

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)	Geoff Dixon
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 2393
Suburb	MAREEBA
State	QLD
Postcode	4880
Country	Australia
Contact number	(07) 4093 3373
Email address (non-mandatory)	
Mobile number (non-mandatory)	0419945948
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 No – proceed to 3)

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

Street address **AND** lot on plan (all lots must be listed), **or**

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		3946	Kennedy Highway	MAREEBA
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	28	SP160169	Mareeba Shire
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="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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.
 See Attachment 2 - Easement

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):*

Reconfiguring 1 lot into 2 lots.

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

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

6.2) Provide details about the second development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

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

Division 2 – Reconfiguring a lot

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

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

One

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

<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

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

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

10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below	
<input checked="" type="checkbox"/> No	
How many stages will the works include?	One
What stage(s) will this development application apply to?	One

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

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

12) Boundary realignment

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

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

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

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement
Proposed			Right of Access easement to allow vehicle movement to/from residential property lot via the proposed Emerald Creek Ice-Creamery lot's existing access. This will ensure no further access locations will be required to Kennedy Highway.	Lot 28 SP160169

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

- | | | |
|---|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <table border="1" style="width: 300px; height: 20px;"></table> | | |

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

Yes – specify number of new lots:

No

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

<input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees (<i>category 3 levees only</i>)
<input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<input type="checkbox"/> Airport land
<input type="checkbox"/> Environmentally relevant activities (ERA) (<i>only if the ERA have been devolved to local government</i>)
<input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to:
• The Chief executive of the holder of the licence , if not an individual
• The holder of the licence , if the holder of the licence is an individual
<input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons)
<input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works marina (<i>more than six vessel berths</i>)

18) Has any referral agency provided a referral response for this development application?

Yes – referral response(s) received and listed below are attached to this development application

No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (*if applicable*).

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules

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

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

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

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

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

PART 7 – FURTHER DETAILS

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

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – 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 type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No			
<i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			

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

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

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

No

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

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

Environmental offsets

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

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

No

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

Koala conservation

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

Yes

No

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

Water resources

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

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

No

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

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

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

Waterway barrier works

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

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

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:

Place ID:

Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	

Relevant licence number(s) of chosen assessment manager	
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QLeave notification and payment

Note: For completion by assessment manager if applicable

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

State code 1: Development in a state-controlled road environment

Table 1.2.1: Development in a state-controlled road environment

Performance outcomes		Acceptable outcomes	Response
Buildings and structures	<p>PO1 The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a state-controlled road, or cause damage to, or obstruct road transport infrastructure.</p>	<p>AO1.1 Buildings, structures, infrastructure, services and utilities are not located in a state-controlled road. AND</p> <p>AO1.2 Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a state-controlled road.</p>	<p>PO1 does not apply to this application. This application does not propose any new building developments. Existing buildings comply with, and have been approved by Mareeba Shire Council and TMR.</p>
	<p>PO2 The design and construction of buildings and structures does not create a safety hazard by distracting users of a state-controlled road.</p>	<p>AO2.1 Facades of buildings and structures facing a state-controlled road are made of non-reflective materials. OR</p> <p>AO2.2 Facades of buildings and structures do not reflect point light sources into the face of oncoming traffic on a state-controlled road. AND</p> <p>AO2.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on a state-controlled road and does not involve flashing or laser lights. AND</p>	<p>This application complies with AO2.1. All buildings on the property have been approved by Council and are made of non-reflective materials. This application does not propose any new building developments. Existing buildings comply with, and have been approved by Mareeba Shire Council and TMR.</p>

Performance outcomes	Acceptable outcomes	Response
<p>PO3 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto a state-controlled road.</p>	<p>AO2.4 Advertising devices visible from a state-controlled road are located and designed in accordance with the Roadside Advertising Guide, 2nd Edition, Department of Transport and Main Roads, 2017.</p> <p>AO3.1 Road, pedestrian and bikeway bridges over a state-controlled road include throw protection screens in accordance with section 4.9.3 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2018.</p>	<p>PO3 does not apply to this application as no development is proposed.</p>
<p>Filling, excavation and retaining structures</p>		
<p>PO4 Filling and excavation does not interfere with, or result in damage to, infrastructure or services in a state-controlled road.</p> <p>Note: Information on the location of services and public utility plants in a state-controlled road can be obtained from the Dial Before You Dig service.</p> <p>Where development will impact on an existing or future service or public utility plant in a state-controlled road such that the service or public utility plant will need to be relocated, the alternative alignment must comply with the standards and design specifications of the relevant service or public utility provider, and any costs of relocation are to be borne by the developer.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO4 does not apply to this application as no development is proposed.</p>
<p>PO5 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a state-controlled road.</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO5 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
<p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>		
<p>PO6 Filling, excavation, building foundations and retaining structures do not cause ground water disturbance in a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO6 does not apply to this application as no development is proposed.</p>
<p>PO7 Excavation, boring, piling, blasting or fill compaction during construction of a development does not result in ground movement or vibration impacts that would cause damage or nuisance to a state-controlled road, road transport infrastructure or road works.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO7 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
<p>certified geotechnical assessment, prepared in accordance with Road Planning and Design Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>		
<p>PO8 Development involving the haulage of fill, extracted material or excavated spoil material exceeding 10,000 tonnes per year does not damage the pavement of a state-controlled road.</p> <p>Note: It is recommended a pavement impact assessment is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, and the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a pavement impact assessment.</p>	<p>AO8.1 Fill, extracted material and spoil material is not transported to or from the development site on a state-controlled road.</p>	<p>PO8 does not apply to this application as no development is proposed.</p>
<p>PO9 Filling and excavation associated with the construction of vehicular access to a development does not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO9 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
<p>PO10 Fill material used on a development site does not result in contamination of a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO10.1 Fill material is free of contaminants including acid sulfate content.</p> <p>Note: Soils and rocks should be tested in accordance with AS 1289.0 – Methods of testing soils for engineering purposes and AS 4133.0-2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p> <p>AO10.2 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.</p>	<p>P10 does not apply to this application as no development is proposed.</p>
<p>PO11 Filling and excavation does not cause wind-blown dust nuisance in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO11.1 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.</p> <p>AND</p> <p>AO11.2 Dust suppression measures are used during filling and excavation activities such as wind breaks or barriers and dampening of ground surfaces.</p>	<p>PO11 does not apply to this application as no development is proposed.</p>
Stormwater and drainage		
<p>PO12 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>P12 does not apply to this application as no development is proposed.</p>
<p>PO13 Run-off from the development site is not unlawfully discharged to a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO13.1 Development does not create any new points of discharge to a state-controlled road.</p> <p>AND</p> <p>AO13.2 Stormwater run-off is discharged to a lawful point of discharge.</p>	<p>P13 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
<p>Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division) Fourth Edition, 2016, provides further information on lawful points of discharge. AND AO13.3 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road. AO14.1 Run-off from the development site during construction is not discharged to stormwater infrastructure for a state-controlled road.</p>	<p>P14 does not apply to this application as no development is proposed.</p>
<p>PO14 Run-off from the development site during construction does not cause siltation of stormwater infrastructure affecting a state-controlled road. Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO15.1 Development does not require new or changed access to a limited access road. Note: Limited access roads are declared by the transport chief executive under section 54 of the <i>Transport Infrastructure Act 1994</i> and are identified in the DA mapping system. OR AO15.2 A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road. Note: Limited access policies for limited access roads declared under the <i>Transport Infrastructure Act 1994</i> can be obtained by contacting the relevant Department of Transport and Main Roads regional office.</p>	<p>The application satisfies AO15.1. The application does NOT require a new or changed access road to Kennedy Highway. Rather it is proposed that the residence uses the existing driveway entry/exit point that will be located on the Ice-Creamery lot. Access to/from Kennedy Highway from the residential property will be assured via a Right to Access easement as illustrated on attached Site plans.</p>
<p>PO15 Vehicular access to a state-controlled road that is a limited access road is consistent with government policy for the management of limited access roads. Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO15.1 Development does not require new or changed access to a limited access road. Note: Limited access roads are declared by the transport chief executive under section 54 of the <i>Transport Infrastructure Act 1994</i> and are identified in the DA mapping system. OR AO15.2 A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road. Note: Limited access policies for limited access roads declared under the <i>Transport Infrastructure Act 1994</i> can be obtained by contacting the relevant Department of Transport and Main Roads regional office.</p>	<p>The application satisfies AO15.1. The application does NOT require a new or changed access road to Kennedy Highway. Rather it is proposed that the residence uses the existing driveway entry/exit point that will be located on the Ice-Creamery lot. Access to/from Kennedy Highway from the residential property will be assured via a Right to Access easement as illustrated on attached Site plans.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p>AO15.3 Where a new or changed access is for a service centre, access is consistent with the Service centre policy, Department of Transport and Main Roads, 2013 and the Access policy for roadside service centre facilities on limited access roads, Department of Transport and Main Roads, 2013, and the Service centre strategy for the state-controlled road.</p> <p>Note: The Service centre policy, Department of Transport and Main Roads, 2013, Access policy for roadside service centre facilities, Department of Transport and Main Roads, 2013 and the relevant Service centre strategy for a state-controlled road can be accessed by contacting the relevant Department of Transport and Main Roads regional office.</p>	
<p>PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.</p> <p>Note: Where a new or changed access between the premises and a state-controlled road is proposed, the Department of Transport and Main Roads will</p>	<p>AO16.1 Vehicular access is provided from a local road.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO16.2 Vehicular access for the development is consistent with the function and design of the state-controlled road.</p> <p>AND</p>	<p>Application complies with AO16.2.</p> <p>This application seeks to use the existing vehicular access at 3946 Kennedy Highway, and NO change to the access is proposed. The access was approved by TMR in 2009 and satisfies the requirements for vehicle movements to/from 3946 Kennedy Highway.</p>

Performance outcomes	Acceptable outcomes	Response
<p>need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p> <p>Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO16.3 Development does not require new or changed access between the premises and the state-controlled road.</p> <p>Note: A decision under section 62 of the <i>Transport Infrastructure Act 1994</i> outlines the approved conditions for use of an existing vehicular access to a state-controlled road. Current section 62 decisions can be obtained from the relevant Department of Transport and Main Roads regional office.</p> <p>AND</p> <p>AO16.4 Use of any existing vehicular access to the development is consistent with a decision under section 62 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Note: The development which is the subject of the application must be of an equivalent use and intensity for which the section 62 approval was issued and the section 62 approval must have been granted no more than 5 years prior to the lodgement of the application.</p> <p>AND</p> <p>AO16.5 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road.</p>	<p>Application complies with AO16.3.</p> <p>Application proposes that the residence uses the existing driveway entry/exit point that will be located on the Ice-Creamery lot. Access to/from Kennedy Highway from the residential property will be secured via a Right to Access easement as illustrated on attached Site plans.</p>
	<p>AO17.1 Vehicular access is located as far as possible from the state-controlled road intersection.</p> <p>AND</p>	<p>Application partially complies with AO16.4.</p> <p>No change of usage or development is proposed with this application, thus vehicle movements to/from 3946 Kennedy Highway will remain at their current form using the driveway access approved by TMR some ten years ago.</p> <p>It is our understanding however, that the last Section 62 issued falls outside the 5 year limit in regards to the lodgement of this application.</p> <p>Application complies with AO16.5.</p> <p>Please see Attachment 4 for supporting explanation.</p>
<p>Vehicular access to local roads within 100 metres of an intersection with a state-controlled road</p>		
<p>PO17 The location and design of vehicular access to a local road within 100 metres of an intersection with a state-controlled road does not create a safety hazard for users of a state-controlled road.</p>		<p>PO17 does not apply to this application.</p>

Performance outcomes	Acceptable outcomes	Response
<p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO17.2 Vehicular access is in accordance with parts, 3, 4 and 4A of the Road Planning and Design Manual, 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016. AND AO17.3 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in the intersection or on the state-controlled road.</p>	
<p>Public passenger transport infrastructure on state-controlled roads</p> <p>PO18 Development does not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian or cycle access to public passenger transport infrastructure and public passenger services.</p> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO18.1 Vehicular access and associated road access works are not located within 5 metres of existing public passenger transport infrastructure. AND AO18.2 Development does not necessitate the relocation of existing public passenger transport infrastructure. AND AO18.3 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles using a vehicular access do not obstruct public passenger transport infrastructure and public passenger services or obstruct pedestrian or cycle access to public passenger transport infrastructure and public passenger services. AND AO18.4 The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.</p>	<p>PO18 does not apply to this application as no development is proposed.</p>
Planned upgrades		

Performance outcomes	Acceptable outcomes	Response
<p>PO19 Development does not impede delivery of planned upgrades of state-controlled roads.</p>	<p>AO19.1 Development is not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road. Note: Land required for the planned upgrade of a state-controlled road is identified in the DA mapping system. OR</p> <p>AO19.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO19.3 Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development. AND</p> <p>AO19.4 Vehicular access for the development is consistent with the function and design of the planned upgrade of the state-controlled road. AND</p> <p>AO19.5 Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade to a state-controlled road. AND</p>	<p>PO19 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
Network impacts	AO19.6 Land is able to be reinstated to the pre-development condition at the completion of the use.	
PO20 Development does not result in a worsening of operating conditions on the state-controlled road network. Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified traffic impact assessment is provided. Please refer to the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.	No acceptable outcome is prescribed.	PO20 does not apply to this application as no development is proposed.
PO21 Development does not impose traffic loadings on a state-controlled road which could be accommodated on the local road network.	AO21.1 The layout and design of the development directs traffic generated by the development to the local road network.	PO21 does not apply to this application.
PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.	AO22.1 Upgrade works required as a result of the development are designed and constructed in accordance with the <i>Road Planning and Design Manual</i> , 2 nd edition, Department of Transport and Main Roads, 2016. Note: Road works in a state-controlled road require approval under section 33 of the <i>Transport Infrastructure Act 1994</i> before the works commence.	PO22 does not apply to this application as no development is proposed.

Table 1.2.2: Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with table 2.2.2: Environmental emissions in State code 2: Development in a railway environment.

Refer to the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with the performance outcomes in Table 1.2.2.

Performance outcomes	Acceptable outcomes
Noise	
Accommodation activities	

State Development Assessment Provisions – version 2.5

State code 1: Development in a state-controlled road environment

Performance outcomes

PO23 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in habitable rooms.

Acceptable outcomes

AO23.1 A noise barrier or earth mound is provided which is designed, sited and constructed:

1. to meet the following external noise criteria at all facades of the building envelope:
 - a. ≤ 60 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am ≤ 40 dB(A))
 - b. ≤ 63 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am > 40 dB(A))
2. in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013.

Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017.

If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.

In some instances, the design of noise barriers and mounds to achieve the noise criteria above the ground floor may not be reasonable or practicable. In these instances, any relaxation of the criteria is at the discretion of the Department of Transport and Main Roads.

PO23 does not apply to this application as no development is proposed.

Performance outcomes

Acceptable outcomes

OR all of the following acceptable outcomes apply:

AO23.2 Buildings which include a habitable room are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor.
AND

AO23.3 Buildings are designed and oriented so that habitable rooms are located furthest from a state-controlled road or type 1 multi-modal corridor.
AND

AO23.4 Buildings (other than a relevant residential building or relocated building) are designed and constructed using materials which ensure that habitable rooms meet the following internal noise criteria:

1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour over 24 hours).

Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1-1997 Acoustics – Description and measurement of environmental noise.

To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.

Habitable rooms of relevant residential buildings located within a **transport noise corridor** must comply with the Queensland Development Code MP4.4 Buildings in a transport noise corridor, Queensland Government, 2015. **Transport noise**

Performance outcomes	Acceptable outcomes
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>corridors are mapped on the State Planning Policy interactive mapping system.</p>
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>AO24.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> to meet the following external noise criteria in outdoor spaces for passive recreation: <ol style="list-style-type: none"> ≤57 dB(A) L₁₀ (18 hour) free field (measured L₉₀ (18 hour) free field between 6am and 12 midnight ≤45 dB(A)) ≤60 dB(A) L₁₀ (18 hour) free field (measured L₉₀ (18 hour) free field between 6am and 12 midnight > 45 dB(A)) in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice – Volume 1 Road Traffic Noise, Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information:</p>
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>PO24 does not apply to this application as no development is proposed.</p>

Performance outcomes

Acceptable outcomes

<p>Childcare centres and educational establishments</p> <p>PO25 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in indoor education areas and indoor play areas.</p>	<p>Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017</p> <p>OR</p> <p>AO24.2 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p> <p>AND</p> <p>AO24.3 Each dwelling with a balcony directly exposed to noise from a state-controlled road or type 1 multi-modal corridor has a continuous solid gap-free balustrade (other than gaps required for drainage purposes to comply with the Building Code of Australia).</p>
<p>AO25.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> a. ≤ 58 dB(A) L₁₀ (1 hour) façade corrected (maximum hour during normal opening hours) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information:</p>	<p>PO25 does not apply to this application as no development is proposed.</p>

Performance outcomes

Acceptable outcomes

	<p>Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO25.2 Buildings which include indoor education areas and indoor play areas are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor. AND</p> <p>AO25.3 Buildings are designed and oriented so that indoor education areas and indoor play areas are located furthest from the state-controlled road or type 1 multi-modal corridor. AND</p> <p>AO25.4 Buildings are designed and constructed using materials which ensure indoor education areas and indoor play areas meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1-1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified</p>	
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Performance outcomes	Acceptable outcomes
<p>PO26 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.</p>	<p>noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>AO26.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria in each outdoor education area or outdoor play area: <ol style="list-style-type: none"> a. ≤ 63 dB(A) L₁₀ (12 hour) free field (between 6am and 6pm) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>OR</p> <p>AO26.2 Each outdoor education area and outdoor play area is shielded from noise generated from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>
<p>Hospitals</p> <p>PO27 Development involving a hospital minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in patient care areas.</p>	<p>AO27.1 Hospitals are designed and constructed using materials which ensure patient care areas meet the following internal noise criteria:</p>
	<p>PO26 does not apply to this application as no development is proposed.</p> <p>PO27 does not apply to this application as no development is proposed.</p>

Performance outcomes		Acceptable outcomes	
		<p>1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours).</p> <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p>	
Vibration			
Hospitals			
PO28 Development involving a hospital minimises vibration impacts from vehicles using a state-controlled road or type 1 multi-modal corridor in patient care areas.	<p>AO28.1 Hospitals are designed and constructed to ensure vibration in the treatment area of a patient care area does not exceed a vibration dose value of $0.1\text{m/s}^{1.75}$.</p> <p>AND</p> <p>AO28.2 Hospitals are designed and constructed to ensure vibration in the ward area of a patient care area does not exceed a vibration dose value of $0.4\text{m/s}^{1.75}$.</p> <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified vibration assessment report is provided.</p>	<p>PO28 does not apply to this application as no development is proposed.</p>	
Air and light			
PO29 Development involving an accommodation activity minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.	<p>AO29.1 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>PO29 does not apply to this application.</p>	

Performance outcomes	Acceptable outcomes	PO30 does not apply to this application as no development is proposed.
<p>PO30 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.</p>	<p>AO30.1 Each outdoor education area and outdoor play area is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>PO30 does not apply to this application as no development is proposed.</p>
<p>PO31 Development involving an accommodation activity or hospital minimises lighting impacts from a state-controlled road or type 1 multi-modal corridor.</p>	<p>AO31.1 Buildings for an accommodation activity or hospital are designed to minimise the number of windows or transparent/translucent panels facing a state-controlled road or type 1 multi-modal corridor.</p> <p>OR</p> <p>AO31.2 Windows facing a state-controlled road or type 1 multi-modal corridor include treatments to block light from a state-controlled road or type 1 multi-modal corridor.</p>	<p>PO31 does not apply to this application as no development is proposed.</p>

Table 1.2.3: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	PO32 does not apply to this application as no development is proposed.
<p>PO32 Development does not impede delivery of a future state-controlled road.</p>	<p>AO32.1 Development is not located in a future state-controlled road.</p> <p>OR</p> <p>AO32.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located in a future state-controlled road.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO32.3 Structures and infrastructure located in a future state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p>	<p>PO32 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes	
<p>PO33 Vehicular access to a future state-controlled road is located and designed to not create a safety hazard for users of a future state-controlled road or result in a worsening of operating conditions on a future state-controlled road.</p> <p>Note: Where a new or changed access between the premises and a future state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p>	<p>AO32.4 Development does not involve filling and excavation of, or material changes to, a future state-controlled road.</p> <p>AND</p> <p>AO32.5 Land is able to be reinstated to the pre-development condition at the completion of the use.</p> <p>AO33.1 Development does not require new or changed access between the premises and a future state-controlled road.</p> <p>AND</p> <p>AO33.2 Vehicular access for the development is consistent with the function and design of the future state-controlled road.</p>	<p>PO33 does not apply to this application.</p>
<p>PO34 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a future state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified geotechnical assessment is provided, prepared in accordance with the Road Planning and Design Manual, 2nd edition: Volume 3, Department of Transport and Main Roads, 2016.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further</p>	<p>No acceptable outcome is prescribed.</p>	<p>PO34 does not apply to this application as no development is proposed.</p>

Performance outcomes	Acceptable outcomes
<p>guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p> <p>PO35 Fill material from a development site does not result in contamination of land for a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO35.1 Fill material is free of contaminants including acid sulfate content. Note: Soil and rocks should be tested in accordance with AS1289 – Methods of testing soils for engineering purposes and AS4133 2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p> <p>AO35.2 Compaction of fill is carried out in accordance with the requirements of AS1289.0 2000 – Methods of testing soils for engineering purposes.</p>
<p>PO36 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p> <p>PO36 does not apply to this application as no development is proposed.</p>
<p>PO37 Run-off from the development site is not unlawfully discharged to a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO37.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p> <p>AO37.2 Stormwater run-off is discharged to a lawful point of discharge. Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division), Fourth Edition, 2016, provides further information on lawful points of discharge.</p> <p>AND</p>

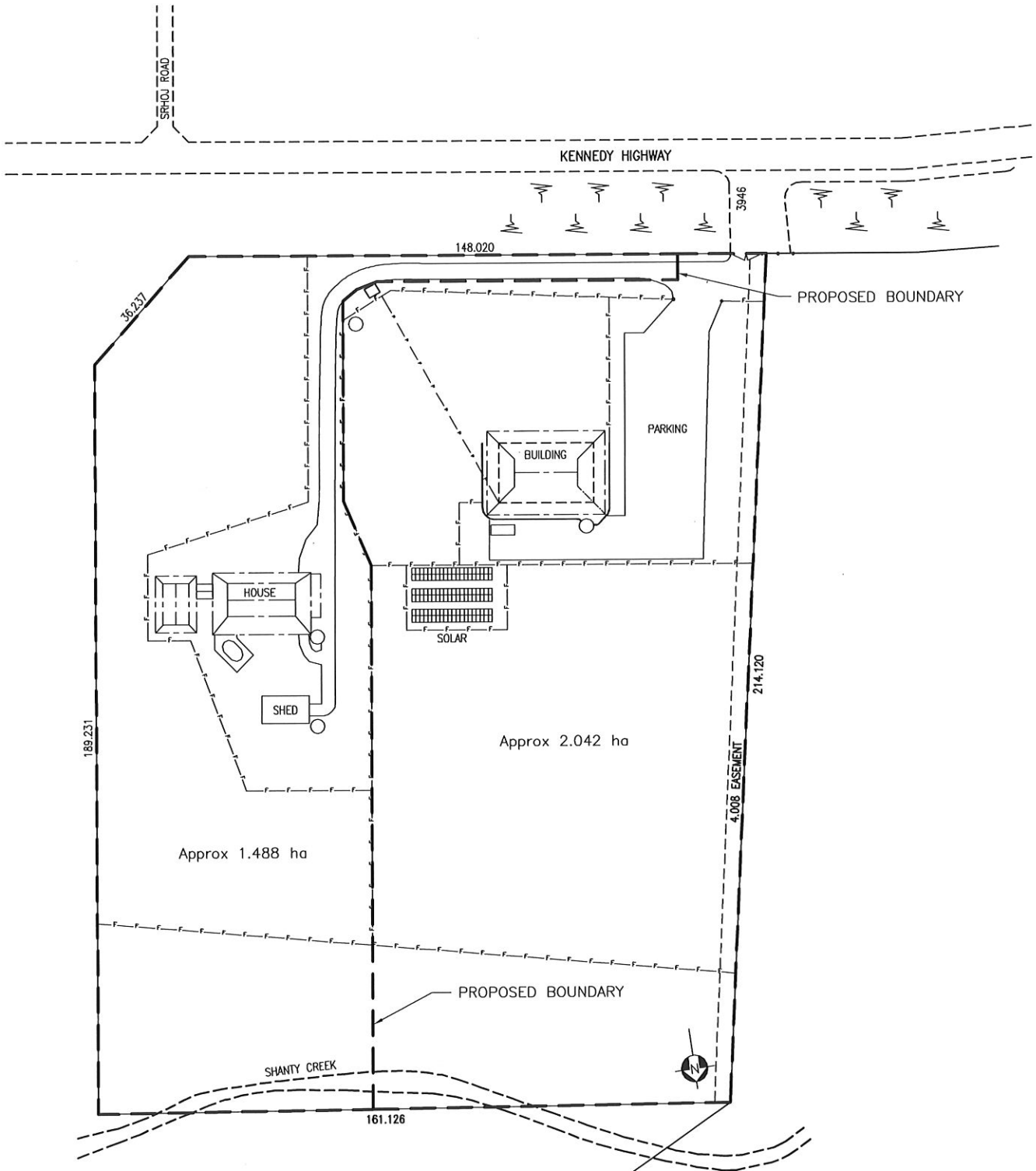
Performance outcomes	Acceptable outcomes
	<p>AO37.3 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.</p>

Attachment 1 – Site Plans

This attachment consists of two site plans for purposes of clarity:

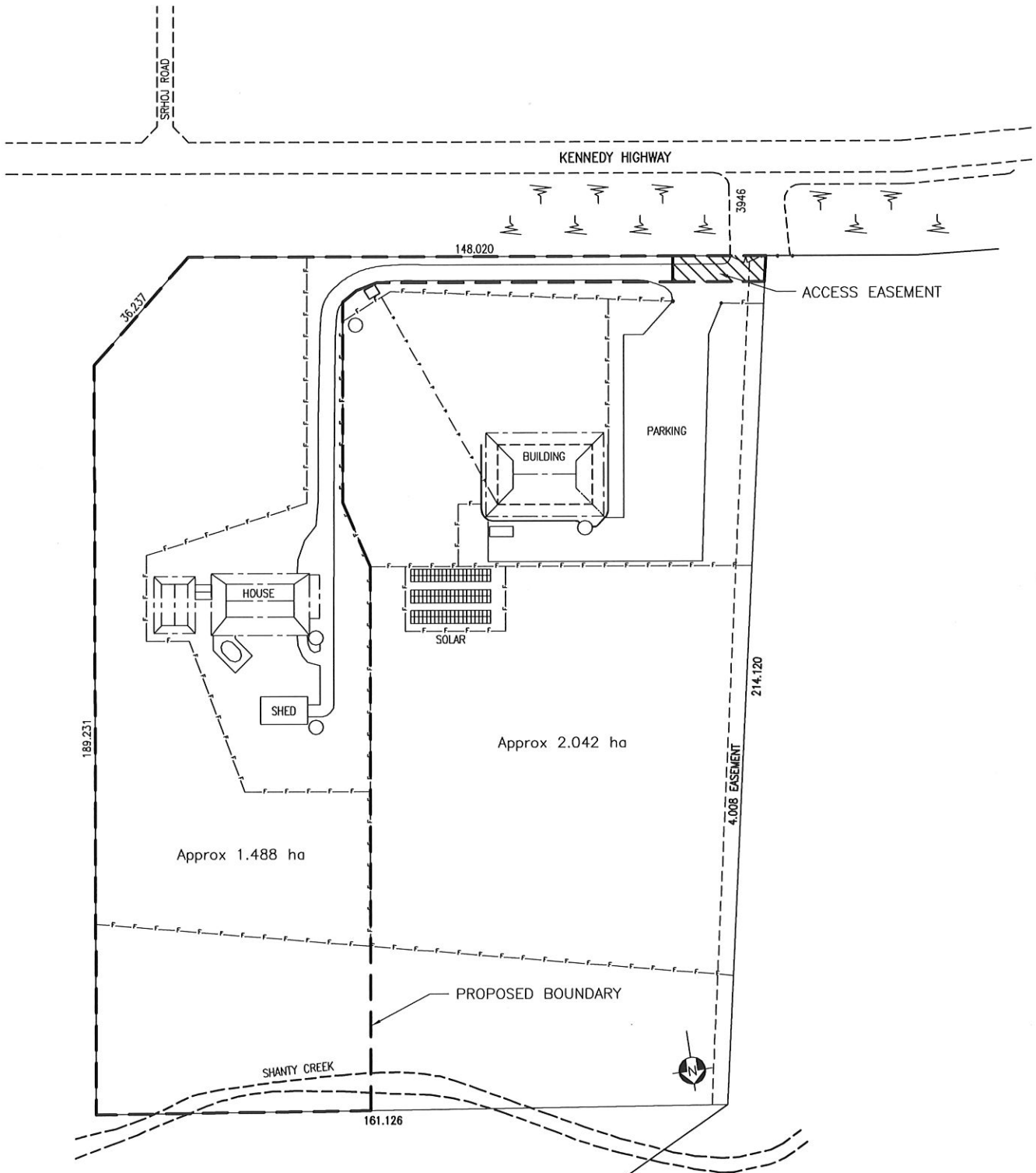
1. Site Plan A:
Shows the proposed subdivision of 3946 Kennedy Highway from one block into two blocks.
2. Site Plan B:
Shows the proposed access easement which will fall on the Emerald Creek Ice-Creamery lot.

Site Plan A



PROPOSED DIVISION FROM
1 INTO 2 BLOCKS LOCATED AT
3946 KENNEDY HWY
(LOT 28 / PLAN SP160169)
MAREEBA QLD 4880

Site Plan B



PROPOSED DIVISION FROM
1 INTO 2 BLOCKS LOCATED AT
3946 KENNEDY HWY
(LOT 28 / PLAN SP160169)
MAREEBA QLD 4880

SCALE 1:1000 DRAWN BY GEOFF DIXON JULY 2019

Attachment 2 – Easement & Survey Plan

This attachment consists of a Survey Plan showing the location and width of the easement.

Easement Number: 706856262

Purpose of Easement: Electricity Transmission. Used for services and transmission.

Easement Beneficiary: Ergon Energy

Further Explanation:

This easement originated from the requirement of Lot 276 (see attached Survey Plan) to run electrical cabling from Kennedy Highway, down the boundary edge of Lot 28 (Emerald Creek Ice-Creamery) and into Lot 276.

Ultimately, this cabling never occurred. Instead Lot 276 elected to run their cabling from Kovacic Road. Ergon has never used this easement for cabling, nor requested access at any time access for purposes of maintenance etc. To that end we are currently looking to **remove** the easement with the mutual consent of Ergon Energy.

TURNER ATTORNEYS

61/ROT/FBI/Per 276

Land Title Act 1994; Land Act 1994
Form 21 Version 2

SURVEY PLAN

CH. PRIOR & ASSOCIATES
TRUST Etc

Sheet 1 of 1

Parish of Formartine

284
NR7783

Reference Marks

Stn	To	Origin	Bearing	Dist
1	OIP	RP734543	291°28'	2.765
2	OIP	SP145485	201°33'	1.01
3	OIP	NR6745	191°37'	1.021
4	OIP	RP734543	201°59'	0.944
5	OIP	RP734543	21°59'	0.93
6	OIP	NR6745	25°41'	1.06

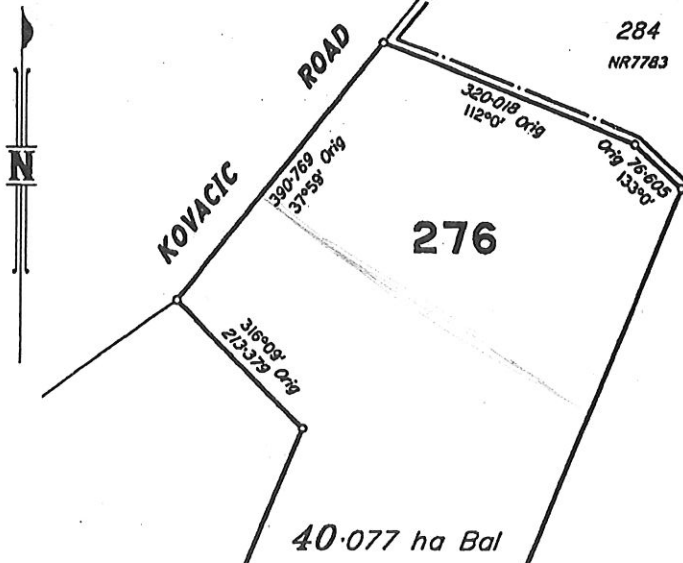
Permanent Marks

PM	Origin	Bearing	Dist	Nº
1-OPM	SP145485	199°20'05"	40.165	58730
2-OPM	NR6745	260°27'05"	142.009	58659

New conn

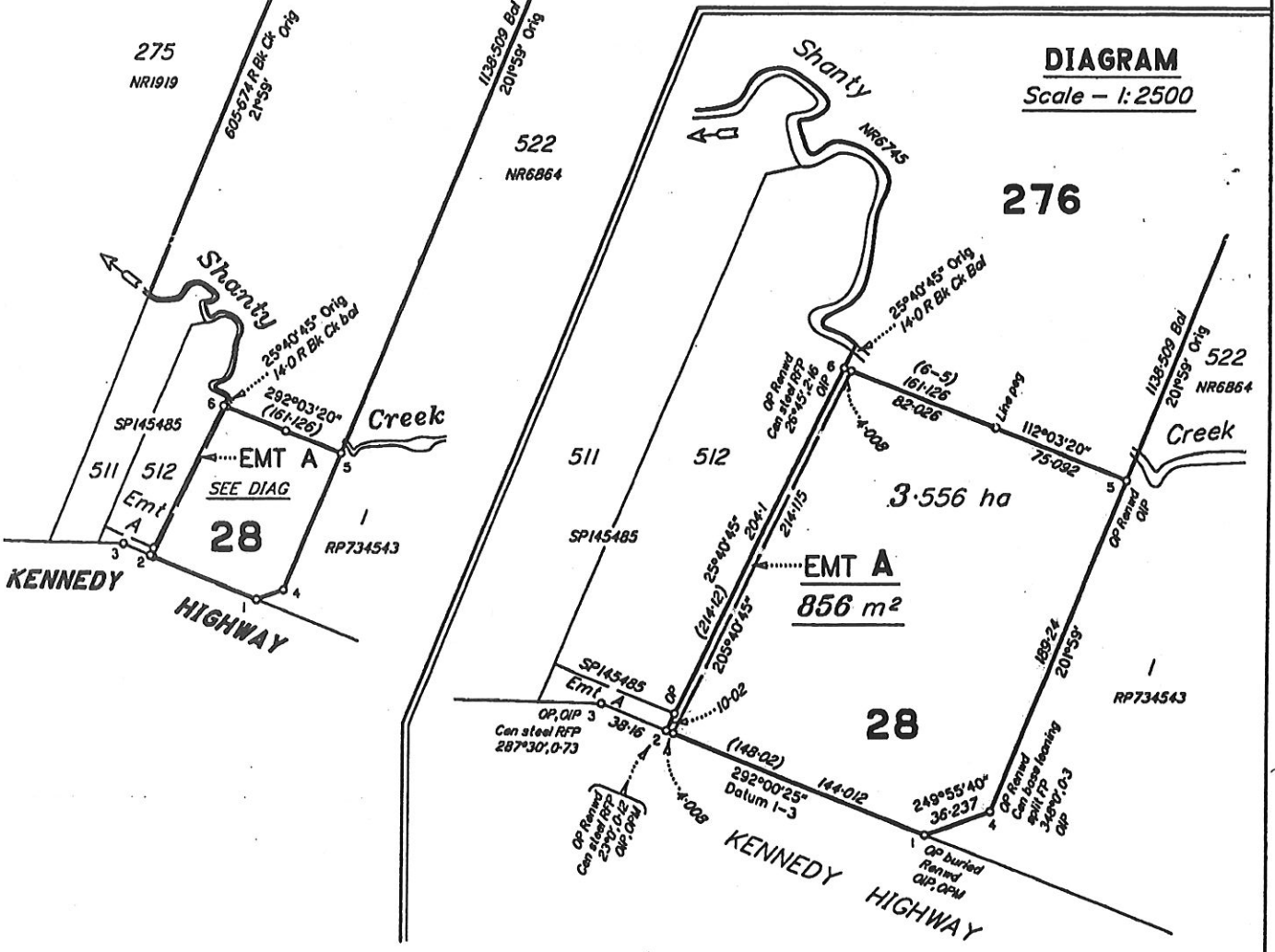
Original information compiled from
NR6745 in the Department of
Natural Resources and Mines

Branded peg pld at all new corners



DIAGRAM

Scale - 1:2500



I, Robin Douglas Trotter hereby certify that I have surveyed the land comprised in this plan personally, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992, and that the said survey was completed on 7-7-2003

Robin Trotter 22.7.2003
Licensed Surveyor Date

Plan of Lots 28 & 276 & Easement A
in Lot 28

Cancelling Lot 276 on NR6745

Scale: 1:6000
Format: STANDARD
SP160169
Plan Status:

PARISH: TINAROO COUNTY: Nares

Meridian: Of SP145485

F/N's: No

Attachment 3

Performance Outcome AO16.5

On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road.

Application complies with AO16.5.

As can be seen in Attachment 1 – Site Plan A, the driveway which will service the residential block runs along the front boundary fence, parallel to Kennedy Highway. The residential driveway finishes by connecting in a perpendicular fashion to the Emerald Creek Ice-Creamery parking lot (at the point of the proposed easement). This layout explicitly applies the “**give way to the right**” driving rule to the exiting residential vehicle, thereby prioritising the vehicle movements to those within the Ice-Creamery lot.

As indicated in Attachment 1 – Site Plan A, the residential lot’s driveway finishes approximately 15m prior to the entry/exit access where the proposed easement starts (see Site Plan B) and is a natural stopping point for an exiting residential vehicle as it is identified by:

1. The finishing of the boundary fence line between the Ice-Creamery block and the residential block;
2. The mergence of the residential block driveway into the Ice-Creamery parking lot; and
3. Although not currently existing, if desired, this point could be explicitly recognised as a stopping point by the erection of signage that directs the residential driver to “Give way” to existing traffic in the Emerald Creek Ice-Creamery lot.

From this vantage point, the exiting residential lot driver gets an unobstructed view of:

4. The entire Emerald Creek Ice-Creamery parking lot, and current vehicle movements within;
5. The entry/exit access point; and
6. Immediate traffic on Kennedy Highway.

By having a clear line of site of all traffic movements entering and exiting the Ice-Creamery lot, a vehicle from the residential lot can safely enter the easement using the accepted driving practise of “give way to the right”. By waiting safely in the residential lot’s driveway, the residential driver is well out of circulation of any Ice-Creamery traffic.

At 57 meters long by 20 meters wide, the Ice-Creamery’s parking lot is sufficiently sized that entering and exiting traffic can simultaneously move freely and with full view as there are no obstructions in the parking lot (in the form of vegetation or buildings etc). When clear conditions present themselves, the residential lot driver can safely move into the easement and proceed to the entry/exit access. In this fashion, any onsite traffic movements will be regulated and traffic build up avoided.

It should be noted that traffic entry and exits are well regulated at Lot 3946 Kennedy Highway. The bituminised, shared driveway measures 11 meters in width, easily accommodating the presence of two vehicles simultaneously entering/exiting the premises. The **narrowest** point of entry is 8 meters and occurs through the security gates, but this distance still allows for the simultaneous entry and exit of two vehicles.

The intake lane (measuring approximately 55 meters) on western side of Kennedy Highway ensures an immediate entry to those vehicles without disturbance to other traffic that may be

following behind. Cairns bound traffic use the intake lane when entering 3946 Kennedy Highway and have immediate right of way, thus removing any build-up of traffic from this direction.

Traffic approaching the entry of 3946 Kennedy Highway from the eastern direction have clear line of sight for more than 500m in the forward direction allowing safe turning entry into 3946 Kennedy Highway. Furthermore, they also have right of way over vehicles exiting the premises, thereby allowing traffic to enter Kennedy Highway without delays, thus avoiding queuing.

It should also be noted that the vehicle movements to and from the Ice-Creamery are infrequent and sufficiently low in volume as to avoid congestion. It is *rare* for more than one vehicle to enter/exit the Ice-Creamery simultaneously. The most common instance this occurs at closing time, 4.30pm, Saturday and Sunday. Typically there might be two or three groups at the Ice-Creamery who have enjoyed a late afternoon stop. At closing time they may depart in close succession, however this does **not** affect the flow of vehicles on Kennedy Highway as the Ice-Creamery closes for business at 4.30pm, preventing vehicles from entering Emerald Creek Ice-Creamery. Exiting vehicles at the access point have clear line of sight for a minimum of 500m in both the easterly and westerly directions allowing for safe entry into Kennedy Highway.