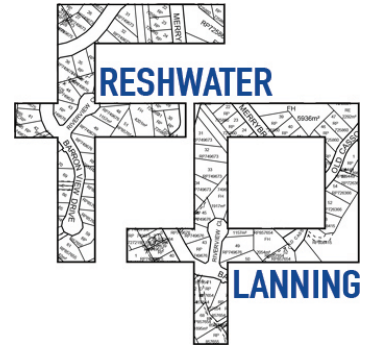


Your Ref:  
Our Ref: F19/17

04 November, 2019

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
**MAREEBA QLD 4880**



**Attention: Regional Planning Group**

Dear Sir,

**RE: APPLICATION FOR A MATERIAL CHANGE OF USE –  
ROADSIDE STALL (PRODUCE STORE) AND TOURIST ATTRACTION  
LOT 46 ON NR6594, 3595 KENNEDY HIGHWAY, MAREEBA.**

This application is for a Material Change of Use – Roadside Stall (Produce Store) and Tourist Attraction in Stages over land described as Lot 46 on NR3595, situated at 3595 Kennedy Highway, Mareeba is submitted on behalf of Remo Giuseppe and Berniece Terranova.

The application comprises of Application Forms, SmartMap, Proposal Plans and this Town Planning Submission. It is understood that the applicant will provide payment of the Application Fee.

### The Site

The subject land is described as Lot 46 on NR3595, Locality of Mareeba and situated at 3595 Kennedy Highway, Mareeba. The site is owned by Remo Giuseppe and Berniece Terranova who are also the applicants for the proposed development. The site is irregular in shape, has an area of 74.24 hectares, contains frontage to the Kennedy Highway and encompasses an existing Dwelling House, Packing Shed, associated structures and Rural Activities.

The site is accessed from the existing Road Network, being the Kennedy Highway and is provided with all available services with no change to the existing level of servicing is proposed. The site connected to Power, Telecommunications and provided with a domestic water supply and effective effluent disposal system.

In relation to the current State Governmental Mapping the site is Not Mapped as containing Remnant Vegetation, Essential Habitat or Regrowth Vegetation nor is the site Mapped as being designated as including a Referable Wetland or Wetland Protection Area. The site is located within 25 metres of a State Controlled Road, being the Kennedy Highway however, is not within 25 metres of a Railway Corridor.

### Referral Agencies

The site is Mapped as being located within 25 metres of a State Controlled Road, being the Kennedy Highway. It is considered that the proposal does require Referral to the Department for Main Road Concerns.

## The Proposed Development

The proposed development is for a Material Change of Use – Roadside Stall (Produce Store) and Tourist Attraction in the Rural Zone of the Mareeba Shire Council's Planning Scheme. The site is located at 3595 Kennedy Highway, Mareeba and is more particularly described as Lot 46 on NR3595. The site is irregular in shape, has an area of 74.24 hectares and contains an existing Dwelling House, Packing Shed, associated structures and Rural Activities.

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2

A Development Permit for a Material Change of Use is sought over the site for a Staged Development to include the provision of a Roadside Stall within Stage 1 and a Tourist Attraction within Stage 2 of the Development. The first Stage of the proposal is to facilitate the part conversion of the Packing Shed into a Roadside Stall (Produce Store). The Mareeba Shire Planning Scheme defines a Roadside Stall as, '*Premises used for the roadside display and sale of goods in rural areas*'. As per provided on the Proposal Plan, the area covered by the existing awning will be converted to provide a Market type Produce Display inclusive of a checkout and located in front of the existing parking provided onsite.

Depending on the success of the Roadside Produce Store, Stage 2 of the Development will see the implementation of a Tourist Attraction over the site. The Mareeba Shire Planning Scheme defines Tourist Attraction as '*Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site*'. The proposed Tourist Attraction would provide a small guided walking tour of the Packing Shed and adjoining Fruit Trees ending up with a tasting the local produce within the Market Style Produce Store. This Stage will see the conversion of the open Market style Produce Store to be enclosed with the addition of some tables for the consumption of Food and Drink as per demonstrated on the Proposal Plans. This small-scale Tourist Attraction is proposed to showcase the local Fruit and the packing process of this Industry. This Tourist Attraction will contain an area of approximately 177 m<sup>2</sup> which encompasses approximately half (70 m<sup>2</sup>) of the Roadside Produce Store and a portion of the Packing Equipment Area for the guided tour (74 m<sup>2</sup>). It is understood that the proposal will also share the office/checkout and the kitchen for preparation of the local produce and drinks (33 m<sup>2</sup>).

The site contains frontage to the Kennedy Highway with no change to the existing access proposed. The existing structure that is to be partially converted for the Roadside Produce Store and Tourist Attraction is provided with access via the existing crossover to an internal Rural driveway and hardstand parking area. The site contains twelve (12) parking spaces inclusive of a disabled space. The minimal increase of traffic is considered not to detrimentally affect the existing Road Network. The proposal is provided with safe and appropriate access to the existing Road Network, being the Kennedy Highway. No change to the existing services of the site or the existing structure is envisaged with the proposal. The proposal is connected to all available services as existing, provided with the necessary additional services and will be delivered with an appropriate level of Stormwater disposal.

The site is located in the Rural Zone of the Mareeba Shire Council's Planning Scheme. A Material Change of Use for a Roadside Stall (Produce Store) and Tourist Attraction is a Code Assessable. The application is Code Assessable.

This Submission provides a comprehensive assessment of the relevant planning instruments and site context for the proposed Roadside Stall and Tourist Attraction. It is considered that the proposed development is an integral Use for the site, ensuring to protect the existing Rural Activities over the site now and within the future.

## Far North Queensland Regional Plan 2009-2031

Lot 46 on NR3595 is identified as being in the Regional Landscape and Rural Production Area designation of the FNQ Regional Plan Mapping.

The proposal provides Uses that supports the existing Rural Activities provided on the site and within the Region. The Land Use Policy of the Primary Industries within the Regional Plan nominates that *'Sites and corridors for infrastructure that supports agricultural development, are identified, maintained and protected to support operation of those facilities and the ongoing operation of agricultural activities'*. The proposed Roadside Produce Store and Tourist Attraction provides support with the existing Rural Activities on-site ensuring the ongoing viable operation.

It is considered that the proposed Material Change of Use is not in conflict with the Objectives and Intent for Regional Landscape and Rural Production Areas in the FNQ Regional Plan 2009-2031.

## Rural Zone Code

The proposal is for a Development Permit for a Material Change of Use – Roadside Stall (Produce Store) and Tourist Attraction to ensure continued Rural Activities and support thereof located over the site and within the Region and the provision of new diversification of Rural Activities now and within the future. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme and no change to the Rural Zone is proposed with the proposed development. The proposal will ensure to maintain the existing amenities and aesthetics of the site.

Performance outcomes	Acceptable outcomes	Comments
<b>For self-assessable and assessable development</b>		
<b>Height</b>		
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>	<b>AO1.1</b> Development, other than buildings used for rural activities, has a maximum building height of: <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above ground level.</li> </ul>	Complies, No new buildings or structures are proposed as the Roadside Produce Store and Tourist Attraction will be provided within the existing structure.
	<b>AO1.2</b> Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	Not Applicable. No additional Rural Activities Buildings or Structures are proposed with the development.
<b>Siting, where not involving a Dwelling house</b> Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.		
<b>PO2</b> Development is sited in a manner that considers and respects:	<b>AO2.1</b> Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> <li>(a) 40 metres from a frontage to a State-controlled road; and</li> <li>(b) 10 metres from a boundary to an adjoining lot.</li> </ul>	No new buildings or structures are proposed as the Roadside Produce Store and Tourist Attraction will be provided within the existing structure and is considered to be appropriately sited.
	<b>AO2.2</b> Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to	Not Applicable. The site fronts a State Controlled Road and is proposed within an existing Building.

Performance outcomes	Acceptable outcomes	Comments
(a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors.	a road that is not a State-controlled road.  <b>A02.3</b> Buildings and structures, except where a Roadside stall, include a minimum setback of: (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road;	Complies, The proposal is the provision of a Roadside Stall within Stage 1 and Tourist Attraction within Stage 2. No new buildings or structures are proposed as the Roadside Produce Store and Tourist Attraction will be provided within the existing structure and is considered to be appropriately sited.
<b>Accommodation density</b>		
<b>PO3</b> The density of Accommodation activities: (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and (c) is commensurate to the scale and frontage of the site.	<b>A03.1</b> Residential density does not exceed one dwelling house per lot. <b>A03.2</b> Residential density does not exceed two dwellings per lot and development is for: (a) a secondary dwelling; or (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m <sup>2</sup> ; or (c) Rural worker's accommodation.	Not Applicable. No Accommodation Activities proposed.
<b>For assessable development</b>		
<b>Site cover</b>		
<b>PO4</b> Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of buildings in the surrounding area; and (c) appropriately balances built and natural features.	<b>A04</b> No acceptable outcome is provided.	Complies, The proposal is for the part conversion of the existing structure over the site into a Roadside Produce Store and Tourist Attraction. The proposal is considered to make efficient Use of the land, is of appropriate size and scale ensuring to balance the built and natural features of the site.
<b>PO5</b> Development complements and integrates with the established built character of the Rural zone, having regard to: (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location.	<b>A05</b> No acceptable outcome is provided.	Complies, The proposal is for the part conversion of the existing structure over the site into a Roadside Produce Store and Tourist Attraction. The proposal is considered to appropriately integrate with the established nature of the Rural Zone and surrounding area.
<b>Amenity</b>		

Performance outcomes	Acceptable outcomes	Comments
<b>PO6</b> Development must not detract from the amenity of the local area, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) advertising devices;</li> <li>(e) visual amenity;</li> <li>(f) privacy;</li> <li>(g) lighting;</li> <li>(h) odour; and</li> <li>(i) emissions.</li> </ul>	<b>AO6</b> No acceptable outcome is provided.	The proposal is not considered to detract from the existing amenity of the site nor the local amenity of the immediate and surrounding area. The proposal is for a Roadside Produce Store and Tourist Attraction to ensure that Rural Activities are provided over the site now and within the future. The proposal will support the Rural Industries of the Region. It is not considered that the proposal significantly detracts from the local amenity in relation to noise, traffic, privacy and visual amenity. It is not considered that the proposal will detract from the amenity of the local area and is considered acceptable.
<b>PO7</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) advertising devices;</li> <li>(e) visual amenity;</li> <li>(f) privacy;</li> <li>(g) lighting;</li> <li>(h) odour; and</li> <li>(i) emissions.</li> </ul>	<b>AO7</b> No acceptable outcome is provided.	The proposal is considered to ameliorate against any existing negative environmental impacts as the proposal is for a Roadside Produce Store and Tourist Attraction within an existing structure over the site. It is not considered that the proposal will have any significant adverse impacts nominated within the Performance Outcomes.

It is not considered that the proposed Roadside Stall (Produce Store) and Tourist Attraction is in conflict with the Intent and the proposal complies with the Acceptable Outcomes and where there are no Acceptable Outcomes or they are unable to be met, the Performance Outcomes of the Rural Zone Code.

### Rural Activities Code

The proposal is for a Development Permit for a Material Change of Use – Roadside Store (Produce Store) and Tourist Attraction to ensure continued and supported Rural Activities located over the site and within the Region allowing for the provision of new diversification of Rural Activities now and within the future. The proposal is for the part conversion of the existing structure of the site into a Produce Store and Tourist Attraction supporting the existing and surrounding Rural Industries. Assessment of the relative aspects of the Rural Activities Code is provided below.

Performance outcomes	Acceptable outcomes	Comments
<b>For self-assessable and assessable development</b>		
<b>If for Roadside stall</b>		
<b>PO8</b> The Roadside stall is consistent with the scale, intensity and character of land use within the immediate surrounds, having regard to matters of: <ul style="list-style-type: none"> <li>(a) size of buildings;</li> <li>(b) building materials and design;</li> </ul>	<b>AO8.1</b> The Roadside stall is for the sale of produce grown on the same rural site or on rural properties in the immediate locality.	The proposal is for the provision of a Roadside Stall within Stage 1 of the development. This will convert a small portion of the existing Packing Shed into a Market style Produce Store. The open Market style Produce Store is provided within the awning area towards the

Performance outcomes	Acceptable outcomes	Comments
(c) relationship with other on-site uses; and (a) balance between built and natural elements	<b>AO8.2</b> Buildings and structures comprising the roadside stall do not exceed 20m <sup>2</sup> gross floor area.  <b>AO8.3</b> Buildings and structures are constructed of materials such as timber, tin and shade cloth.  <b>AO8.4</b> Buildings and structures are temporary in nature unless the Roadside stall forms part of an existing farm building.  <b>AO8.5</b> The Roadside stall is a maximum of 5 metres in height.	frontage of the site and contains an area of approximately 144 m <sup>2</sup> . As the Roadside Stall forms part of the existing Farm Infrastructure the proposal is considered to be of appropriate scale and size without impacting the amenity of the surrounding area or nearby land uses.  It is expected that the majority of produce for sale will be those produced over the same site, sites owned by the proponents or site within the vicinity.  The proposed Produce Store will be provided in accordance with the Definition as provided within the Planning Scheme.

It is considered that the proposed Roadside Store – Produce Store is not in conflict with the Purpose or the Intent of the Rural Activities Code and is acceptable and appropriate.

#### *Bushfire Hazard Overlay Code*

The site is Mapped as containing areas of Potential Impact Buffer (100 metres) partially over the site towards the Kennedy Highway frontage. The proposal is for the Material Change of Use for a Roadside Produce Store and Tourist Accommodation within an existing Building. The site is connected to existing services and the existing Rural Structures have fire-fighting capabilities. It is not considered that the Bushfire Hazard Overlay Code is applicable in this instance.

#### **Landscaping Code**

The proposal is for a Material Change of Use – Roadside Stall (Produce Store) and Tourist Attraction in the Rural Zone of the Mareeba Shire Planning Scheme. It is not considered that the Landscaping Code is applicable as the site contains existing Landscaping, hardstand areas, structures and Rural Activities.

#### **Parking and Access Code**

The proposal is for a Material Change of Use in the Rural Zone of the Mareeba Shire Planning Scheme. The site contains frontage to the Kennedy Highway with no change to the existing access proposed. The existing structure that is to be converted for the Roadside Produce Stall and Tourist Attraction is provided with access via the existing crossover to an internal Rural driveway and hardstand parking area. The site contains twelve (12) parking spaces inclusive of a disabled space. The minimal increase of traffic is considered not to detrimentally affect the existing Road Network. The proposal is provided with safe and appropriate access to the existing Road Network, being the Kennedy Highway.

#### **Works, Services and Infrastructure Code**

The proposal is for a Material Change of Use for the partial conversion of the existing structure of the site into a Roadside Stall (Stage 1) and Tourist Attraction (Stage 2) in the Rural Zone of the Mareeba Shire Planning Scheme. No change to the existing services of the site or the existing structure is envisaged with the proposal. The proposal is connected to all available services as existing, provided with the necessary additional services and will be

delivered with an appropriate level of Stormwater disposal. No Excavation and Filling is required with the proposal as the structure already exists.

It is considered that the proposed Roadside Stall – Produce Store and Tourist Accommodation complies with the Intent of the Works, Services and Infrastructure Code.

## Conclusion

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It is considered that the proposed development being a Material Change of Use to facilitate the partial conversion of the existing structure into a open Market style Produce Store and Tourist Attraction over land described as Lot 46 on NR3595 is appropriate. In particular, the proposed development:

- Is not in conflict with the Intent or Purposes for land designated in the Rural Zone;
- Will encompass no change to the Rural nature and amenity of the area and the Material Change of Use provides for a Use that protects and enhances the existing Rural Activities over the site now and within the future;
- Can meet the Performance Outcomes, Purpose and the Intent of the Rural Activities Code for land included in the Rural Zone of the Mareeba Shire Planning Scheme;
- Can meet the Intent and Objectives for the Rural Zone Code; and
- Meets the Objective of the Land Use Policies relating to supporting Rural Uses within the Regional Landscape and Rural Production Area Designation of the FNQ Regional Plan 2009-2031, providing necessary services to protect and support the existing Rural Activities.

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions with sufficient time for review prior to Tabulating the Item on the Agenda or a Decision is provided. If you have any queries please do not hesitate to contact Freshwater Planning Pty Ltd.

Yours faithfully,



**MATTHEW ANDREJIC**

**FRESHWATER PLANNING PTY LTD**

P: 0402729004

E: [FreshwaterPlanning@outlook.com](mailto:FreshwaterPlanning@outlook.com)

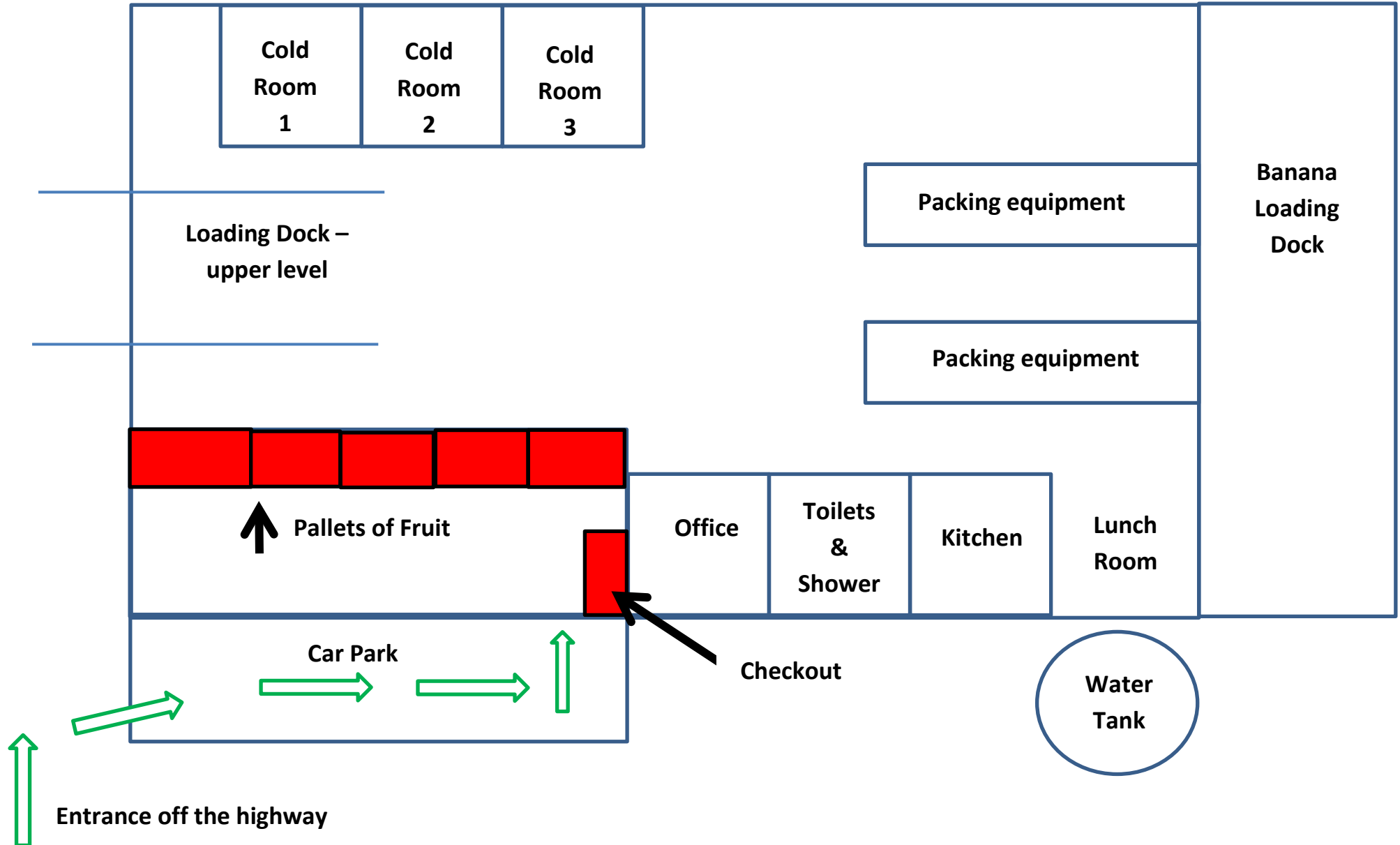
17 Barron View Drive, FRESHWATER QLD 4870



# Terranova Farming Co.

## SHED MAP

Packing Shed  
Marti Property  
3595 Kennedy Highway

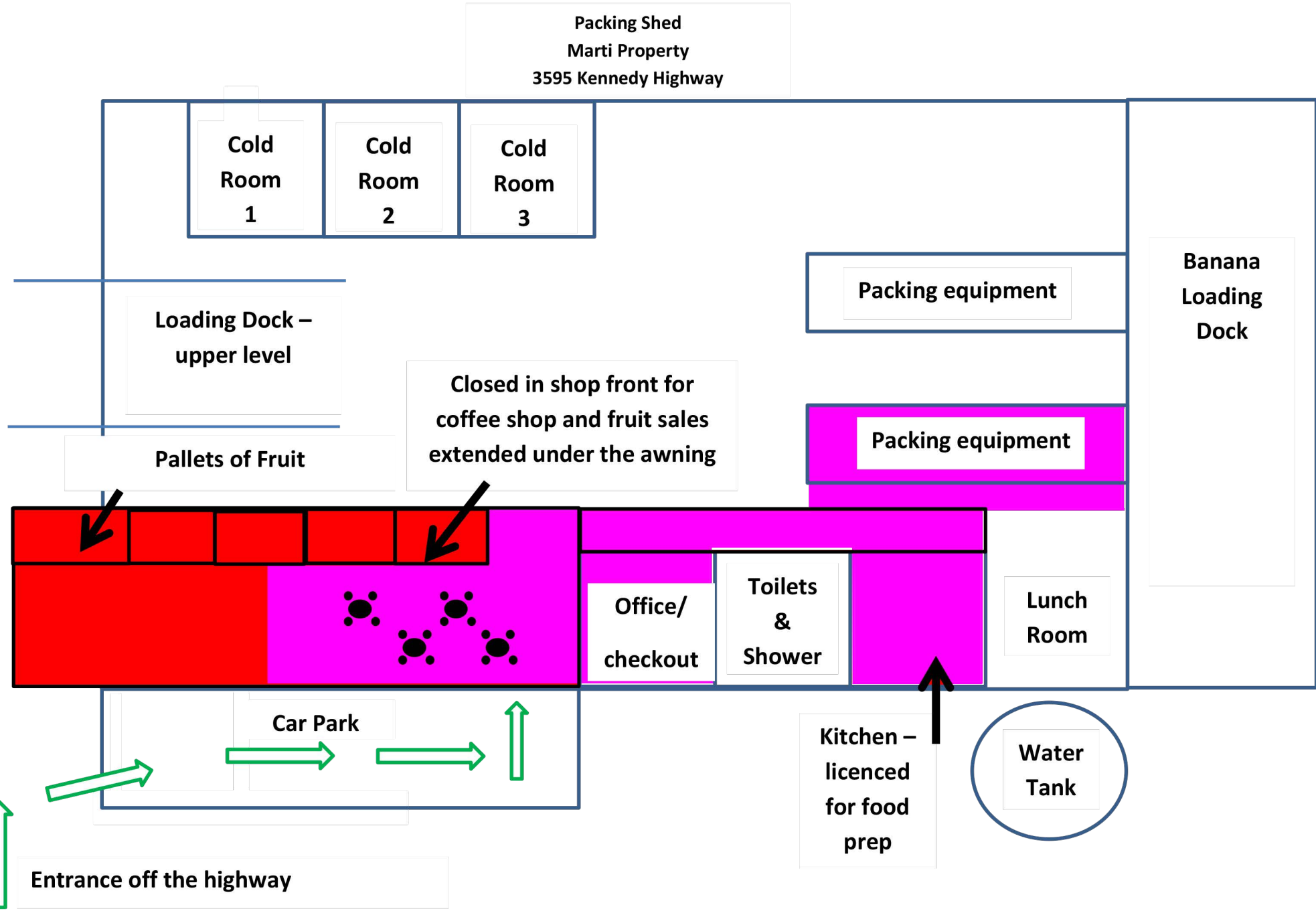


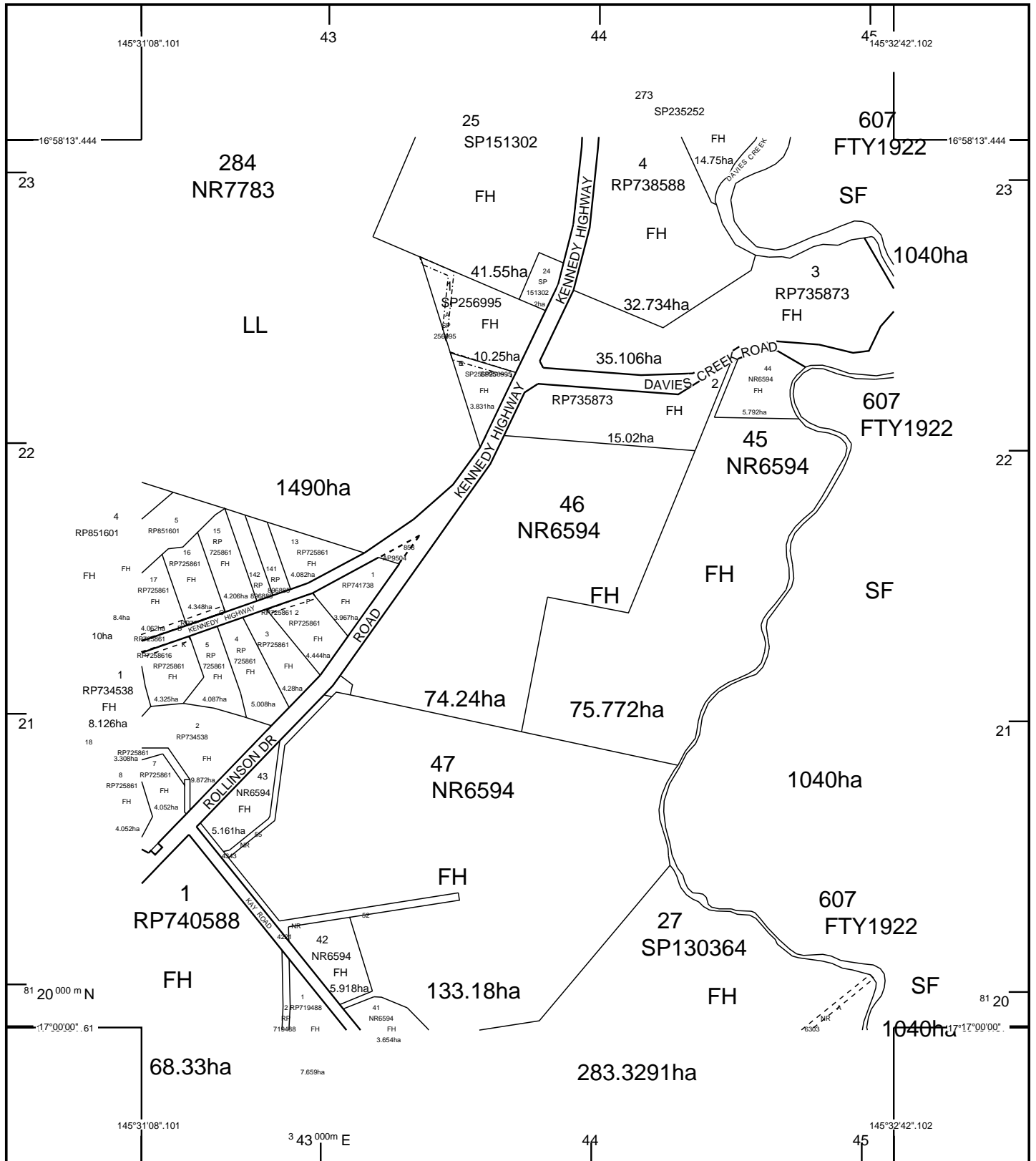


-  Stage 2 - Toursit Attraction
-  Stage 1 - Roadside Produce Store

# Terranova Farming Co.

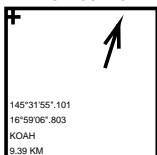
## SHED MAP





STANDARD MAP NUMBER  
8064-33323

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	46/NR6594
Area/Volume	74.24ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	MAREEBA
Segment/Parcel	21044/6

#### CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 10/10/2019

DCDB 09/10/2019 (Lots with an area less than 3000m<sup>2</sup> are not shown)

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Based upon an extraction from the  
Digital Cadastral Data Base



**Queensland  
Government**

(c) The State of Queensland,  
(Department of  
Natural Resources,  
Mines and Energy) 2019.

01 October, 2019


Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
**MAREEBA QLD 4880**

Dear Sir,

**RE: APPLICATION FOR A MATERIAL CHANGE OF USE  
LOT 46 ON NR6594, 3595 KENNEDY HIGHWAY, MAREEBA.**

Under Section 51 of the *Planning Act, 2016* it is mandatory for the owner of the land to which a Development Application relates to consent to the making of the Application.

We, Remo Giuseppe and Berniece Terranova as the registered owner of 3595 Kennedy Highway, Mareeba and more particularly described as Lot 46 on NR6594, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on our behalf.

A large, stylized handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke at the end.

REMO GIUSEPPE TERRANOVA

A smaller, more compact handwritten signature in dark ink, featuring a few loops and a trailing horizontal line.

BERNIECE TERRANOVA

# DA Form 1 – Development application details

**Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.**

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Remo and Berniece Terranova
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	C/ Freshwater Planning Pty Ltd 17 Barronview Drive
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	0402729004
Email address <i>(non-mandatory)</i>	FreshwaterPlanning@outlook.com
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	F19/17

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input type="checkbox"/> No – proceed to 3)

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		3595	Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	46	NR6594	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):*

Roadside Stall (Produce Store) and Tourist Attraction

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)
Roadside Stall (Produce Store)	Roadside Stall		140 m <sup>2</sup>
Tourist Attraction	Tourist Attraction		177 m <sup>2</sup>

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

<input checked="" 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?**

--

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

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

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

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

**10.2) Will the subdivision be staged?**

- ☐ 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> )

12.2) What is the reason for the boundary realignment?

--

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	

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

\$
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## 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 <b>chief executive of the distribution entity or transmission entity</b> : <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> <li>• The <b>Chief executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council</b> : <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the <b>Minister under the Transport Infrastructure Act 1994</b> : <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 <b>relevant port operator</b> : <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the <b>Chief Executive of the relevant port authority</b> : <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the <b>Gold Coast Waterways Authority</b> : <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the <b>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 <u>DA Forms Guide</u> .

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application  
☒ No

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

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

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

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

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

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

23) Further legislative requirements

### Environmentally relevant activities

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

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

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</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 <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued ( <i>see 21</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

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

## PART 9 – FOR OFFICE USE ONLY

Date received:  Reference number(s):

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



Relevant licence number(s) of chosen assessment manager	
---------------------------------------------------------	--

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	