

**Our Ref: M4-19**

28 June 2019

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

**Attention: Planning Department**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION - DEVELOPMENT PERMIT  
MATERIAL CHANGE OF USE – ANIMAL KEEPING (STABLES)  
SITUATED AT 2 EMERALD HEIGHTS ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 11 ON RP748324**

We act on behalf of our client, Gareth Keith & Stefanie Horner in preparing and submitting the following development application which seeks a development permit for a Material Change of Use under the Planning Act 2016 at 2 Emerald Heights Road, Mareeba. The Material Change of Use seeks to obtain approval for an Animal Keeping (stables) use to be established on site for up to 20 horses.

The subject site is located close to town being only 8.7 kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable location for their horses that is only 8 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 development is **\$1,530.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

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**

### **DEVELOPMENT APPLICATION - DEVELOPMENT PERMIT MATERIAL CHANGE OF USE – ANIMAL KEEPING (STABLES)**

#### **PROJECT LOCATION:**

SITUATED AT 2 EMERALD HEIGHTS ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 11 ON RP7483245



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<b>ASSESSMENT MANAGER:</b>	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
<b>DEVELOPMENT TYPE:</b>	DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE
<b>PROPOSED WORKS:</b>	ANIMAL KEEPING (STABLES) (CODE ASSESSABLE)
<b>REAL PROPERTY DESCRIPTION:</b>	LOT 11 ON RP748324
<b>LOCATION:</b>	2 EMERALD HEIGHTS ROAD, MAREEBA
<b>ZONE:</b>	RURAL RESIDENTIAL ZONE
<b>APPLICANT:</b>	GARETH KEITH & STEFANIE HORNER C/- U&I TOWN PLAN
<b>ASSESSMENT CRITERIA:</b>	MATERIAL CHANGE OF USE (CODE ASSESSABLE)
<b>REFERRAL AGENCIES:</b>	IT HAS BEEN CONFIRMED THAT NO REFERRALS APPLY TO THIS DEVELOPMENT.

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### **IMPORTANT NOTE**

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*This Report has been prepared for Gareth Keith & Stefanie for the sole purpose of making a Development Application seeking a Development Permit for a Material Change of Use on land at 2 Emerald Heights Road, Mareeba (over lot 11 on RP748324) for the purpose of establishing an Animal Keeping (Stables) use on the site. 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 development application seeks a development permit for a Material Change of Use under the Planning Act 2016 at 2 Emerald Heights Road, Mareeba. The Material Change of Use seeks to obtain approval for an Animal Keeping (stables) use to be established on site for up to 20 horses. The subject site is located close to town being only 8.7 kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quiet location for their horses that is only 8 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 11 on RP748324, located at 2 Emerald Heights Road, Mareeba. The site encompasses one (1) freehold allotment with a road frontage of approximately 38 metres along Emerald Heights Road, covering a total area of 3.164 hectares. The site was purchased by the current owners some 12 months ago for this particular purpose as it already contained a full-sized horse arena and round yard that was setup for horses. The subject site is located at the end of the cul-de-sac and contains an existing dwelling and pool towards the front of the site. The proposed stables will be positioned in the middle of the property with a driveway extending around the house and down towards the stables.

The subject site is located close to town being only 8.7 kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quiet location for their horses that is only 8 minutes' drive from town.



**Figure 1: Aerial View of the Subject Land**

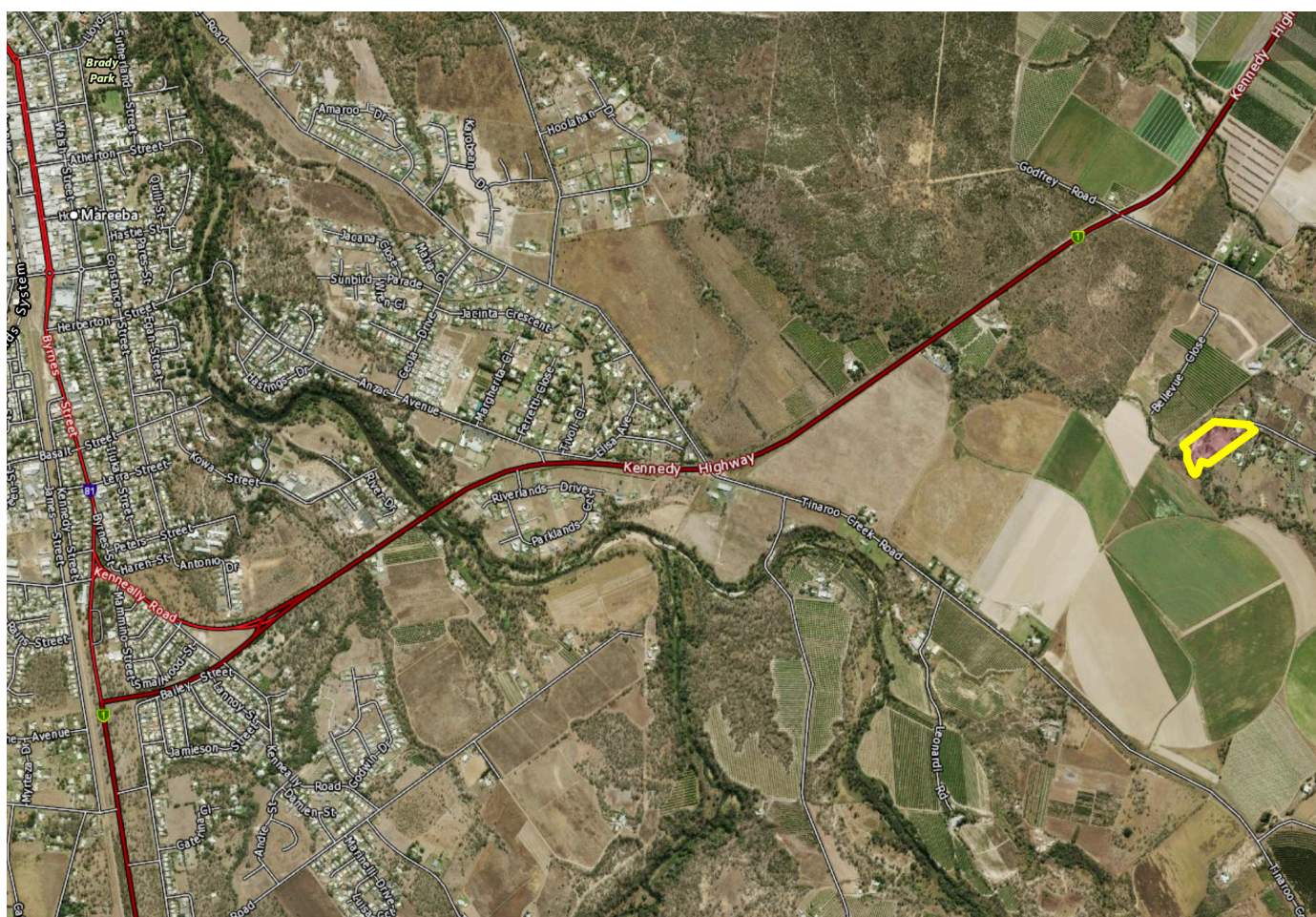
A site summary is provided below:

**Table 2.0: Site summary**

<b>Street address:</b>	2 Emerald Heights Road, Mareeba
<b>Real property description:</b>	Lots 11 on RP748324
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold title
<b>Site area:</b>	3.164 hectares
<b>Zone:</b>	Rural Residential zone
<b>Precinct:</b>	2 Hectare Precinct
<b>Sub-precinct:</b>	N/A
<b>Current use:</b>	Rural Residential Allotment
<b>Road frontage:</b>	38m to Emerald Heights Road
<b>Adjacent uses:</b>	Rural
<b>Topography:</b>	The site has a gentle slope from Emerald Heights Road at the front down to Cobra Creek at the rear.
<b>Vegetation:</b>	The riparian vegetation along the Cobra Creek is mapped as remnant vegetation. The remainder of the land is predominantly cleared and void of any significant vegetation. The proposed facility is located outside of



	<i>this mapped vegetation and therefore does not trigger referral for vegetation clearing.</i>
<b>Easements:</b>	<i>N/A</i>
<b>Existing infrastructure:</b>	<i>The site has an existing access crossover onto Emerald Heights Road which is a sealed road with power running along Emerald Heights Road at the front of the property. Water infrastructure is established on-site and where required connections will be provided. No further upgrades to the existing infrastructure is required other than the construction of a new internal driveway past the house down towards the stables.</i>



**Figure 2: Site Locality**

### 3.0 DEVELOPMENT PROPOSAL

This development application seeks a development permit for a Material Change of Use under the Planning Act 2016 at 2 Emerald Heights Road, Mareeba. The Material Change of Use seeks to obtain approval for an Animal Keeping (stables) use to be established on site for up to 20 horses. The subject site is located close to town being only 8.7

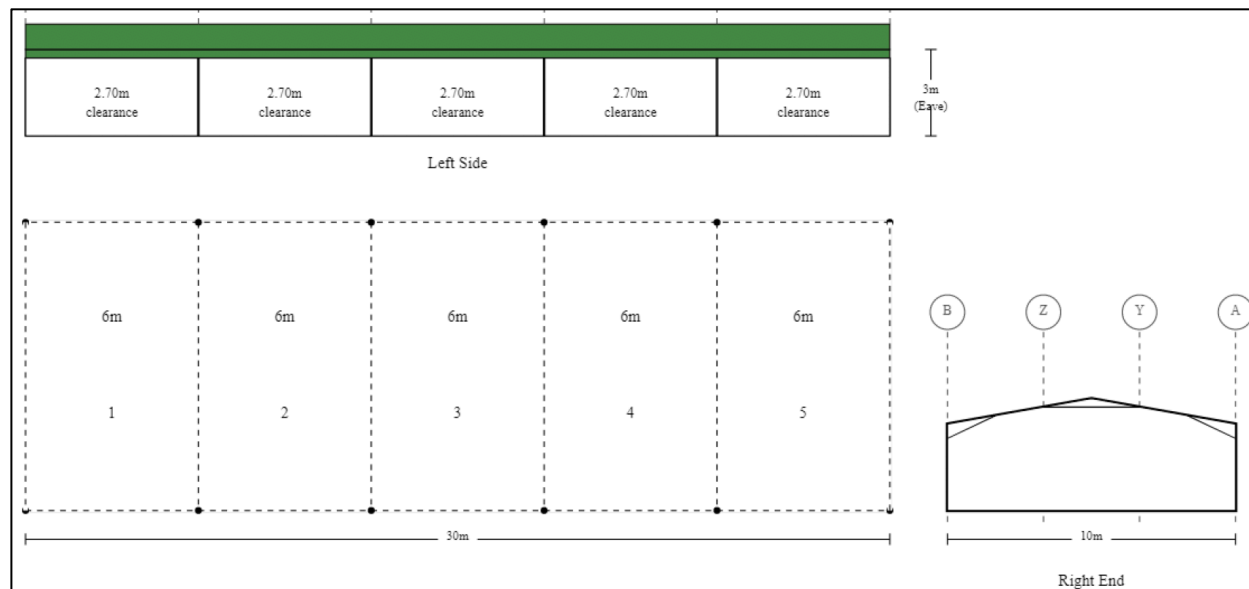


kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quiet location for their horses that is only 8 minutes' drive from town.



**Figure 3:** Extract from Development Plans

The proposed stables structure is to be 10m wide x 30m long which will be used to house the horses, with a fence area around the perimeter of the structure for them to roam and feed during the day.



**Figure 4: Extract from Development Plans**

The owner currently has 10 horses of which two (2) are retired pets. Although they only have 10 horses at this stage, they want to ensure they can cater for more as they do help with others for short periods of time. The proposed use will utilise one (1) full time staff member who looks after and cleans the stables five (5) days a week. The owners of the property are also the trainers for the horses and they load up the horses in the morning and transport them to the Mareeba Race course. The work in the mornings occurs from around 6am to 9.30am. While the horses are away being trained the stables are cleaned out and prepared before they return. The race horses are not worked on Sundays and are usually at races on Saturdays. Other than housing the horses, the majority of the training and work on the race horses is done at the Mareeba Race Course.

The stables will be cleaned 7 days a week with fresh shaving and a good base to make sure that there is no smell. All horse waste will be bagged and disposed to friends and relatives for compost and manure for their gardens.

In terms of additional traffic generation associated with the use, the full-time worker comes to the site five (5) days a week (into the site and out once a day). While the trainer who is the owner living at the site takes the horses every second day (in an out of the site once a day) maximum four (4) days a week on race weeks, otherwise three (3) days a week.

See *Appendix 3: Development Plans* for further detail.

### 3.1 Development Definitions

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 'Animal Keeping' 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
Animal keeping	<p>Premises used for boarding, breeding or training of animals.</p> <p>The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.</p>	Aviaries, catteries, kennels, stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry

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

#### 6.2.10.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
  - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
  - (b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and



- (c) The 4,000m<sup>2</sup> precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m<sup>2</sup>.
- (4) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
  - (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;
  - (c) Development avoids areas of ecological significance;
  - (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;
  - (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;
  - (f) Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;
  - (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and
  - (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.

The proposed 'Animal Keeping' use is listed as **code assessable** within the rural residential zone, where an application is required to be prepared and submitted to Council to obtain the necessary Development Permit for the Material Change of Use.

#### 4.0 DEVELOPMENT APPLICATION DETAILS

This development application seeks a development permit for a Material Change of Use under the Planning Act 2016 at 2 Emerald Heights Road, Mareeba. The Material Change of Use seeks to obtain approval for an Animal Keeping (stables) use to be established on site for up to 20 horses. The subject site is located close to town being only 8.7 kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quiet location for their horses that is only 8 minutes' drive from town. By way of this development application, the applicant is seeking specific approval in the form of a development permit to authorise the Animal Keeping (stables) Facility to be used on the property as detailed within this planning report.

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**

<b>Assessment manager:</b>	Mareeba Shire Council
<b>Development type:</b>	Material Change of Use
<b>Approval type:</b>	Development permit
<b>Proposed use:</b>	Animal Keeping (Stables)
<b>Level of assessment:</b>	Assessable development - Code assessable
<b>Applicant details:</b>	Gareth Keith & Stefanie Horner C/- U&i Town Plan PO Box 1253, TOLGA QLD 4882 M. 0411 344 110 E. ramon@uitownplan.com.au
<b>Assessment criteria:</b>	Mareeba Shire Council Planning Scheme <ul style="list-style-type: none"> <li>• Rural Residential Zone Code</li> <li>• Rural Activities Code</li> <li>• Landscape Code</li> <li>• Parking and Access Code</li> <li>• Works, Services and Infrastructure Code</li> <li>• Agricultural Land Code</li> <li>• Airport Environs Overlay Code</li> <li>• Bushfire Hazard Overlay Code</li> <li>• Environmental Significance Overlay Code</li> </ul>
<b>Referral agencies:</b>	No referrals apply to this development.
<b>Regional plans:</b>	Far North Regional Plan 2009-2031
<b>Public notification required:</b>	No
<b>Confirmation notice required:</b>	Yes
<b>Supporting documentation:</b>	Proposed Plans for Development, Owner's Consent, DA Forms

## 5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for a material change of use for an Animal Keeping (Stables) facility to be established on-site. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Residential Zone and Rural Activities Code.

The subject site is located close to town being only 8.7 kilometres from the central business district and is appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable location for their horses that is only 8 minutes' drive from town.

The proposal is consistent with the purpose of the Rural Residential Zone code in that it provides a suitable quite location for their horses that is only 8 minutes' drive 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 has advised that they have had some initial discussions with the Mareeba Shire Council's Planning Department to obtain preliminary advice on the proposed use at the proposed location. The purpose of the pre-lodgement consultation and feedback was to confirm that there were no fundamental issues associated with the proposed development and that it was generally accepted as a suitable land use outcome subject to a development application being submitted and assessed.

## **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 Code assessable, the application is required to be assessed against the planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Rural Residential Zone Code;
- Rural Activities Code;
- Landscape Code;
- Parking and Access Code;
- Works, Services and Infrastructure Code;
- Agricultural Land Code;
- Airport Environs Overlay Code;
- Bushfire Hazard Overlay Code; and
- Environmental Significance 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 Rural Residential Zone Code

### 6.2.10.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
  - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
  - (b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and

- (c) The 4,000m<sup>2</sup> precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m<sup>2</sup>.
- (4) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
  - (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;
  - (c) Development avoids areas of ecological significance;
  - (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;
  - (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;
  - (f) Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;
  - (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and
  - (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.

The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Residential Zone and the Rural Activities 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 an Animal Keeping (Stables) facility for up to 20 horses. The facility provides a comfortable environment for the horses to live and be based from that is only 8 minutes from town for training and racing the horses. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quite location for the horses that is only a short drive from town.

#### ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
<b>Height</b>		
PO1	AO1	<p>The proposed stable is less than four (4) metres high therefore complying with the maximum height of 8.5m allowed within this zone.</p> <p><b>Satisfied.</b></p>

<b>Outbuildings and residential scale</b>		
PO2	AO2.1 & AO2.2	<p>The proposed stables shelter is 300m<sup>2</sup> in gross floor area. It is noted that the lot is well over 2ha in area sitting a 3.164 ha and is consistent with the scale and character of other properties within the immediate area.</p> <p>It is considered that the proposed structures area and particularly the height does ensure that it does not dominate the lot on which it is located.</p> <p><b>Satisfied.</b></p>
<b>Siting</b>		
PO3	AO3.	<p>The proposed stable structure complies with the 10m setbacks prescribed within the 2ha precinct.</p> <p><b>Satisfied.</b></p>
<b>Accommodation Density</b>		
PO4	AO4	<p>Not applicable to this development as it relates to an Animal Keeping (Stables) use on site. The existing dwelling on site complies with this provision of providing one (1) dwelling unit per lot.</p> <p><b>Satisfied.</b></p>
<b>Site Cover</b>		
PO5	N/A	<p>The proposed stable structure is positioned to occupy the site in a manner that it makes efficient use of the land and is consisted with the bulk and scale of the surrounding area. The proposed structure is positioned in the middle of the property in a fenced area which is immediately adjacent to the existing round yard and horse arena. The proposed structure and horses within the stables will be barely visible by the adjoining landowners once the perimeter landscape plantings are established.</p> <p>It is considered that the structure and landscaping proposed will adequately balance the built form and natural features on the site.</p> <p><b>Satisfied.</b></p>
<b>Building design</b>		
PO6	N/A	<p>The proposed stable structure is positioned to occupy the site in a manner that it makes efficient use of the land and is consisted with the bulk and scale of the surrounding area. The proposed structure is positioned in the middle of the property in a fenced area some 125m from Emerald Heights Road, which is immediately adjacent to the existing round yard and horse arena. The proposed structure and horses within the stables will be barely visible by the adjoining landowners once the perimeter landscape plantings are established.</p> <p>It is considered that the proposed structure and landscaping proposed will provide a suitable outcome for the type of use proposed that will not be visible from the street or any adjoining premises.</p> <p><b>Satisfied.</b></p>



PO7	N/A	<p><i>The proposed stable structure is positioned to occupy the site in a manner that it makes efficient use of the land and is consisted with the bulk and scale of the surrounding area. The proposed structure is positioned in the middle of the property in a fenced area some 125m from Emerald Heights Road, which is immediately adjacent to the existing round yard and horse arena. The proposed structure and horses within the stables will be barely visible by the adjoining landowners once the perimeter landscape plantings are established.</i></p> <p><i>It is considered that the proposed structure and landscaping proposed will provide a suitable outcome for the type of use proposed that will not be visible from the street or any adjoining premises.</i></p> <p><b>Satisfied.</b></p>
<b>Non-residential development</b>		
PO8	N/A	<p><i>The proposed stable structure is positioned to occupy the site in a manner that it makes efficient use of the land and is consisted with the bulk and scale of the surrounding area. The proposed structure is positioned in the middle of the property in a fenced area behind the existing dwelling and some 125m from Emerald Heights Road, which is immediately adjacent to the existing round yard and horse arena. The proposed structure and horses within the stables will be barely visible by the adjoining landowners once the perimeter landscape plantings are established.</i></p> <p><i>It is considered that the proposed structure and landscaping proposed will provide a suitable outcome for the type of use proposed that will not be visible from the street or any adjoining premises. This use is considered to be appropriately positioned within the rural residential 2 hectare precinct.</i></p> <p><b>Satisfied.</b></p>
<b>Amenity</b>		
PO9 & PO10	N/A	<p><i>The proposed stable structure is positioned to occupy the site in a manner that it makes efficient use of the land and is consisted with the bulk and scale of the surrounding area. The proposed structure is positioned in the middle of the property in a fenced area behind the existing dwelling and some 125m from Emerald Heights Road, which is immediately adjacent to the existing round yard and horse arena. The proposed structure and horses within the stables will be barely visible by the adjoining landowners once the perimeter landscape plantings are established.</i></p> <p><i>It is considered that the proposed structure and landscaping proposed along the boundaries and perimeter of the horse enclosure will provide a suitable buffer and design that will ameliorate any impacts associated with noise, dust, privacy, lighting, odour, and emissions. Overall the development has been suitably designed to ensure it does not impact the existing amenity of the local area. This use is considered to be appropriately positioned within the rural residential 2 hectare precinct.</i></p> <p><b>Satisfied.</b></p>

## 5.2.2 Rural Activities Code

### 9.3.6.2 Purpose

- (1) The purpose of the Rural activities code is to facilitate the provision of Rural activities in appropriate locations throughout the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Rural activities meet the needs of the community through safe, accessible and well located uses;
  - (b) Rural activities are designed, located and operated to minimise any adverse impacts on the natural environment and surrounding uses;
  - (c) Rural activities employ best practice industry standards;
  - (d) Rural activities maintain the rural landscape character and amenity of the surrounding area;
  - (e) Rural activities facilitate employment opportunities where appropriate; and
  - (f) Forestry for wood production is given equal regard to other forms of cropping.

### ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
<b>If for Aquaculture</b>		
PO1	AO1.1, AO1.2 & AO1.3	Not applicable to the proposed development as it is for an 'Animal Keeping' use.  <b>Satisfied.</b>
PO2	AO2.1, AO2.2, AO2.3, AO2.4 & AO2.5	Not applicable to the proposed development as it is for an 'Animal Keeping' use.  <b>Satisfied.</b>
PO3	AO3	Not applicable to the proposed development as it is for an 'Animal Keeping' use.  <b>Satisfied.</b>
<b>If for Intensive Animal Industries</b>		
PO4	AO4	Not applicable to the proposed development as it is for an 'Animal Keeping' use.  <b>Satisfied.</b>
<b>If for Animal Keeping or Intensive Animal Industries</b>		
PO5	AO5.1 & AO5.2	This provision relates to a group of uses that are very different from one another, with varying degrees of impacts associated with the different uses. For example, a kennel has much greater impacts than a stable with some horses. Dogs staying in kennels can generate high levels of noise that require greater separation from adjoining properties to remove any impacts from noise. Also grouped within this provision is intensive animal industries which includes piggeries, chicken farms etc. These types of uses again generate greater impacts in terms of odour, noise, and traffic. The proposed Animal Keeping (Stables) Use for Horses currently containing only 10 horses but up to 20, will generate little to no impacts to adjoining



		<p>owners. Horses make little to no noise, and the stables will be cleaned daily to remove any odours or smells. The stables will be cleaned 7 days a week with fresh shaving and a good base to make sure that there is no smell. All horse waste will be bagged and disposed to friends and relatives for compost and manure for their gardens.</p> <p>The proposed perimeter of the property is currently being landscaped, with additional landscaping proposed internally around the fenced off area where the horses can roam during the day.</p> <p>It is considered that the proposed structure and landscaping proposed along the boundaries and perimeter of the horse enclosure will provide a suitable buffer and design that will ameliorate any impacts associated with noise, dust, privacy, lighting, odour, and emissions. Overall the development has been suitably designed to ensure it does not impact the existing amenity of the local area. This use is considered to be appropriately positioned within the rural residential 2 hectare precinct, only 8 minutes-drive from the racecourse.</p> <p><b>Satisfied.</b></p>
<b>If for Forestry for wood production or Permanent plantation</b>		
PO6 & PO7	AO6 AO7.1, AO7.2 & AO7.3	<p>Not applicable to the proposed development as it is for an 'Animal Keeping' use.</p> <p><b>Satisfied.</b></p>
<b>If for Roadside Stall</b>		
PO8	AO8.1, AO8.2, AO8.3, AO8.4 & AO8.5	<p>Not applicable to the proposed development as it is for an 'Animal Keeping' use.</p> <p><b>Satisfied.</b></p>
<b>If for Rural Industry</b>		
PO9	AO9	<p>Not applicable to the proposed development as it is for an 'Animal Keeping' use.</p> <p><b>Satisfied.</b></p>
<b>All Rural activities, other than Aquaculture, Forestry for wood production, Permanent plantation, Roadside stall or Rural Industry</b>		
PO10	AO10	<p>This provision relates to a group of rural activities uses that are very different from one another, with varying degrees of impacts associated with the different uses. For example, a kennel has much greater impacts than a stable with some horses. Dogs staying in kennels can generate high levels of noise that require greater separation from adjoining properties to remove any impacts from noise. Also grouped within this provision is intensive animal industries which includes piggeries, chicken farms etc. These types of uses again generate greater impacts in terms of odour, noise, and traffic.</p> <p>The proposed Animal Keeping (Stables) Use for Horses currently containing only 10 horses but up to 20, will generate little to no impacts to adjoining</p>

		<p>owners. Horses make little to no noise, and the stables will be cleaned daily to remove any odours or smells. The stables will be cleaned 7 days a week with fresh shaving and a good base to make sure that there is no smell. All horse waste will be bagged and disposed to friends and relatives for compost and manure for their gardens.</p> <p>The proposed perimeter of the property is currently being landscaped, with additional landscaping proposed internally around the fenced off area where the horses can roam during the day. It is considered that the proposed structure and landscaping proposed along the boundaries and perimeter of the horse enclosure will provide a suitable buffer and design that will ameliorate any impacts associated with noise, dust, privacy, lighting, odour, and emissions. Overall the development has been suitably designed to ensure it does not impact the existing amenity of the local area. This use is considered to be appropriately positioned within the rural residential 2 hectare precinct, only 8 minutes-drive from the racecourse.</p> <p>It is not considered in this instance that an Environmental Management Plan for the site will provide any benefit to the development. However, if Council deem it to be applicable we ask that you apply it as a condition of approval.</p> <p><b>Satisfied.</b></p>
<b>If for Forestry for wood production</b>		
PO11	AO11.1 & AO11.2,	<p>Not applicable to the proposed development as it is for an 'Animal Keeping' use.</p> <p><b>Satisfied.</b></p>
<b>If for Animal Keeping or Intensive Animal Industries</b>		
PO12, PO13, PO14 & PO15	AO12, AO13, AO14.1, AO14.2 & AO15	<p>This provision relates to a group of rural activities uses that are very different from one another, with varying degrees of impacts associated with the different uses. For example, a kennel has much greater impacts than a stable with some horses. Dogs staying in kennels can generate high levels of noise that require greater separation from adjoining properties to remove any impacts from noise. Also grouped within this provision is intensive animal industries which includes piggeries, chicken farms etc. These types of uses again generate greater impacts in terms of odour, noise, and traffic.</p> <p>The proposed Animal Keeping (Stables) Use for Horses currently containing only 10 horses but up to 20, will generate little to no impacts to adjoining owners. Horses make little to no noise, and the stables will be cleaned daily to remove any odours or smells. The stables will be cleaned 7 days a week with fresh shaving and a good base to make sure that there is no smell. All horse waste will be bagged and disposed to friends and relatives for compost and manure for their gardens.</p> <p>The proposed perimeter of the property is currently being landscaped, with additional landscaping proposed internally around the fenced off area where the horses can roam during the day.</p>

		<p><i>It is considered that the proposed structure and landscaping proposed along the boundaries and perimeter of the horse enclosure will provide a suitable buffer and design that will ameliorate any impacts associated with noise, dust, privacy, lighting, odour, and emissions. Overall the development has been suitably designed to ensure it does not impact the existing amenity of the local area. This use is considered to be appropriately positioned within the rural residential 2 hectare precinct, only 8 minutes-drive from the racecourse.</i></p> <p><b>Satisfied.</b></p>
<b>If for Aquaculture</b>		
PO16, PO17 & PO18	AO16, AO17.1, AO17.2 & AO18	<p><i>Not applicable to the proposed development as it is for an 'Animal Keeping' use.</i></p> <p><b>Satisfied.</b></p>

## 5.2.3 Landscaping Code

### 9.4.2.2 Purpose

- (1) The purpose of the Landscaping code is to ensure all development is landscaped to a standard that:
  - (a) complements the scale and appearance of the development;
  - (b) protects and enhances the amenity and environmental values of the site;
  - (c) complements and enhances the streetscape and local landscape character; and
  - (d) ensures effective buffering of incompatible land uses to protect local amenity.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Landscaping is a functional part of development design and is commensurate with the intended use;
  - (b) Landscaping accommodates the retention of existing significant on site vegetation where appropriate and practical;
  - (c) Landscaping treatments complement the scale, appearance and function of the development;
  - (d) Landscaping contributes to an attractive streetscape;
  - (e) Landscaping enhances the amenity and character of the local area;
  - (f) Landscaping enhances natural environmental values of the site and the locality;
  - (g) Landscaping provides effective screening both on site, if required, and between incompatible land uses;
  - (h) Landscaping provides shade in appropriate circumstances;
  - (i) Landscape design enhances personal safety and reduces the potential for crime and vandalism; and
  - (j) Intensive land uses incorporate vegetated buffers to provide effective screening of buildings, structures and machinery associated with the use.

This code is not addressed in detail as the site has existing established landscaping provided all over the property, of which a considerable amount of additional planting is proposed along all boundaries including infill plantings, and also plantings around the perimeter of the fenced stable area and car park. Planting has already commenced on-site with various natives recommended and supplied for this site by Yuruga Nursery. The area planted was

completed along the northern boundary adjacent to the existing dwelling, which included infill plantings amongst the existing trees. The plants used are listed in the table below.

Description	Size	Qty
Xanthostemon Chrysanthus "Golden penda" advanced	200mm	2
Syzygium Australe "Creek satinash" advanced	200mm	2
Callistemon "prolific"	140mm	10
Callistemon "Yuruga red"	140mm	10
Syzygium "Smithii" "Lilly pilly"	140mm	10
Murraya paniculata "Mock orange" highly scented	140mm	10

These plants include natives with wonderful flower displays, highly scented along with bird, bee & butterfly attracting species & height variations. The plants chosen will work well together and give the area a nice look rather than just a straight forward hedge/screen.

Similar plantings of a similar nature will be provided along all the areas shown on the site plan. Overall, we estimate around 500 plants will be planted within the areas indicated to provide screening making the area more attractive.

#### 5.2.4 Parking and Access Code

This code is not addressed in detail as the site has existing access from Emerald Heights Road, of which will be maintained and utilised as part of this development.

<b>Animal keeping</b>	Minimum of three spaces or one space per 200m <sup>2</sup> of use area, whichever is greater.	One SRV space.
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The proposed Animal Keeping (Stables) Use in accordance with the code triggers the demand for three (3) car parks of which have been supplied adjacent to the stables. Accordingly, this development complies with the needs and demands associated with the use, and no further assessment is required.

#### 5.2.5 Works, Service and Infrastructure Code

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 existing services and infrastructure will not need upgrading, however we have noted the following to be provided as part of this development:

- **Access:** The existing access crossover complies with relevant FNQROC Standard Drawing S1105e for rural property accesses, therefore no upgrades required;
- **Water:** The existing water services provided with the property and the existing dwelling will more than adequately service the development. The owner may seek to capture the water from the proposed stable structure at a later date and collect it into a water tank;
- **Landscaping:** Various plantings along the boundaries will provide suitable screening and buffers to any adjoining properties.

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 Animal Keeping

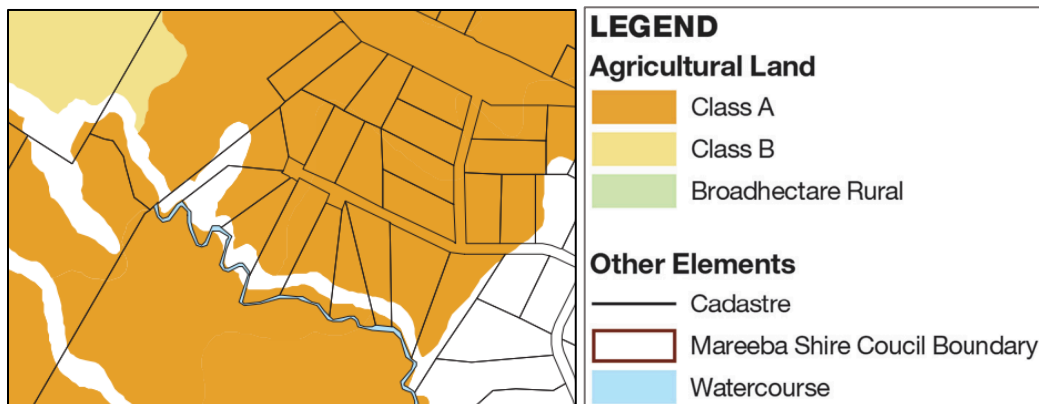
(Stables) use on the property. It is considered that the proposed Material Change of Use development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

### 5.2.6 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:*

- (a) *The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:*
  - (i) *an overriding need exists for the development in terms of public benefit,*
  - (ii) *no suitable alternative site exists; and*
  - (iii) *the fragmentation or reduced production potential of agricultural land is minimised;*
- (b) *'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;*
- (c) *Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and*
- (d) *Land with the 'Broadhectare rural' area is maintained in its current configuration.*



The proposed MCU is located in a section of the property that is mapped as containing some 'Class A - Agricultural Land'. The proposed site is zone for residential purposes and the viability of using the land for agricultural purposes is limited and unviable. This use provides an alternative use for the Class A land in that it provides suitable soils to grow grass to help feed the horses. Accordingly, it is considered that this development achieves compliance with the purpose outcomes sought under the Agricultural Land Overlay Code.

### 5.2.7 Airport Environs Overlay Code

The site is within the 13kms 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.

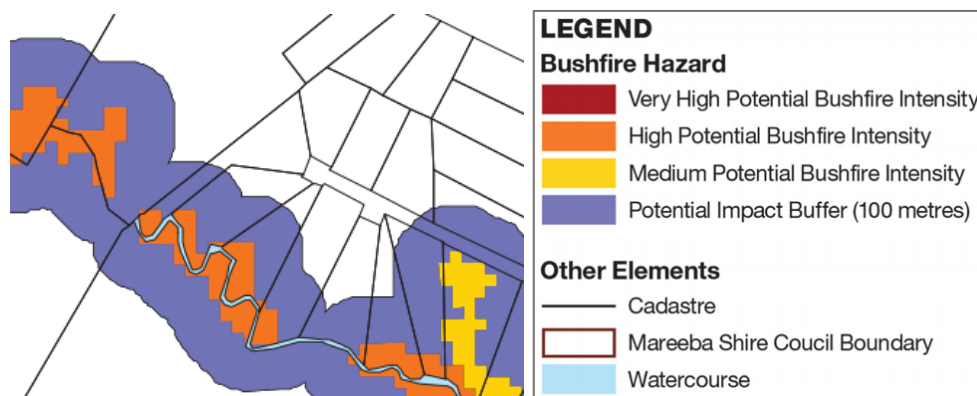


### 5.2.8 Bushfire Hazard Overlay Code

*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 located within the 'Potential Impact Buffer (100 metres)'. The hazard mapping strongly correlates with the riparian areas along Cobra Creek. The existing infrastructure on the property servicing the existing house can more than adequately be used to control fires. The appropriate water source contains sufficient capacity for Firefighting purposes and is provided with the appropriate connections as required. Lastly, the area around the stables and fence area 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.

### 5.2.9 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:*

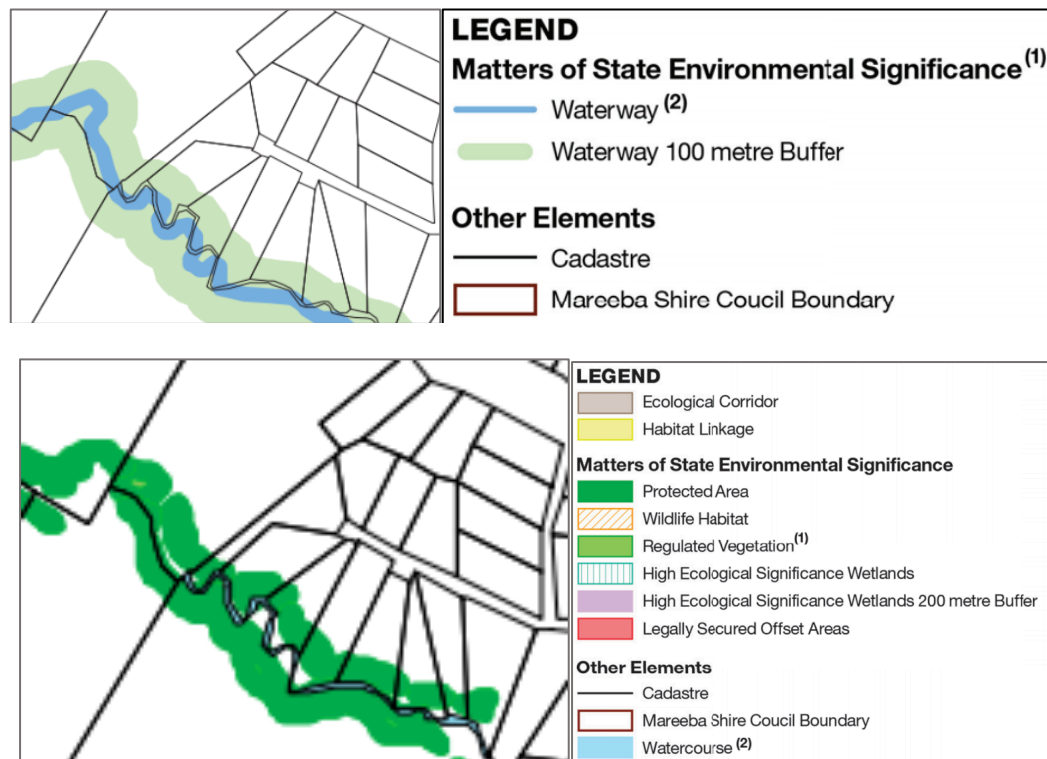
- (a) *waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) *the environmental values of regulated vegetation, wildlife habitat, protected areas and legally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



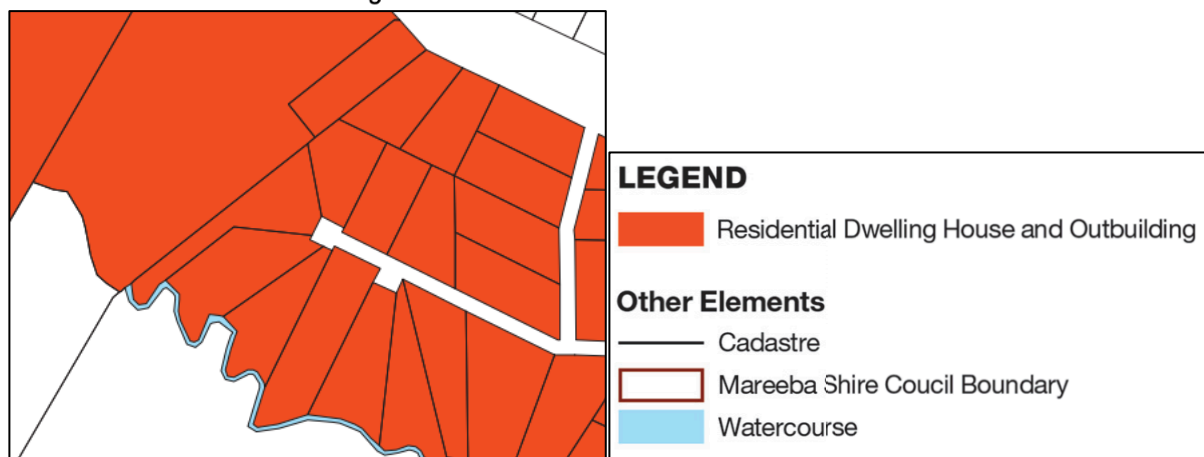
The site is Mapped as containing protected areas, a Waterway and a Waterway Buffer on the Environmental Significance Overlay Mapping. The areas mapped under this overlay are reflected in the state vegetation mapping, which relate to the areas along Cobra Creek which should be protected. The development does not trigger referral for vegetation clearing as it is over the 20m buffer (over 75m from protected vegetation) prescribed for fire separation. 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.



## 5.2.10 Residential Dwelling House and Outbuilding Overlay Code

### 8.2.10.2 Purpose

- (1) The purpose of the Residential dwelling house and outbuilding overlay code is to ensure that Dwelling houses, including residential outbuildings, are appropriately designed, located and serviced within the residential areas of the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development is designed and located to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - (b) Development provides a high level of amenity and is reflective of the surrounding character of the area;
  - (c) Development is responsive to site characteristics and employs best practice industry standards;
  - (d) Development has a sufficient number of parking spaces designed in a manner to meet the requirements of the user;
  - (e) Development is provided with suitable vehicular access in a way that does not compromise the safety and efficiency of the surrounding road network;
  - (f) Parking spaces and associated manoeuvring areas are safe and functional;
  - (g) Development is provided with an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (h) Development is connected to infrastructure that provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (i) Development is connected to infrastructure that provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (j) Development is provided with electricity and telecommunications services that meet desired requirements;
  - (k) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - (l) Development does not affect the efficient functioning of public utility mains, services or installations; and
  - (m) Work associated with development does not cause adverse impacts on the surrounding area.



Under section 5.10 of the Planning Scheme, the table of assessment (table 5.10.1) specifies the various categories of development that require assessment against the relevant overlays.

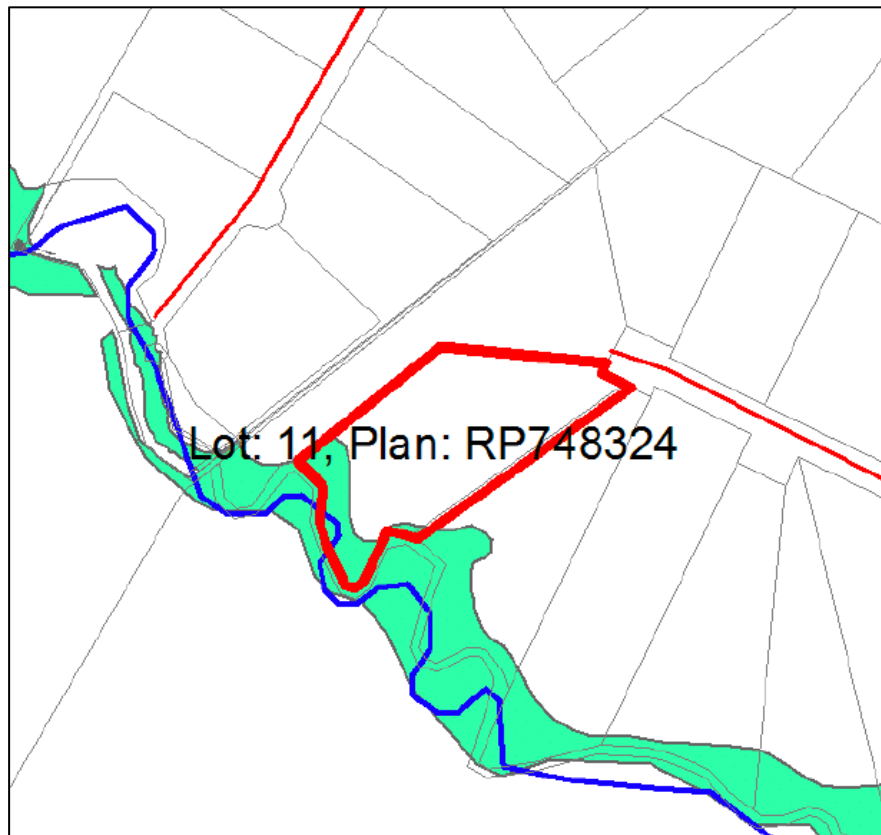
<b>Residential dwelling house and outbuilding overlay</b>		
Material change of use for Dwelling house within the 'Residential dwelling house and outbuilding area' identified on the <b>Residential dwelling house and outbuilding overlay maps (OM-0010a-o)</b> if complying with the relevant acceptable outcomes of the requirements.	Accepted development subject to requirements	Residential dwelling house and outbuilding overlay
Material change of use for Dwelling house within the 'Residential dwelling house and outbuilding area' identified on the <b>Residential dwelling house and outbuilding overlay maps (OM-0010a-o)</b> if not complying with one (1) or more of the relevant acceptable outcomes of the requirements.	Code assessment	Residential dwelling house and outbuilding overlay

As highlighted in the extract of the table above, the proposed development is for a material change of use for an Animal Keeping (Stables) use which is not listed as assessable under this code. As such, this development does not trigger an assessment against this overlay code.

### 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

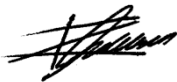
It is considered that the proposed development being for a Material Change of Use for an Animal Keeping (Stables) at 2 Emerald Height Road, Mareeba consist of an appropriate development for the site. The proposed use will complement the established land uses within the area and will result in a great 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 Residential Zone and Rural Activities 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)	Gareth Keith & Stefanie Horner c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes, Director
Postal address (P.O. Box or street address)	PO Box 1253
Suburb	TOLGA
State	QLD
Postcode	4882
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	<a href="mailto:ramon@uitownplan.com.au">ramon@uitownplan.com.au</a>
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	n/a
Applicant's reference number(s) (if applicable)	M4-19

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)	



**Queensland  
Government**

## 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
		2	Emerald Heights Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	11	RP748324	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 – Animal Keeping (Stables)**

e) Relevant plans

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

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

#### 6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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



**6.3) Additional aspects of development**

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

**Section 2 – Further development details****7) Does the proposed development application involve any of the following?**

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

**Division 1 – Material change of use**

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

**8.1) Describe the proposed material change of use**

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Provide a comfortable place for the owner's horses instead of the stable as the racecourse.	Animal Keeping (20 Horses)	n/a	n/a

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

<input type="checkbox"/> Yes		
<input checked="" type="checkbox"/> No		

**Division 2 – Reconfiguring a lot**

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

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

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 type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

**10) Subdivision****10.1) For this development, how many lots are being created and what is the intended use of those lots:**

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

☐ Yes – specify number of new lots:

☐ No

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

\$

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Mareeba Shire Council

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

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

## PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

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

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

Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

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

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

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- ☐ Local heritage places

**Matters requiring referral to the chief executive of the distribution entity or transmission entity:**

- ☐ Electricity infrastructure

**Matters requiring referral to:**

- The **Chief executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Oil and gas infrastructure

**Matters requiring referral to the Brisbane City Council:**

- ☐ Brisbane core port land

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

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<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

<b>19) Information request under Part 3 of the DA Rules</b>
<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 <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>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</li> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## PART 7 – FURTHER DETAILS

<b>20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)</b>			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<b>21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)</b>			
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application			

<input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

- ☐ 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](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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](http://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](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### Brothels

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

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

☒ No

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

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

☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

**Note:** See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of *DA Form 2 – Building work details* have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

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

☒ Yes

Relevant plans of the development are attached to this development application

☒ Yes

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

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

☐ Yes

☒ Not applicable

## 25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

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

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

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

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

## PART 9 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

**Note:** For completion by assessment manager if applicable

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



## **APPENDIX 2: OWNER'S CONSENT**

## CLIENT ACCEPTANCE FORM / OWNER'S CONSENT

(TO BE COMPLETED AND RETURNED)

<b>PROJECT:</b>	Material Change of Use – Animal Keeping (20 Horses)
<b>PROJECT ADDRESS:</b>	2 EMERALD HEIGHTS ROAD, MAREEBA (LOTS 11 ON RP748324)

### Client Details

Client:	Gareth Keith Horner    Stefanie Horner (enter client name) (primary contact)
Invoice Address:	Po Box 1253 Tolga QLD 4882 (enter invoice address)
Phone:	Gareth 0438 505 884 Stefanie 0488 914 150 (enter client phone)
Email:	stef@htmcomplete.com.au (enter client email)
Accounts Contact:	stef@htmcomplete.com.au (enter accounts email & phone)

### Landowner Details

Landowner Name/s:	Gareth Keith Horner (enter landowner name/s) As shown on rates notice
Address:	2 Emerald Heights Road Mareeba QLD 4880 (enter address)
All Owners Signatures:	<i>G Horner</i> (signatures from all 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:** *G Horner*      *Stefanie Horner*

**Name:** Gareth Horner      Stefanie Horner

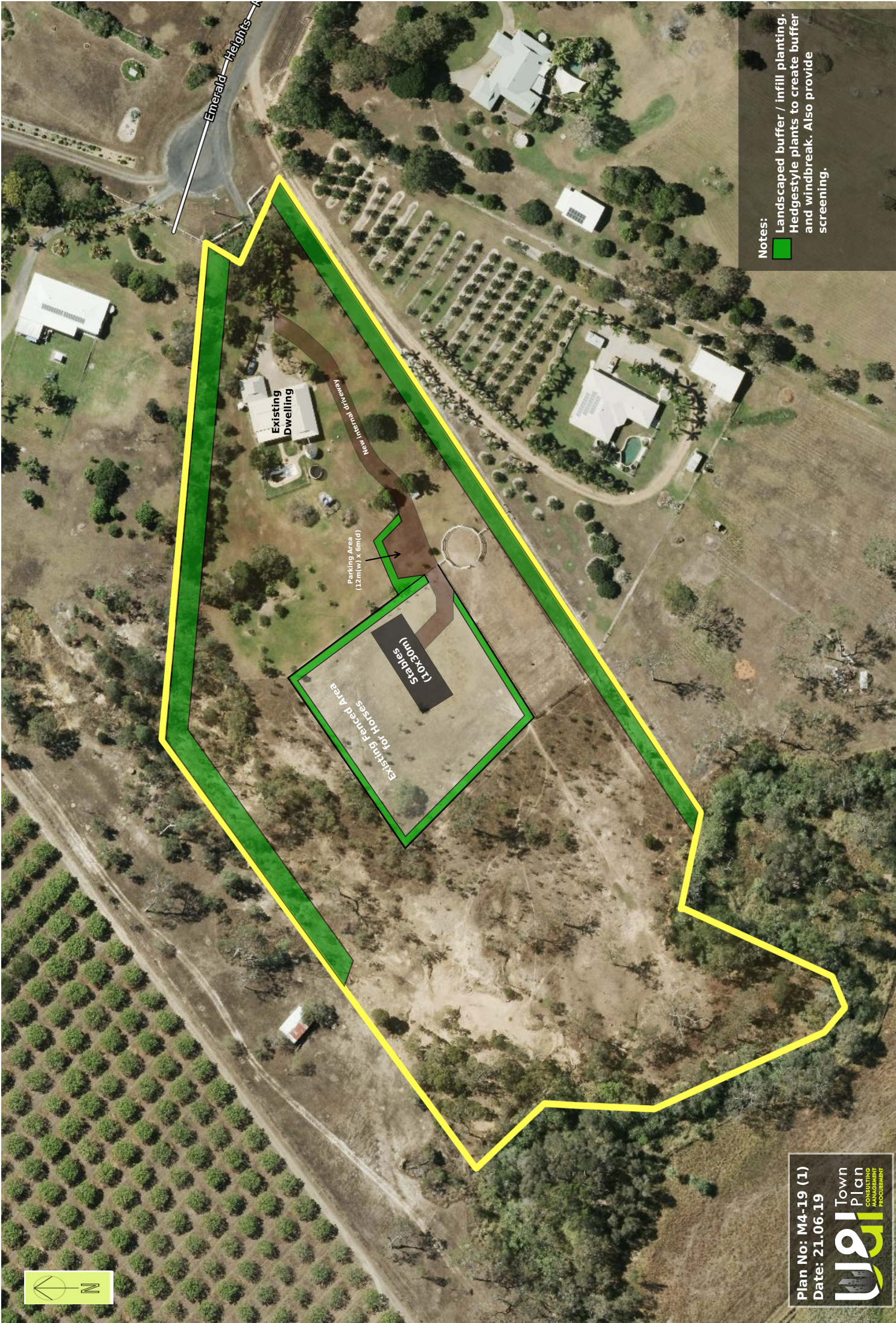
**Date:** 13/05/19      13/05/19

Please complete, sign and return this page only to: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au)

## **APPENDIX 3: DEVELOPMENT PLANS**



Proposed Development Plans - Animal Keeping (20 Horses)



Plan No: M4-19 (1)  
Date: 21.06.19

**U&I** Town  
Plan  
CONSULTING  
PROCUREMENT



# Building Layout

