-1
(1-storey)

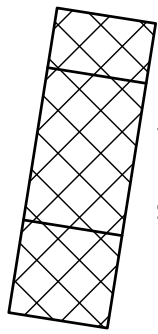


REFUSE

W-TANKS

ABLUTIONS for BLD-1 ACCOM.

Lot-1
PRIMARY RES.
(2-storey)

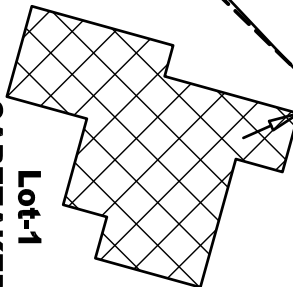


CARPORT

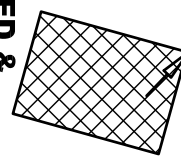


SHED

Lot-1
CARETAKERS RES.
(single storey)



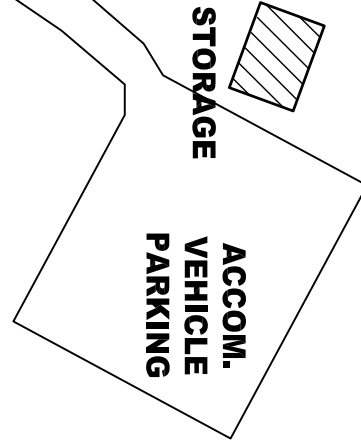
SHED & CARPORT



SHED

LOT 1

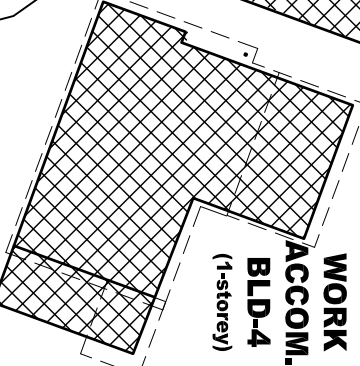
ACCOM. VEHICLE PARKING



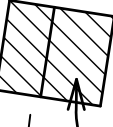
STORAGE



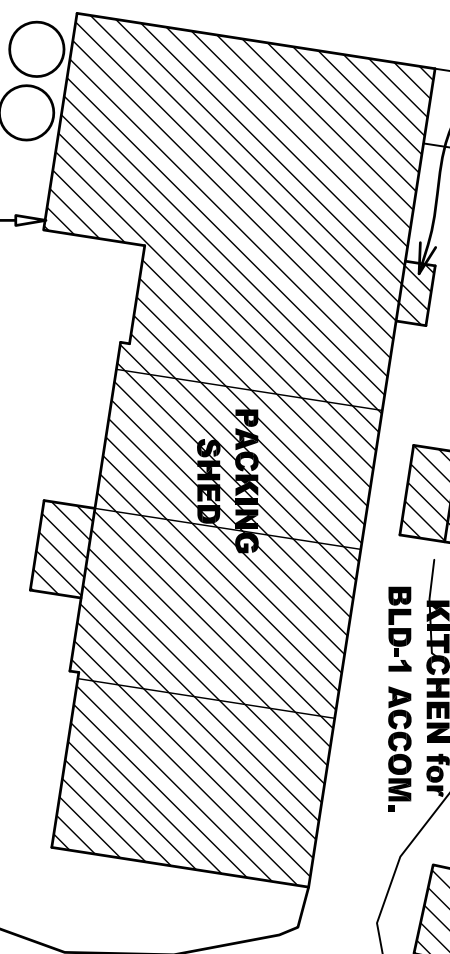
WORK ACCOM. BLD-4
(1-storey)



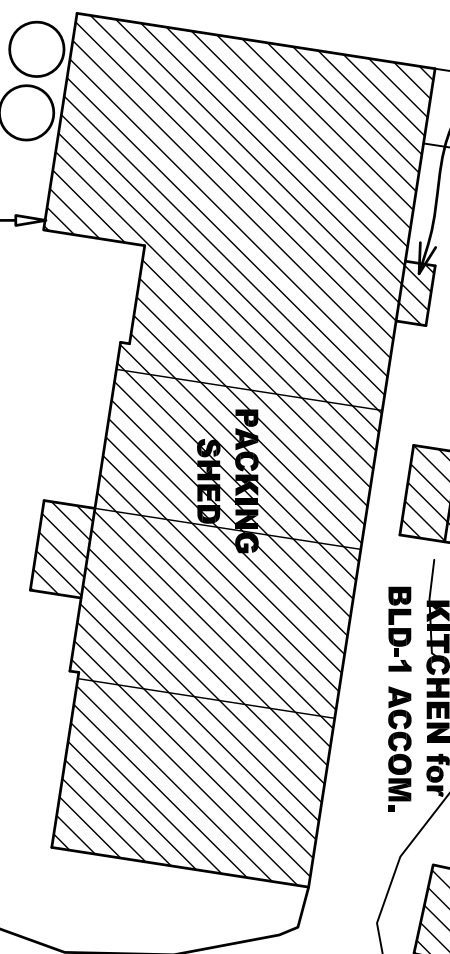
STORAGE



KITCHEN for BLD-1 ACCOM.

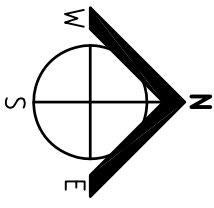


PACKING SHED



PACKING SHED

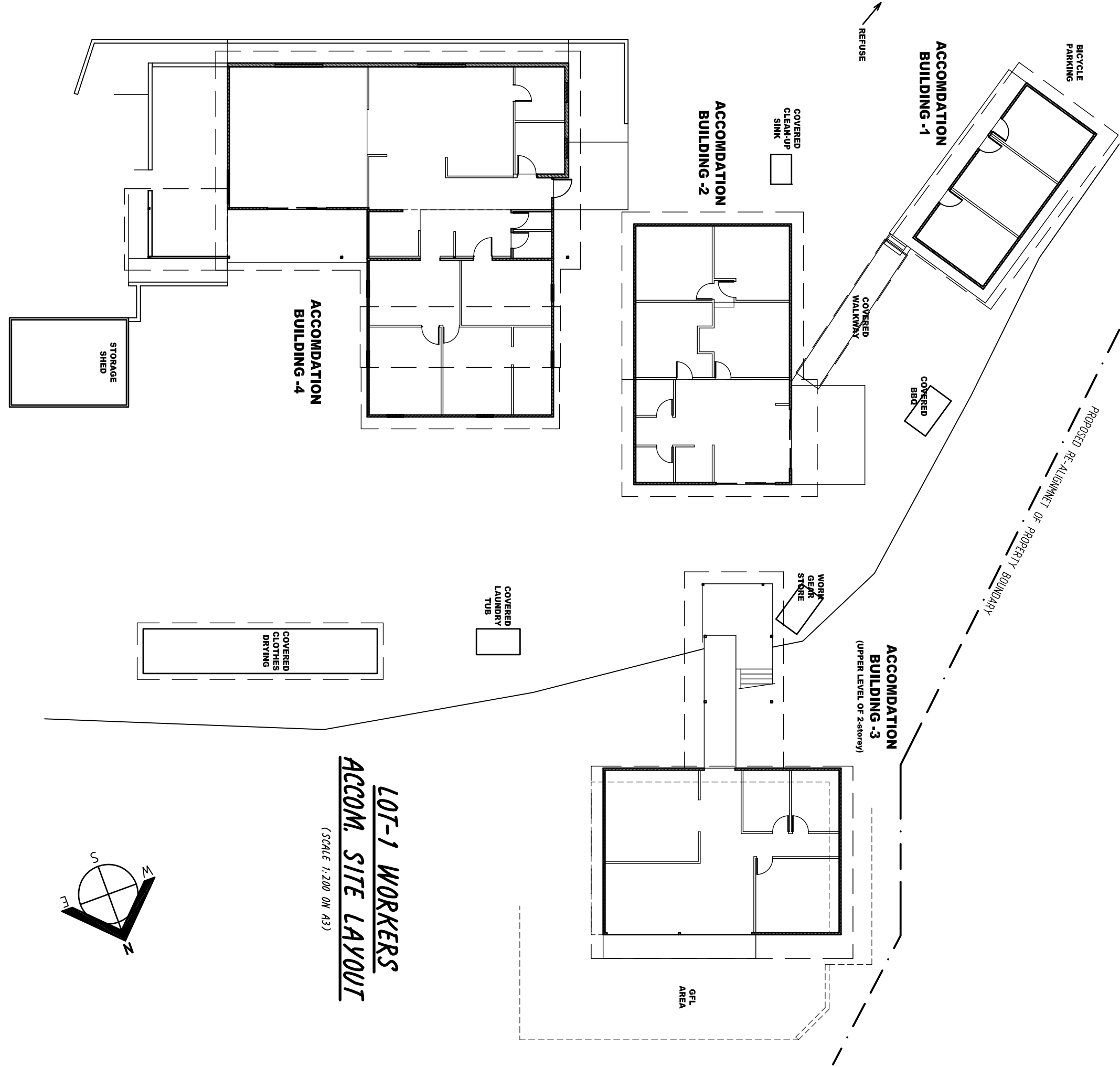
FUELS STORAGE



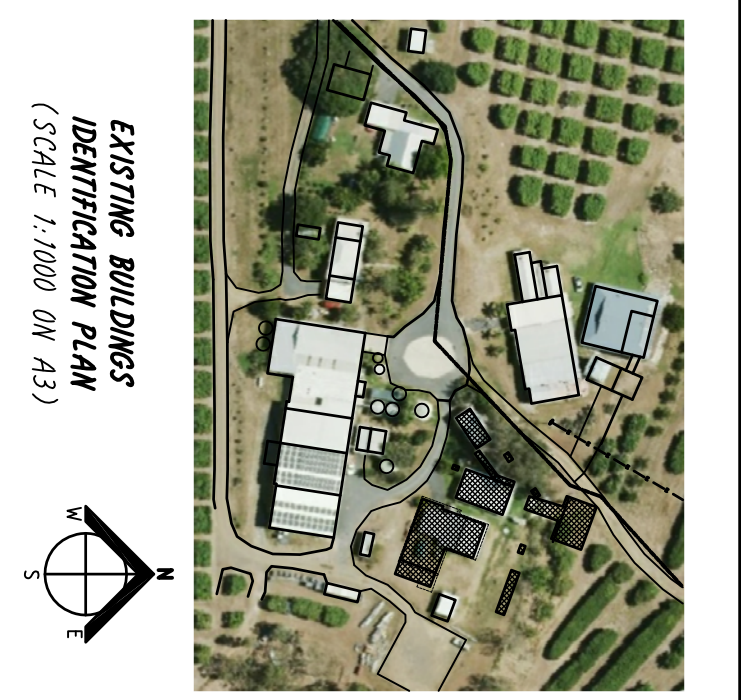
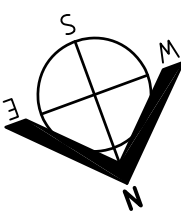
approx. 31000

Proposed Boundary

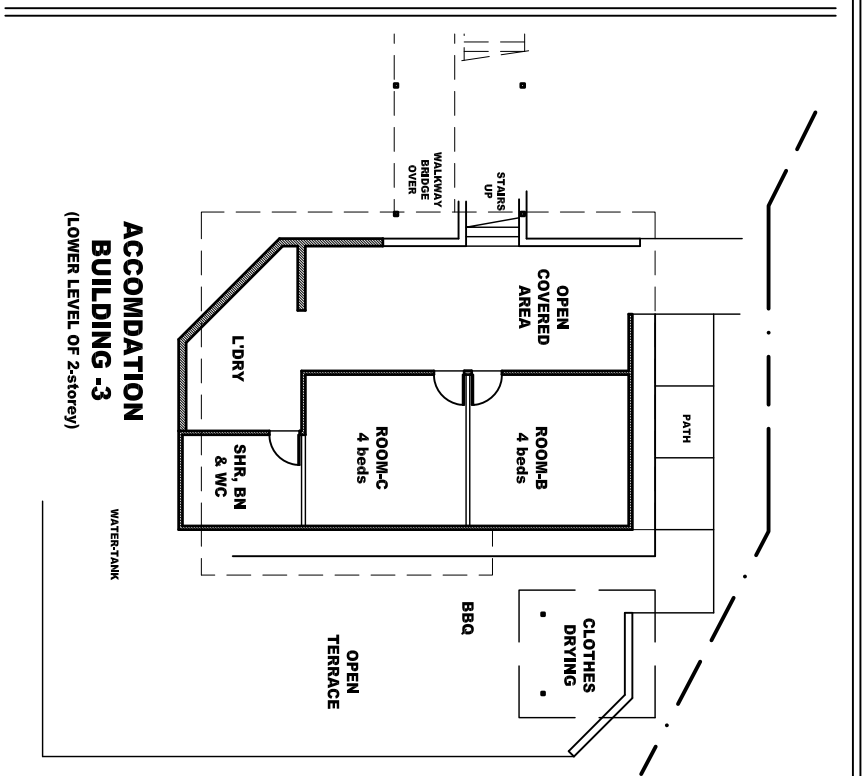
LOT 3



***LOT-1 WORKERS
ACCOM. SITE LAYOUT***
(SCALE 1:200 ON A3)

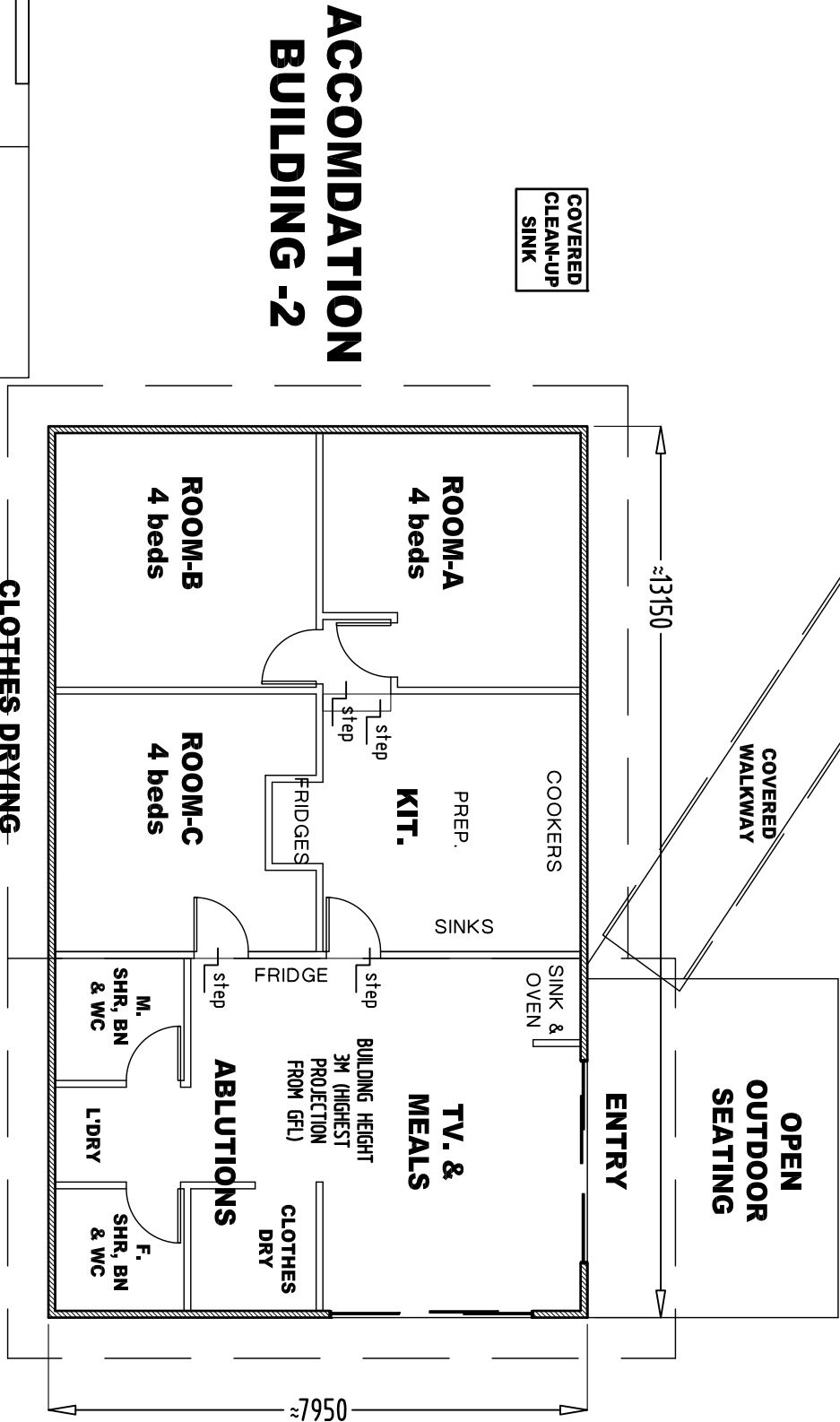
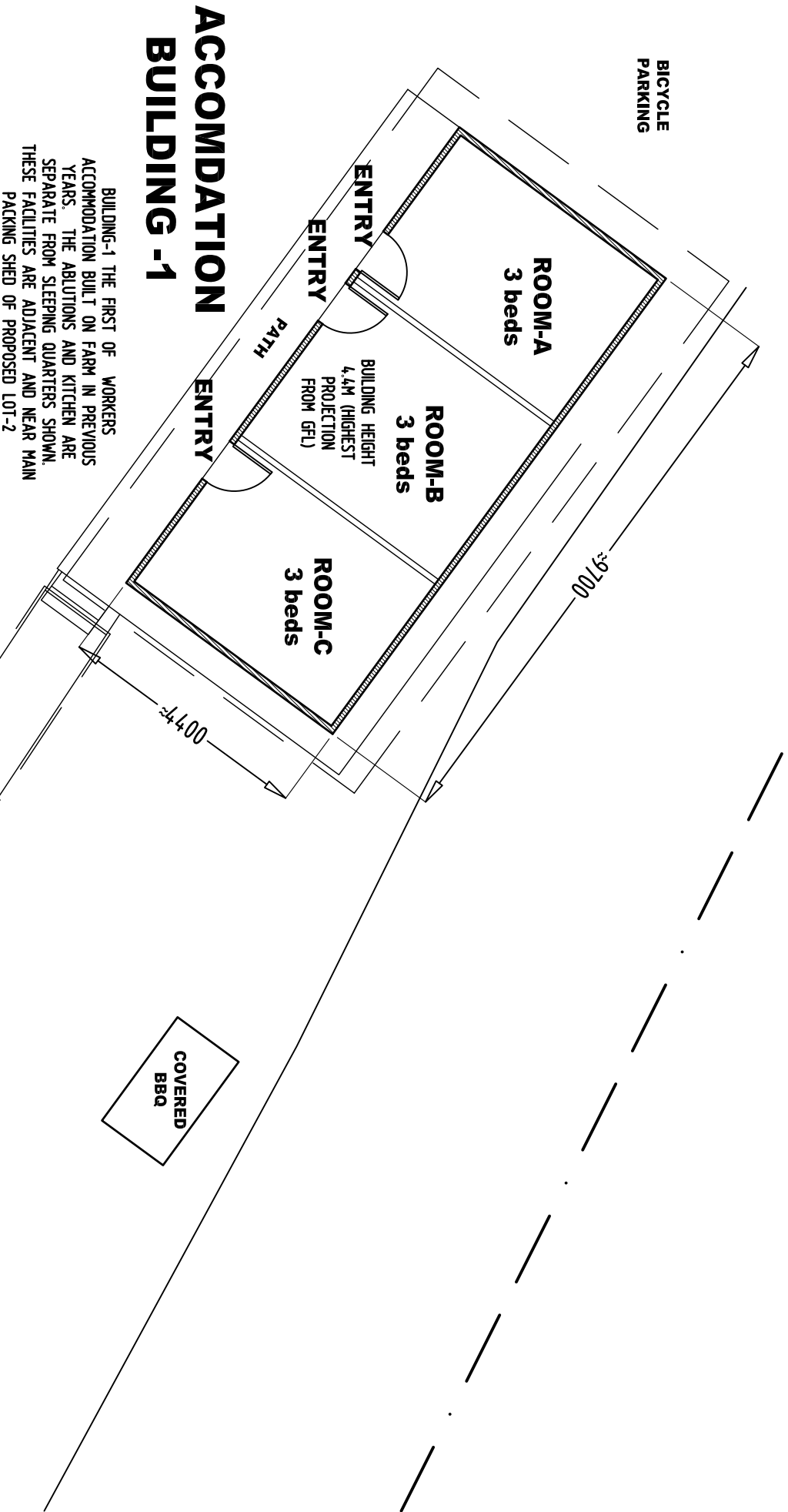


***EXISTING BUILDINGS
IDENTIFICATION PLAN***
(SCALE 1:1000 ON A3)



***ACCOMMODATION
BUILDING -3***
(LOWER LEVEL OF 2-storey)

phone: 04/28 294 235 EDMONTON 4869. QUEENSLAND	
GREGORY G TERZI Associate Diploma Architectural Technology Building Design & Drafting	
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT:	DATE: NOV 2018
49 FICHERA RD	SCALE: AS SHOWN ON 'A3' SHEET
MAREEBA 4880	DRAWING TITLE:
LOT-1 ACCOM. SITE LAYOUT	
-RURAL- PROPERTY BOUNDARIES RE-ALIGNMENT	JOB NO. SHEET No. ISSUE 0527 DA 04 A



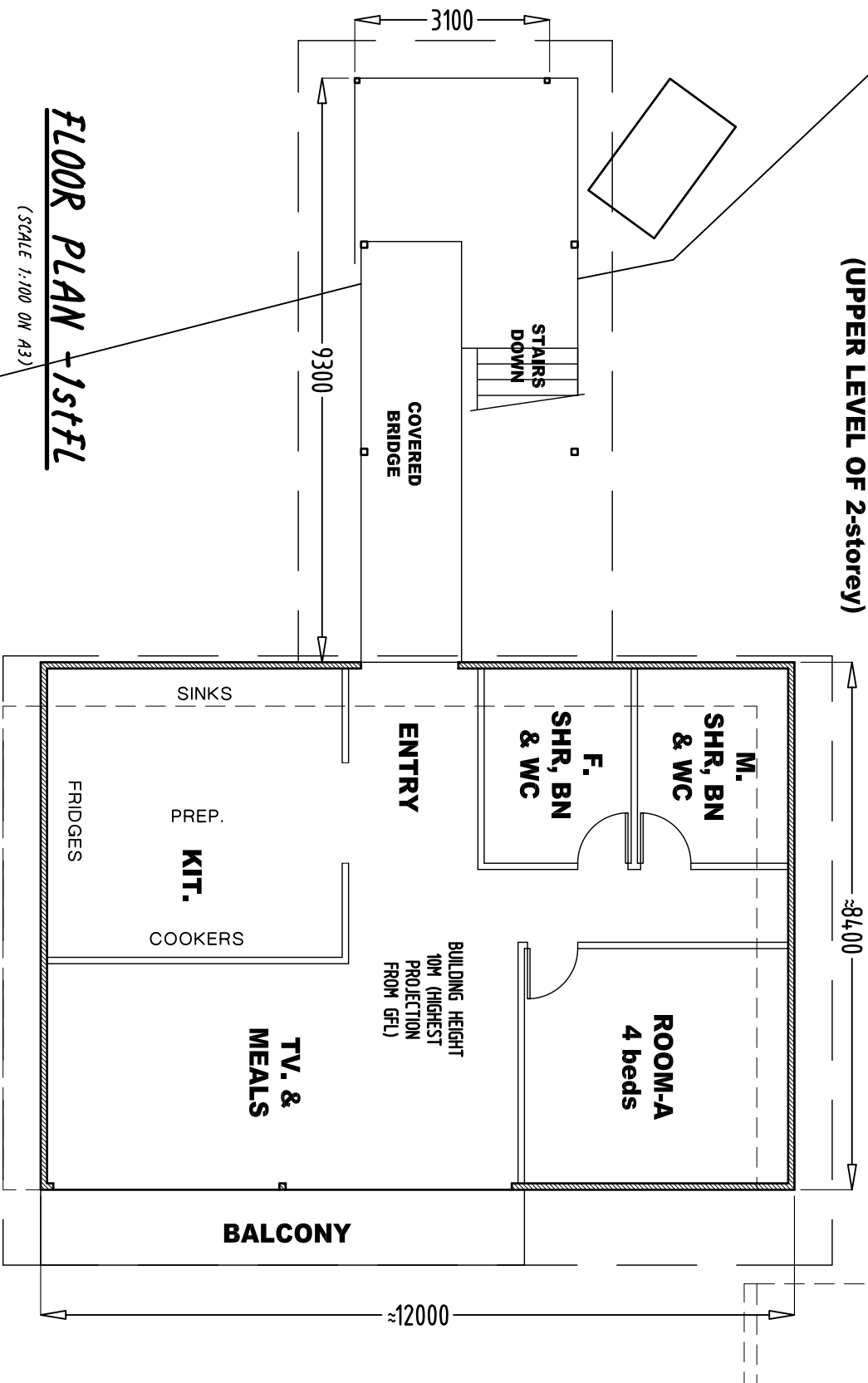
FLOOR PLANS

(SCALE 1:100 ON A3)

phone: 04/28 294 235 EDMONTON 4869. QUEENSLAND	
GREGORY G TERZI	Associate Diploma Architectural Technology
Building Design & Drafting	
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT:	DATE: NOV 2018
49 FICHERA RD	SCALE: AS SHOWN ON 'A3' SHEET
MAREEBA	DRAWING TITLE:
4880	LOT-1 ACCOM.
-RURAL-	FLOOR PLANS
PROPERTY BOUNDARIES	JOB NO. SHEET No. ISSUE
RE-ALIGNMENT	0527 DA 05 A

ACCOMDATION
BUILDING -3

(UPPER LEVEL OF 2-storey)

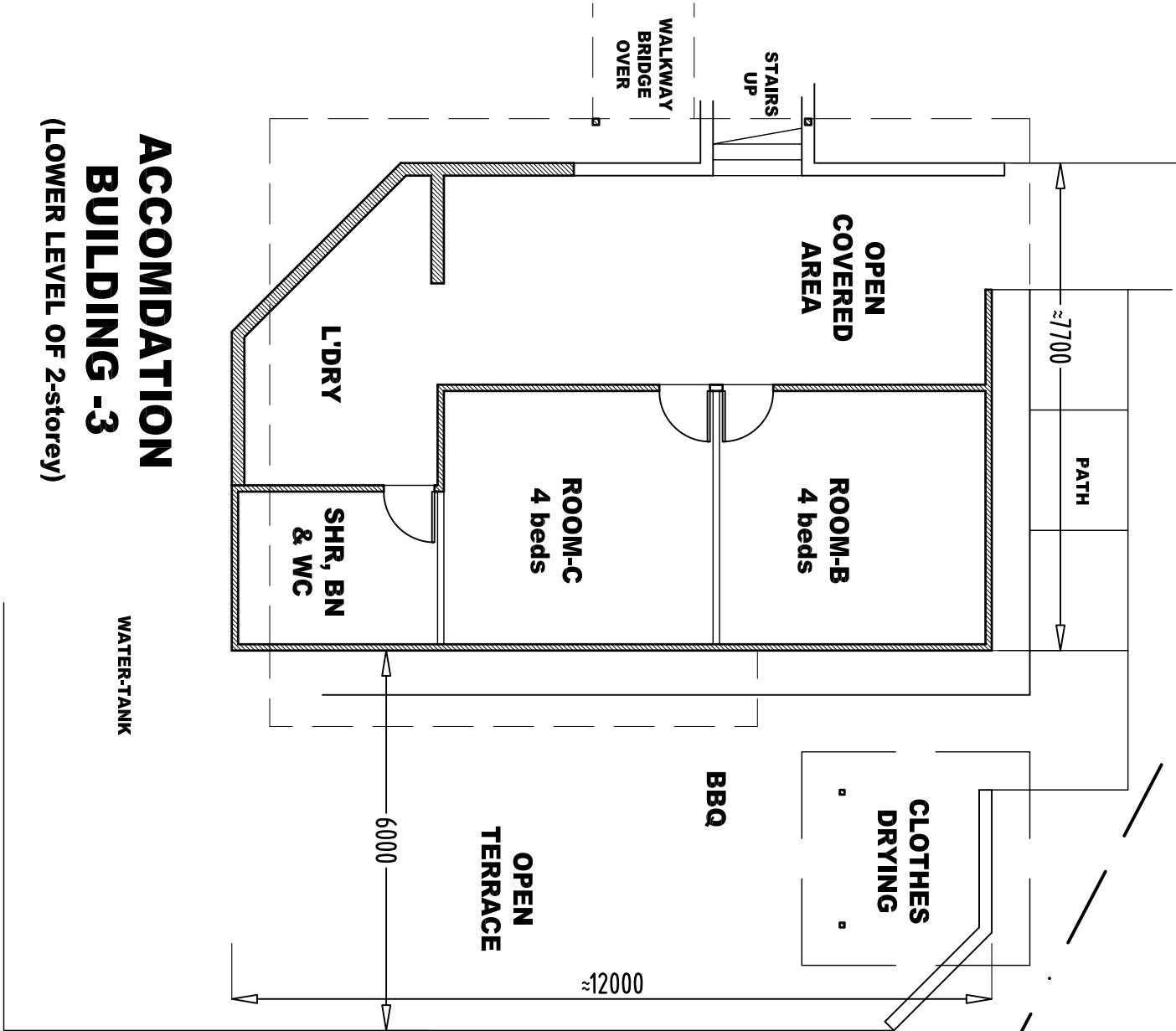


FLOOR PLAN -1stFL

(SCALE 1:100 ON A3)

ACCOMDATION
BUILDING -3

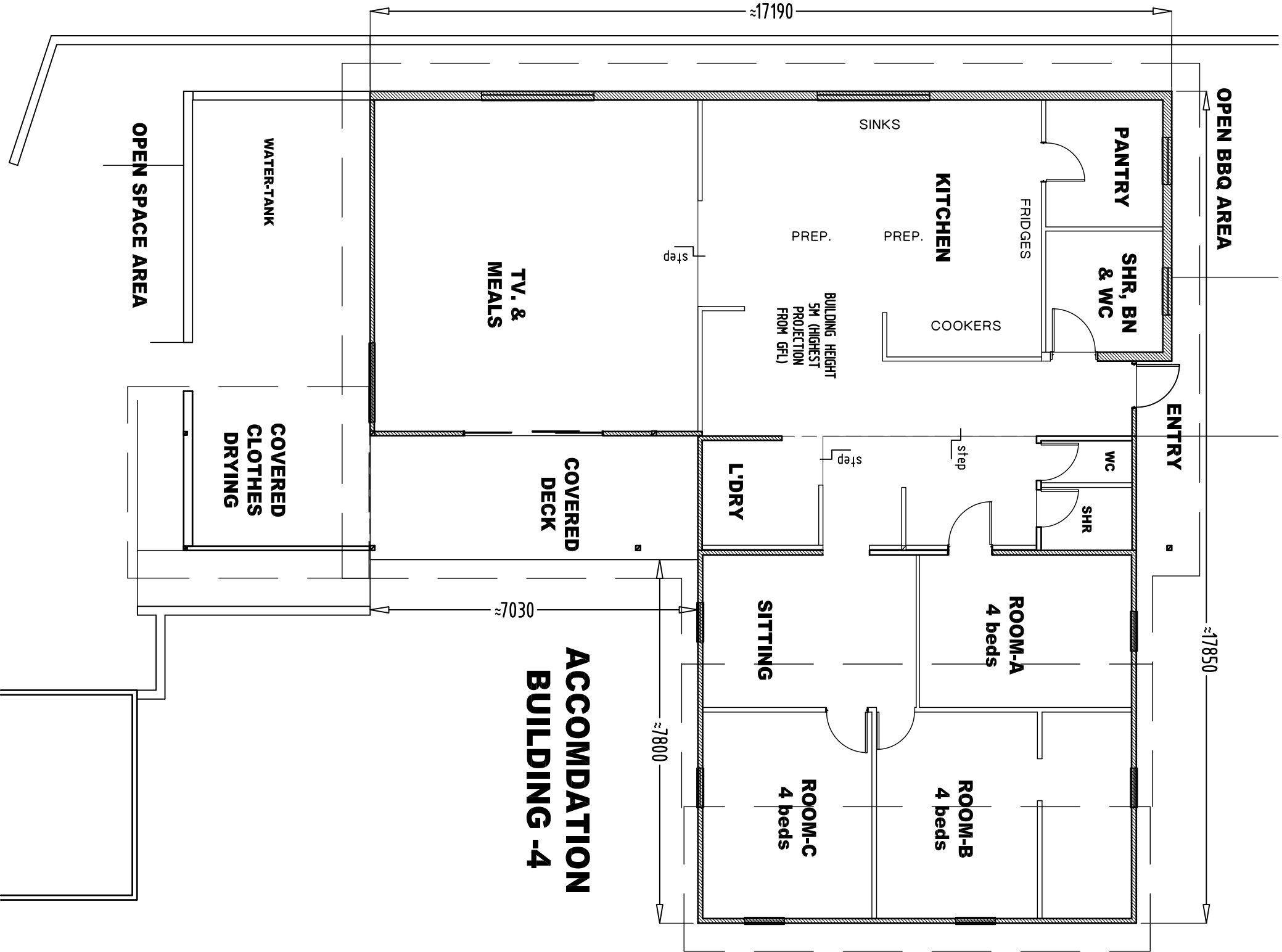
(LOWER LEVEL OF 2-storey)



FLOOR PLAN -GFL

(SCALE 1:100 ON A3)

phone: 04/28 294 235 EDMONTON 4869. QUEENSLAND	
GREGORY G TERZI Associate Diploma Architectural Technology	
Building Design & Drafting	
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-	
PROJECT:	DATE: NOV 2018
49 FICHERA RD	SCALE: AS SHOWN ON 'A3' SHEET
MAREEBA	DRAWING TITLE:
4880	
-RURAL-	
PROPERTY BOUNDARIES	JOB NO. SHEET No. ISSUE
RE-ALIGNMENT	0527 DA 06 A



ACCOMDATION
BUILDING -4

FLOOR PLAN

(SCALE 1:100 ON A3)

phone: 04/28 294 235 EDMONTON 4869. QUEENSLAND			
GREGORY G TERZI Associate Diploma Building Design & Drafting			
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-			
PROJECT:		DATE: NOV 2018	
49 FICHERA RD		SCALE: AS SHOWN ON 'A3' SHEET	
MAREEBA 4880		DRAWING TITLE:	
-RURAL- PROPERTY BOUNDARIES		JOB NO. SHEET No. ISSUE	
RE-ALIGNMENT		0527 DA 07 A	
LOT-1 ACCOM.		FLOOR PLANS	

APPENDIX 4: SARA: PRE-LODGE MENT ADVICE REQUEST RESPONSE

Our reference: 1903-10373 SPL
Your reference: M3-19(1)

1 April 2019

U & I Town Plan
PO Box 426
Cooktown QLD 4895
ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

No pre-lodgement requirements

The Department of State Development, Manufacturing, Infrastructure and Planning received your request for a pre-lodgement meeting for the proposal described below on 25 March 2019.

Location details

Street address:	49 Fichera Road, Mareeba
Real property description:	Lot 1 on RP711195; Lot 2 on RP711195; Lot 3 on RP711195
Local government area:	Mareeba Shire Council
Existing use:	Agricultural

Details of proposal

Development type:	Material change of use and Reconfiguring a lot
Development description:	Non-resident workforce accommodation and caretakers residence, and boundary realignment

Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Proposed Development Plans – Combined MCU (Non-resident Workforce Accommodation & Caretaker's Residence) & ROL (Boundary	U&I Town Plan	24.03.19	M3-19 (1)	-

Realignment)				
State Assessment and Referral Agency Lot plan report	Queensland Government (Department of State Development, Manufacturing, Infrastructure and Planning)	25/03/2019	Lot Plan 1RP711195 2RP711195 3RP71195	-

The department has carried out a review of the information provided and the impacts of the proposal. The subject site includes areas mapped as Category B (least concern regional ecosystem) and Category R, Category C and Category X on the [Regulated Vegetation Management Map](#).

The proposed development shown in **Attachment 1** does not trigger referral agency assessment under the Planning Regulation 2019 for native vegetation clearing. The proposed development does not result in clearing native vegetation or create exemptions to clear in the area mapped as Category B.

The Department of Natural Resources, Mines and Energy has provided general advice in relation to Category R and Category C vegetation and water requirements (**Attachment 2**).

This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal. Please note the pre-lodgement advice is valid for a period of nine months from the date of issue, unless a change in legislation or policy occurs that would affect the pre-lodgement advice.

For further information please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 40373228 or via email CairnsSARA@dsmip.qld.gov.au, who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

Enc. **Attachment 1** – Proposed development
Attachment 2 – General advice

Attachment 1 – Proposed development



Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

Attachment 2 – General advice

Category C and Category R vegetation

If your proposed development includes clearing vegetation in any Category C areas or Category R areas you should ensure this clearing can be undertaken as exempt clearing work under Schedule 21 of the [Planning Regulation 2017](#) or in accordance with its [Accepted development vegetation clearing code](#). Clearing vegetation in any Category C areas or Category R areas that is not exempt or in accordance with an accepted development vegetation clearing code is prohibited development. Locating the proposal solely within in the Category X area does not require any assessment for native vegetation clearing.

Water advice (Surface water – water in a watercourse, lake or spring)

The proposed development plan includes an access and water easement between proposed Lots 1 and 2. It is unclear from the pre-application material whether water is to be extracted from Tinaroo Creek as part of the proposed development and/or for ongoing operations.

Tinaroo Creek is a supplemented watercourse of the Mareeba-Dimbulah Water Supply Scheme. The take of, or interference with water from a supplemented scheme requires authorisation from the scheme operator. If the proposal involves taking and/or interfering with water from Tinaroo Creek, it is recommended you contact SunWater on 13 1589 for further advice.

Riverine protection permit

Tinaroo Creek is a declared watercourse regulated under the *Water Act 2000*. If excavation of material, placement of fill or destruction of vegetation is proposed within Tinaroo Creek, a riverine protection permit is required if the works cannot be carried out in accordance with the [Riverine protection permit exemption requirements](#). Material excavated as a waste product must be disposed of in accordance with the exemption document.

If the proposed development does not meet the exemption requirements, a riverine protection permit must be obtained under section 218 of the *Water Act 2000*. There is no fee for this permit and the application form is available on the Queensland Business [website](#).

It is recommended you contact the Department of Natural Resources, Mines and Energy on 4447 9137 for further advice.