

Our Ref: M16-21

14 October 2021

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

Attention: Planning Department

Dear Sir/Madam,

COMBINED DEVELOPMENT APPLICATION SEEKING A
DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – DUAL OCCUPANCY
DEVELOPMENT PERMIT TO RECONFIGURE THE LOT – ONE (1) INTO TWO (2) ALLOTMENTS
LOCATED AT: 18 SEARY ROAD, MAREEBA
FORMALLY DESCRIBED AS: LOT 26 ON SP206329

We act on behalf of our client, D & D Chieffe in preparing and submitting the following combined development application which seeks a Development Permit for a Material Change of Use, and a Development Permit to Reconfigure the allotment under the *Planning Act 2016* located at 18 Seary Road, Mareeba to facilitate the development of a dual occupancy and the creation of two (2) allotments over the site.

The subject site is located on a corner allotment with frontage along Nolan Street and Seary Road, and contains an existing three (3) bedroom dwelling on the Seary road portion of the allotment, with the new proposed four (4) bedroom dwelling designed and located on the vacant portion of the property with access obtained from Nolan Street. Overall, this development provides a suitable development solution for the site and the surrounding area in achieving the outcomes sought within the Low Density Residential Zone.

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

In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed development is \$1,138 (Dual Occupancy) and \$1,092.00 (reconfiguration) with a combined fee of **\$2,230.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately.

We are now including our client's postal address details in DA Form 1, to allow them to receive hard copies of all correspondence. As always, we ask if all correspondence be also forwarded to our office via email.

Yours faithfully,



Ramon Samanes

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

PLANNING REPORT

COMBINED DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT
PLANNING ACT 2016

CODE ASSESSABLE : Material Change of Use & Reconfiguring a Lot

18 SEARY ROAD, MAREEBA QLD 4880

being

LOT 26 ON SP206329

for

STAGE 1: DUAL OCCUPANCY, STAGE 2: ONE (1) into Two (2) lot subdivision

Report Matrix

APPLICATION SUMMARY	
Applicant:	D & D Chieffe C/- U&i Town Plan
Application Type:	Combined Development Application for a Development Permit
Development Type:	Material Change of Use & Reconfiguring a Lot
Category of Development (Level of Assessment):	Code Assessable
Development Description:	Dual Occupancy and One (1) into Two (2) lot subdivision
Assessment Manager:	Mareeba Shire Council
Referral Agencies:	n/a
CATEGORISING INSTRUMENTS	
Planning Scheme:	Mareeba Shire Planning Scheme 2016
Planning Scheme Defined Uses/Works:	Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision
Zoning:	Low Density Residential Zone
Precincts/Sub-Precincts:	n/a
Overlays:	Airport environs overlay
SITE DESCRIPTION	
Property Address:	18 Seary Road, Mareeba QLD 4880
Real (Legal) Property Description:	Lot 26 on SP206329
Site Area:	951m ²
Landowner:	Domenico Carmelo Chieffe & Dina Chieffe
Tenure:	Freehold
Relevant Encumbrances:	NA
Local Government Area:	Mareeba Shire Council
Road Frontage:	Seary Road and Nolan Street

DOCUMENT CONTROL

Prepared by	Client	Report
C/- U&i Town Plan	D & D Chieffe	Report No. M16/21

Version	Date	Author
1.0	11.10.2021	RS:RS

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1.0 EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for a material change of use to facilitate Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision use. The subject premises is addressed as 18 Seary Road, Mareeba QLD 4880 more particularly described as Lot 26 on SP206329 . The premises is within the Low Density Residential Zone under the Mareeba Shire Planning Scheme 2016 (the planning scheme) which currently contains an existing three (3) bedroom dwelling on the Seary Road portion of the property.

For the purpose of this development application *U&i Town Plan* act on behalf of the applicant *D & D Chieffe*.

Following a detailed assessment of the proposal against the applicable local and state assessment benchmarks it has been determined that the development proposal is consistent with all applicable codes and policies. The development application is therefore required to be approved in accordance with rules of code assessment as established under Act, subject to the imposition of reasonable and relevant conditions. A summary of the development application is provided below:

Table 1.0: Development application summary

APPLICATION SUMMARY	
Applicant:	D & D Chieffe C/- U&i Town Plan
Application Type:	Combined Development Application for a Development Permit
Development Type:	Material Change of Use & Reconfiguring a Lot
Category of Development (Level of Assessment):	Assessable Development – Code Assessable
Development Description:	Dual Occupancy and One (1) into Two (2) lot subdivision
Assessment Manager:	Mareeba Shire Council
Referral Agencies:	No referrals applicable.
CATEGORISING INSTRUMENTS	
Planning Scheme:	Mareeba Shire Planning Scheme 2016
Planning Scheme Defined Uses/Works:	Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision
Zoning:	Low Density Residential Zone
Precincts/Sub-Precincts:	n/a
Overlays:	Airport environs overlay
SITE DESCRIPTION	
Property Address:	18 Seary Road, Mareeba QLD 4880
Real (Legal) Property Description:	Lot 26 on SP206329
Site Area:	951m ²
Landowner:	Domenico Carmelo Chieffe & Dina Chieffe
Tenure:	Freehold
Relevant Encumbrances:	Sewerage main running along the north western boundary of the allotment.
Local Government Area:	Mareeba Shire Council

2.0 SITE AND LOCALITY

The subject premises is a standard Freehold lot addressed as 18 Seary Road, Mareeba more particularly described as Lot 26 on SP206329. The premises is within the Low Density Residential Zone under the planning scheme which currently contains an existing three (3) bedroom dwelling on the Seary Road portion of the property. This development seeks to utilise the portion of the property that is vacant.

Any pertinent existing approvals which may affect the assessment of the proposal are identified in the table below:

APPLICATION REF.	DECISION AND DATE	ASSESSMENT MANAGER
NA	NA	NA

The following table describes the key characteristics of the site:

Table 2.0: Site characteristics

SITE AND LOCALITY DESCRIPTION	
Property Address:	18 Seary Road, Mareeba QLD 4880
Real (Legal) Property Description:	Lot 26 on SP206329
Site Area:	951m ²
Landowner:	Domenico Carmelo Chieffe & Dina Chieffe
Tenure:	Freehold
Relevant Encumbrances:	Sewerage main running along the north western boundary of the allotment.
Local Government Area:	Mareeba Shire Council
Zoning:	Low Density Residential Zone
Precincts/Sub-Precincts:	n/a
Existing Use of Land:	Existing three (3) bedroom dwelling on the Seary Road end of the property.
Road Frontage:	Seary Road and Nolan Street
Topography:	The site slopes from Seary Road, north-west towards Nolan Street
Surrounding Land Uses:	Residential dwellings, with multiple dwellings units (x 3) across the road on Nolan Street.

3.0 PROPOSAL SUMMARY

This is a combined development application seeking two (2) separate development permits, one being for a Material Change of Use to approve a Dual Occupancy over the subject allotment, and the other being to Reconfigure the allotment under the Planning Act 2016 located at 18 Seary Road, Mareeba.

The proposed development involves a combined development application seeking a development permit for a Material change of use in Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision. The Material Change of Use component of this development with the proposed dual occupancy demonstrates how the proposed new allotments to be created will deliver a suitable development outcome over the two (2) proposed allotments. Structuring the development in this format provides clarity and the opportunity to direct the built form product to be delivered across the two (2) sites, which will result in two (2) separate dwelling houses on their own separate titles.

The proposed reconfiguration seeks to create two (2) allotments currently described as proposed lots 1 and 2. The proposed areas of these allotments are provided in the table below:

Lot No.	Proposed Lot Area	New Road Frontage
1	463m ²	19.3m to Nolan Street
2	488m ²	42m across Seary and Nolan Street



Figure 1: Development Plan – Lot Layout and Configuration.

4.0 STATUTORY ASSESSMENT

The proposed Material Change of Use being Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision are both identified as *code assessable* in the relevant tables of assessment for the Low Density Residential Zone . There are no other components of the planning scheme or *Planning Regulation 2016* which effect the level of assessment for the proposal. The development application is therefore subject to a bound code assessment against the specific assessment benchmarks identified in the tables of assessment.

The development application does trigger referral agency assessment.

4.1 ASSESSMENT BENCHMARKS PERTAINING TO STATE PLANNING INSTRUMENTS

State Planning Policy

Mareeba Shire Planning Scheme 2016 confirms in section 2.1 *State planning policy* that it has ministerial approval as having adequately integrated the *State Planning Policy July 2014* into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

Regional Plan

The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area.

State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application has been assessed and identified that it does not trigger any referral as part of the assessment.

4.1.1 State Codes

Given the nature of the development (i.e. a tenure change based reconfiguration of a lot that does not involve additional lots, changes in boundaries or additional development intensity) the acceptable and performance outcomes from the State codes are either not applicable, irrelevant or intrinsically satisfied. While a direct assessment has been provided, the applicant also relies upon the assessment provided in section 4.2 below to adequately establish context and compliance with the State codes.

4.2 ASSESSMENT BENCHMARKS PERTAINING TO LOCAL PLANNING INSTRUMENTS

The applicable planning scheme for the application is the Mareeba Shire Planning Scheme 2016 and there are no other identified applicable local planning instruments.

Mareeba Shire Planning Scheme 2016

The Mareeba Shire Planning Scheme 2016 (the planning scheme) includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:

- Categories of development and assessment – Material Change of Use;
- Categories of development and assessment – Reconfiguring a lot; and
- Categories of development and assessment – Overlays.

Assessment Benchmarks Summary

A summary of the relevant local level assessment benchmarks is provided in the table below:

Local Planning Instruments	
Planning scheme:	Low Density Residential Zone code Accommodation Activities Code Reconfiguring a lot code Landscape code Parking and Access Code Works, Services and Infrastructure Code Airport environs overlay code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:

- compliant with the purpose and applicable outcomes from the relevant codes; and
- consistent with the strategic framework for the planning scheme.

Any pertinent issues arising from the assessment against the local level assessment benchmarks are addressed below. For clarity, any codes or outcomes not specifically addressed below or in the proposal justification report are considered to be objectively satisfied.

4.2.1 Low Density Residential Zone Code

4.2.1.1 Purpose

The proposed development involves a combined development application seeking a development permit for a Material change of use in Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision. The Material Change of Use component of this development with the proposed dual occupancy demonstrates how the proposed new allotments to be created will deliver a suitable development outcome over the two (2) proposed allotments. Structuring the development in this format provides clarity and the opportunity to direct the built form product to be delivered across the two (2) sites, which will result in two (2) separate dwelling houses on their own separate titles. As such, we consider that the development is completely compliant with the purpose outcomes for the low density residential zone.

4.2.1.2 Code Outcomes

Given the code assessable nature of the proposed development and the extent to which the applicant has chosen to design the development in accordance with the zone code, the majority of outcomes within the zone code are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
Siting		
<p>PO3 Development is sited in a manner that considers and respects:</p> <p>(a) the siting and use of adjoining premises;</p> <p>(b) access to sunlight and daylight for the site and adjoining sites;</p> <p>(c) privacy and overlooking;</p> <p>(d) opportunities for casual surveillance of adjoining public spaces;</p> <p>(e) air circulation and access to natural breezes; and</p> <p>(f) appearance of building bulk; and</p> <p>(g) relationship with road corridors.</p>	<p>AO3.1 Buildings and structures include a minimum setback of:</p> <p>(a) 6 metres from the primary road frontage; and</p> <p>(b) 3 metres from any secondary road frontage.</p> <p>AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries</p>	<p>In terms of minimum setbacks, the following assessment illustrates the existing house setbacks that are less than 6m in the area:</p> <ul style="list-style-type: none"> • 3 Damien St (3.0 metres) • 16 Nolan St (5.0 metres) • 3 Luisa Circ (4.6 metres) • 12 Eli Cl (5.0 metres) • 20 Marinelli Dve (4.0 metres) • 42 Martin Ave (4.0 metres) • 31 Martin Ave (3.5 metres) • 15 & 16 Martin Ave (4.0 metres) <p>The existing dwelling provides a 5.4 metre setback for Nolan Street, and a 5.6m setback to Seary road. The new dwelling on proposed lot 1 seeks to establish a front setback of four (4) metres to the eaves for some</p>

		<p>3.8m to which it then opens into the portico and steps back to 6m from the front entrance and garage.</p> <p>As for the side setbacks for the new dwelling on proposed lot 1, the dwelling is setback one (1) metre from the eaves and over 1.5m to the wall, as a consequence of the location and depth of the sewerage main which runs along the north-western boundary of the allotment. The dwelling has had to be setback over 5 metres to be outside the relevant zone of influence.</p> <p>The fencing on top of the retaining wall will ensure that no privacy or overlooking issues will arise.</p> <p>The proposed plans with the combined material change of use and reconfiguration of the lot demonstrate how the allotments are of sufficient area and dimensions to accommodate the existing and proposed dwellings.</p> <p>Complies with PO3.</p>
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As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes and purpose of the zone code. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

4.2.2 Accommodation Activities Code

4.2.2.1 Purpose

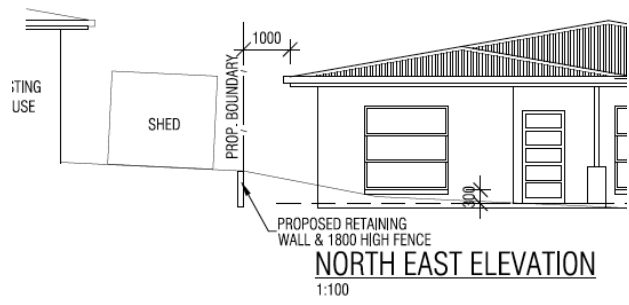
The proposed development involves a combined development application seeking a development permit for a Material change of use in Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision. The Material Change of Use component of this development with the proposed dual occupancy demonstrates how the proposed new allotments to be created will deliver a suitable development outcome over the two (2) proposed allotments. Structuring the development in this format provides clarity and the opportunity to direct the built form product to be delivered across the two (2) sites, which will result in two (2) separate dwelling houses on their own separate titles. As such, we consider that the development is completely compliant with the purpose outcomes for the Accommodation Activities Code.

4.2.2.2 Code Outcomes

Given the code assessable nature of the proposed development and the extent to which the applicant has chosen to design the development in accordance with the zone code, the majority of outcomes within the

zone code are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
All Accommodation activities, apart from Dwelling House		
<p>PO1 Accommodation activities are located on a site that includes sufficient area: (a) to accommodate all buildings, structures, open space and infrastructure associated with the use; and (b) to avoid adverse impacts on the amenity or privacy of nearby land uses</p>	<p>AO1 Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in Table 9.3.1.3B.</p>	<p>The subject site falls short some 49m² of the from the 1,000m² provision, and exceeds the minimum 20m frontage provision.</p> <p>As demonstrated through the proposed layout and design for the development, the site is sufficiently sized to accommodate 1 x 3 bedroom house and 1 x 4 bedroom house whilst ensuring there are no impacts on the amenity of the surrounding uses.</p> <p>Complies with PO1.</p>
All Accommodation activities, apart from Tourist Park and Dwelling House		
<p>PO2 Accommodation activities are provided with on-site refuse storage areas that are: (a) sufficient to meet the anticipated demand for refuse storage; and (b) appropriately located on the site having regard to potential odour and noise impacts on uses on the site and adjoining sites.</p>	<p>AO2.1 A refuse area is provided that: (a) includes a water connection; (b) is of a size and configuration to accommodate 2x240 litre bins per dwelling or accommodation unit where involving a use other than a residential care facility or retirement facility; and (c) is of a size and configuration to accommodate a minimum of two bulk refuse bins where involving a residential care facility or retirement facility.</p>	<p>The existing dwelling is appropriately fenced with a 1.8m high timber paling fence which ensures the refuse storage area is screened from view.</p> <p>The proposed new dwelling on lot 1, although not illustrated on the plans will provide the refuse storage adjacent to the garage which is screened and located behind the proposed 1.5m high screen fence.</p> <p>A standard condition of approval will ensure that the refuse is screened from view at all times.</p> <p>Complies with PO2.</p>
All Accommodation activities, except for Dwelling House		
<p>PO3 Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses. Note—These provisions apply to any adjoining use, both on an adjoining site and on the same site.</p>	<p>AO3 The windows of habitable rooms: (a) do not overlook the windows of a habitable room in an adjoining dwelling or accommodation unit; or (b) are separated from the windows of a habitable room in an adjoining dwelling or accommodation unit by a distance greater than:</p>	<p>In relation to the side setbacks for the new dwelling on proposed lot 1, the dwelling is setback one (1) metre from the eaves and over 1.5m to the wall, as a consequence of the location and depth of the sewerage main which runs along the north-western boundary of the allotment. The dwelling has had to be setback over 5 metres to be outside the relevant zone of influence.</p> <p>The 1.8m high fencing installed on top of the retaining wall as illustrated in the elevation, will ensure that no</p>

	<p>(i) 2 metres at ground level; and (ii) 8 metres above ground level; or (c) are treated with: (i) a minimum sill height of 1.5 metres above floor level; or or (ii) fixed opaque glassed installed below 1.5 metres; or (iii) fixed external screens; or (iv) a 1.5 metre high screen fence along the common boundary.</p>	<p>privacy or overlooking issues will arise from the existing dwelling on proposed lot 2.</p>  <p>Complies with PO3.</p>
<p>PO4 Accommodation activities are provided with sufficient private and communal open space areas which: (a) accommodate a range of landscape treatments, including soft and hard landscaping; (b) provide a range of opportunities for passive and active recreation; (c) provide a positive outlook and high quality of amenity to residents; (d) is conveniently located and easily accessible to all residents; and (e) contribute to an active and attractive streetscape.</p>	<p>AO4.3 Clothes drying areas are provided at the side or rear of the site so that they are not visible from the street.</p> <p>AO4.4 If for Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility, development provides a secure storage area for each dwelling or accommodation unit which: (a) is located to facilitate loading and unloading from a motor vehicle; (b) is separate to, and does not obstruct, on-site vehicle parking or manoeuvring areas; (c) has a minimum space of 2.4m² per dwelling or accommodation unit; (d) has a minimum height of 2.1 metres; (e) has minimum dimensions to enable secure bicycle storage; (f) is weather proof; and (g) is lockable.</p>	<p>In terms of clothes drying facilities, the existing dwelling has a clothes line on the fence between proposed lot 1 and 2 which is screened as it sits behind the existing 1.8m high fence.</p> <p>Likewise, with the new dwelling on proposed lot 1 the location of the clothes line is yet to be determined and will be provided to ensure that it is screened from view behind the proposed fencing.</p> <p>As such a standard condition of approval will ensure this outcome is achieved.</p> <p>In terms of storage, the existing dwelling contains a 2x 3m garden shed as illustrated on the plans. At this stage, no specific storage has been decided for the dwelling on proposed lot 1 as the client does not wish to provide it until the need arises. Should storage be required at a later date, they have ample area on the property to install a garden shed.</p> <p>Complies with PO4.</p>
If for Dual Occupancy		
<p>PO7 Where establishing a Dual occupancy on a corner lot, the building is designed to:</p>	<p>AO7.1 Where located on a corner allotment, each dwelling is accessed from a different road frontage.</p>	<p>Access to the existing dwelling is provided from Nolan Street, as Seary Road sits higher than the property as illustrated in the photo below. As such, the infrastructure provided on proposed lot 2 is established and has been for over 12 years when the dwelling was built.</p>

<p>(a) maximise opportunities for casual surveillance; (b) provide for separation between the two dwellings; and (c) provide activity and visual interest on both frontages.</p>		 <p>The new dwelling on proposed lot 1 is provided with access from Nolan Street, which presents well to Nolan Street and further activates the street frontage by creating visual interest in an area that previously contained a 1.8m high timber paling fence. The two (2) dwellings are suitably separated to improve the overall amenity and maximise the opportunity for casual surveillance along Nolan Street. Complies with PO7.</p>
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As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes and purpose of the zone code. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

4.2.3 Reconfiguring a Lot Code

4.2.3.1 Purpose

The proposed development involves a combined development application seeking a development permit for a Material change of use in Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision. The Material Change of Use component of this development with the proposed dual occupancy demonstrates how the proposed new allotments to be created will deliver a suitable development outcome over the two (2) proposed allotments. Structuring the development in this format provides clarity and the opportunity to direct the built form product to be delivered across the two (2) sites, which will result in two (2) separate dwelling houses on their own separate titles. As such, we consider that the development is completely compliant with the purpose outcomes for the Reconfiguring a Lot Code.

4.2.3.2 Code Outcomes

Given the code assessable nature of the proposed development and the extent to which the applicant has chosen to design the development in accordance with the zone code, the majority of outcomes within the zone code are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification																																																
Area and frontage of lots																																																		
<p>PO1 Lots include an area and frontage that:</p> <p>(a) is consistent with the design of lots in the surrounding area;</p> <p>(b) allows the desired amenity of the zone to be achieved;</p> <p>(c) is able to accommodate all buildings, structures and works associated with the intended land use;</p> <p>(d) allow the site to be provided with sufficient access;</p> <p>(e) considers the proximity of the land to:</p> <p>(i) centres;</p> <p>(ii) public transport services; and</p> <p>(iii) open space; and</p> <p>(f) allows for the protection of environmental features; and</p> <p>(g) accommodates site constraints.</p>	<p>AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</p>	<p>The proposed development seeks approval for allotments below the 600m² minimum lot size prescribed under the Low Density Residential zone. The Material Change of Use component of this development via the proposed dual occupancy demonstrates how the new allotments to be created will deliver a suitable development outcome over the two (2) proposed allotments. Structuring the development in this format provides clarity and the opportunity to direct the built form product to be delivered across the two (2) sites, which in the end will result in two (2) separate dwelling houses on their own separate allotments.</p> <div data-bbox="671 712 1495 1104" style="border: 1px solid black; padding: 5px;"> <p>Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot</p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Type</th> <th>Minimum area</th> <th>Minimum frontage</th> </tr> </thead> <tbody> <tr> <td>Centre</td> <td>All lots</td> <td>800m²</td> <td>20 metres</td> </tr> <tr> <td>Community facilities</td> <td>All lots</td> <td>Not specified</td> <td>Not specified</td> </tr> <tr> <td>Conservation</td> <td>All lots</td> <td>Not specified</td> <td>Not specified</td> </tr> <tr> <td>Emerging community</td> <td>All lots</td> <td>10 hectares</td> <td>100 metres</td> </tr> <tr> <td rowspan="10">Low density residential</td> <td colspan="3">Where greenfield development and connected to reticulated water and sewerage</td> </tr> <tr> <td>Rear lot</td> <td>800m²</td> <td>5 metres</td> </tr> <tr> <td>All other lots</td> <td>350m²</td> <td>10 metres</td> </tr> <tr> <td colspan="3">Where connected to reticulated water and sewerage</td> </tr> <tr> <td>Rear lot</td> <td>800m²</td> <td>5 metres</td> </tr> <tr> <td>All other lots</td> <td>600m²</td> <td>16 metres</td> </tr> <tr> <td colspan="3">Where connected to reticulated water</td> </tr> <tr> <td>Rear lot</td> <td>1,000m²</td> <td>5 metres</td> </tr> <tr> <td>All other lots</td> <td>800m²</td> <td>16 metres</td> </tr> </tbody> </table> </div> <p>Both proposed allotments comply by exceeding the minimum road frontage of 16 metres, with 19m of frontage to Lot 1 and over 42m of frontage to lot 2.</p> <p>Complies with PO1.</p>	Zone	Type	Minimum area	Minimum frontage	Centre	All lots	800m ²	20 metres	Community facilities	All lots	Not specified	Not specified	Conservation	All lots	Not specified	Not specified	Emerging community	All lots	10 hectares	100 metres	Low density residential	Where greenfield development and connected to reticulated water and sewerage			Rear lot	800m ²	5 metres	All other lots	350m ²	10 metres	Where connected to reticulated water and sewerage			Rear lot	800m ²	5 metres	All other lots	600m ²	16 metres	Where connected to reticulated water			Rear lot	1,000m ²	5 metres	All other lots	800m ²	16 metres
Zone	Type	Minimum area	Minimum frontage																																															
Centre	All lots	800m ²	20 metres																																															
Community facilities	All lots	Not specified	Not specified																																															
Conservation	All lots	Not specified	Not specified																																															
Emerging community	All lots	10 hectares	100 metres																																															
Low density residential	Where greenfield development and connected to reticulated water and sewerage																																																	
	Rear lot	800m ²	5 metres																																															
	All other lots	350m ²	10 metres																																															
	Where connected to reticulated water and sewerage																																																	
	Rear lot	800m ²	5 metres																																															
	All other lots	600m ²	16 metres																																															
	Where connected to reticulated water																																																	
	Rear lot	1,000m ²	5 metres																																															
	All other lots	800m ²	16 metres																																															
	Existing Buildings and Easements																																																	
<p>PO2</p> <p>Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <p>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</p> <p>(b) any continuing use is not compromised by the reconfiguration.</p>	<p>AO2.1 Each land use and associated infrastructure is contained within its individual lot.</p> <p>AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	<p>The proposed development has access to be connected to the relevant water and sewerage infrastructure. The existing access to the dwelling on lot 2 comes from Nolan Street, as does the new access into the proposed dwelling on Lot 1. With regards to power, it is anticipated that a condition of approval will be applied requiring both proposed allotments to be connected to the electricity network which will need to be demonstrated via a ‘certificate of supply’.</p> <p>In terms of minimum setbacks, the following assessment illustrates the existing house setbacks that are less than 6m in the area:</p> <ul style="list-style-type: none"> • 3 Damien St (3.0 metres) • 16 Nolan St (5.0 metres) • 3 Luisa Circ (4.6 metres) • 12 Eli Cl (5.0 metres) • 20 Marinelli Dve (4.0 metres) • 42 Martin Ave (4.0 metres) • 31 Martin Ave (3.5 metres) • 15 & 16 Martin Ave (4.0 metres) <p>The existing dwelling provides a 5.4 metre setback for Nolan Street, and a 5.6m setback to Seary road. The new dwelling on proposed lot 1 seeks to establish a front setback of four (4) metres to the eaves for some 3.8m to</p>																																																

		<p>which it then opens into the portico and steps back to 6m from the front entrance and garage. The proposed plans with the combined material change of use and reconfiguration of the lot demonstrates that the allotments are of sufficient area and dimensions to accommodate the existing and proposed dwellings.</p> <p>Complies with PO2.</p>
Residential Subdivision		
<p>PO12 Residential lots are: <i>(a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes.</i></p>	<p><i>No acceptable outcome is nominated</i></p>	<p>The <i>plans of development</i> illustrate how the development can be achieved whilst providing a mix of lot sizes and housing choice in the area. Given its location being that it is on a corner allotment, lends itself to this type of development with suitable frontage and access available to both proposed allotments. Overall the development provides a suitable development outcome which delivers a mix of product and lot sizes in the area.</p> <p>Complies with PO12.</p>

As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes and purpose of the zone code. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

4.2.4 Development Codes

Landscape code, Parking & Access Code & Works, Services and Infrastructure code

The development has been designed with detailed consideration given to the management of elements such as reticulated sewer and water supply, electricity and telecommunications services, stormwater drainage, landscaping outcomes and parking and access facilities. Sufficient detail is provided on the plans of development to confirm compliance with the development codes and that solutions to addressing the servicing and utility needs of the development can be achieved. Accordingly, it is requested that the relevant standard conditions of approval be used to allow the material change of use and reconfiguration of the lot decision to be reached as quickly as possible.

Car Parking Rationale

Definition	Minimum number of Car parking spaces	Minimum Service Vehicle Space Provision
Dual occupancy	One covered space per dwelling; and One visitor space.	Nil.

The proposed development provides one (1) covered space per dwelling as well as a tandem visitor space in the driveway. The existing dwelling on proposed lot 2 has space to accommodate and additional covered car park as required. Overall the parking requirements are satisfied and no further comments are required.

Accordingly, the development is able to objectively satisfy the outcomes and purpose of the development codes. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the

requirements for the development to occur generally in accordance with the plans of development and the standard civil and services design certification requirements.

4.2.5 Overlay Codes

Airport environs overlay code

The outcomes from the overlay code are either not applicable or are objectively satisfied. The overlay code is primarily drafted to manage building heights and uses that have the potential to impact airspace. The proposed development does not exceed the nominated building height and does not involve any activities that would compromise operational airspace. Given the extent to which the proposal objectively satisfies the overlay code, a direct assessment against the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the codes can be ensured through the imposition of standard conditions of approval requiring development to occur in accordance with the plans of development.

4.3 EXTERNAL REFERRALS

The development application does not trigger referral agency assessment, as discussed in section 4.1 above.

4.4 PUBLIC NOTIFICATION

The application is code assessable and will not be subject to public notification.

5.0 CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a two (2) development permits for a material change of use being Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision. The subject premises is addressed as 18 Seary Road, Mareeba QLD 4880 more particularly described as Lot 26 on SP206329. The premises is within the Low Density Residential Zone under the Mareeba Shire Planning Scheme 2016 (the planning scheme).

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the local government planning scheme. Council are therefore required to **approve** the development application pursuant to the rules of code assessment established under the Act, and issue a development permit subject to the imposition of reasonable and relevant conditions.

RECOMMENDATION

That this development application seeking a development permit for a Material Change of Use being Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision over the subject premises situated at 18 Seary Road, Mareeba QLD 4880 more particularly described as Lot 26 on SP206329, be approved subject to reasonable and relevant conditions.

STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed.

Applicable Assessment Benchmarks:

State Planning Instruments	
NA	NA

Local Planning Instruments	
Planning scheme:	Low Density Residential Zone code Accommodation Activities Code Reconfiguring a lot code Landscape code Parking and Access Code Works, Services and Infrastructure Code Airport environs overlay code

REASON FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development remains consistent with the strategic intent and overall outcomes of the planning scheme. In substantive terms, this conclusion is based on the following reasons:

- The proposed Stage 1: Dual Occupancy, Stage 2: One (1) into Two (2) lot subdivision land use outcome directly aligns with the Purpose of the Low Density Residential zone code.
- The proposal is consistent with past development decisions in the zone and precinct – multiple dwelling approved across the road on Nolan Street.
- The development can be adequately serviced.
- The built form outcome is consistent with the relevant assessment benchmarks and will not result in any adverse impacts on residential amenity of surrounding properties.
- The development outcome reflects a community expectation for lots of this size and dimension given the existing settlement pattern for the immediate locality and past development decisions made by council.
- The development will maintain the existing level and standard of servicing provided by the relevant infrastructure networks.
- The proposal addressed an established planning need for the development.
- The proposal does not undermine the planning scheme
- The development allows the site to better contribute to the achievement of the Strategic Framework.

APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) 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 only 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)	D & D Chieffe c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes
Postal address (P.O. Box or street address)	24 Habeda Avenue
Suburb	HORSLEY
State	NSW
Postcode	2530
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	ramon@uitownplan.com.au
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M16-21

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
		18	Seary Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	Lot 26	SP206329	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.

- 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: <input type="text"/>	

- 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: <input type="text"/>	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development 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

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*):

Dual Occupancy

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*):

One (1) into two (2) lots subdivision

e) Relevant plans

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

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

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>
Two (2) dwelling units	Dual Occupancy	1 existing dwelling 1 proposed dwelling	

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

Yes

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 (1) existing allotment	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input checked="" type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

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 (1) additional lot			

10.2) Will the subdivision be staged?

Yes – provide additional details below

No

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

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

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

12) Boundary realignment

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

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

12.2) What is the reason for the boundary realignment?

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Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

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

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

--

PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

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

<input checked="" type="checkbox"/> 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 Act 2016:

<input type="checkbox"/> Clearing native vegetation
<input type="checkbox"/> Contaminated land (<i>unexploded ordnance</i>)

- Environmentally relevant activities (ERA) *(only if the ERA has not been devolved to a local government)*
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place *(on or near a Queensland heritage place)*
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits *(below high-water mark)*
- 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 – 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 has been devolved to local government)*
- Heritage places – Local heritage places

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

- Infrastructure-related referrals – 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
- Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the Transport Infrastructure Act 1994:**

Ports – Brisbane core port land (*where inconsistent with the Brisbane port LUP for transport reasons*)

Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)

Matters requiring referral to the **Chief Executive of the relevant port authority:**

Ports – Land within limits of another port (*below high-water mark*)

Matters requiring referral to the **Gold Coast Waterways Authority:**

Tidal works or work in a coastal management district (*in Gold Coast waters*)

Matters requiring referral to the **Queensland Fire and Emergency Service:**

Tidal works or work in a coastal management district (*involving a marina (more than six vessel berths)*)

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 this development application, 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)

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 (A, B or E)
\$		

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

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

Koala habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area 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:	
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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

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
 No

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

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 the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct	
<input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i>	
<i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> 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 COMPLETION OF THE ASSESSMENT MANAGER – 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 (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

APPENDIX 2: OWNER'S CONSENT

CLIENT ACCEPTANCE FORM / OWNER'S CONSENT

(TO BE COMPLETED AND RETURNED)

PROJECT:	Material Change of Use (Dual Occupancy) & ROL (1 into 2 Lots)
PROJECT ADDRESS:	18 SEARY ROAD, MAREEBA (LOT 26 ON SP206329)

Client Details

Client:	DOMENICO CARMELO CHIEFFE & DINA CHIEFFE
Invoice Address:	24 HABEDA AVE HORSLEY NSW 2530
Phone:	0412 824020
Email:	domchieffe@hotmail.com
Accounts Contact:	AS ABOVE

Landowner Details

Landowner Name/s:	DOMENICO CARMELO CHIEFFE & DINA CHIEFFE
Address:	24 HABEDA AVE HORSLEY NSW 2530
All Owners Signatures:	D. Chieffe DChieffe

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

Signed: *D. Chieffe* *DChieffe*

Name: DOMENICO CHIEFFE DINA CHIEFFE

Date: 19/9/2021 19/9/2021

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

APPENDIX 3: DEVELOPMENT PLANS



SITE PLAN

1:200

AIR PHOTO & BOUNDARY LOCATION FROM QUEENSLAND GLOBE
LOT AREA 951m²

D. & D. Chieffe
18 Seary Road
Mareeba Lot 26 SP206329

MCU Dual Occupancy
Site Plan

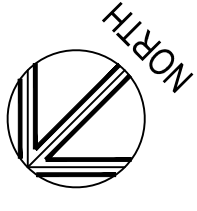


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Queensland
MEMBER

HOME IMPROVEMENT DESIGNERS
A.B.N. 29 093 275 737

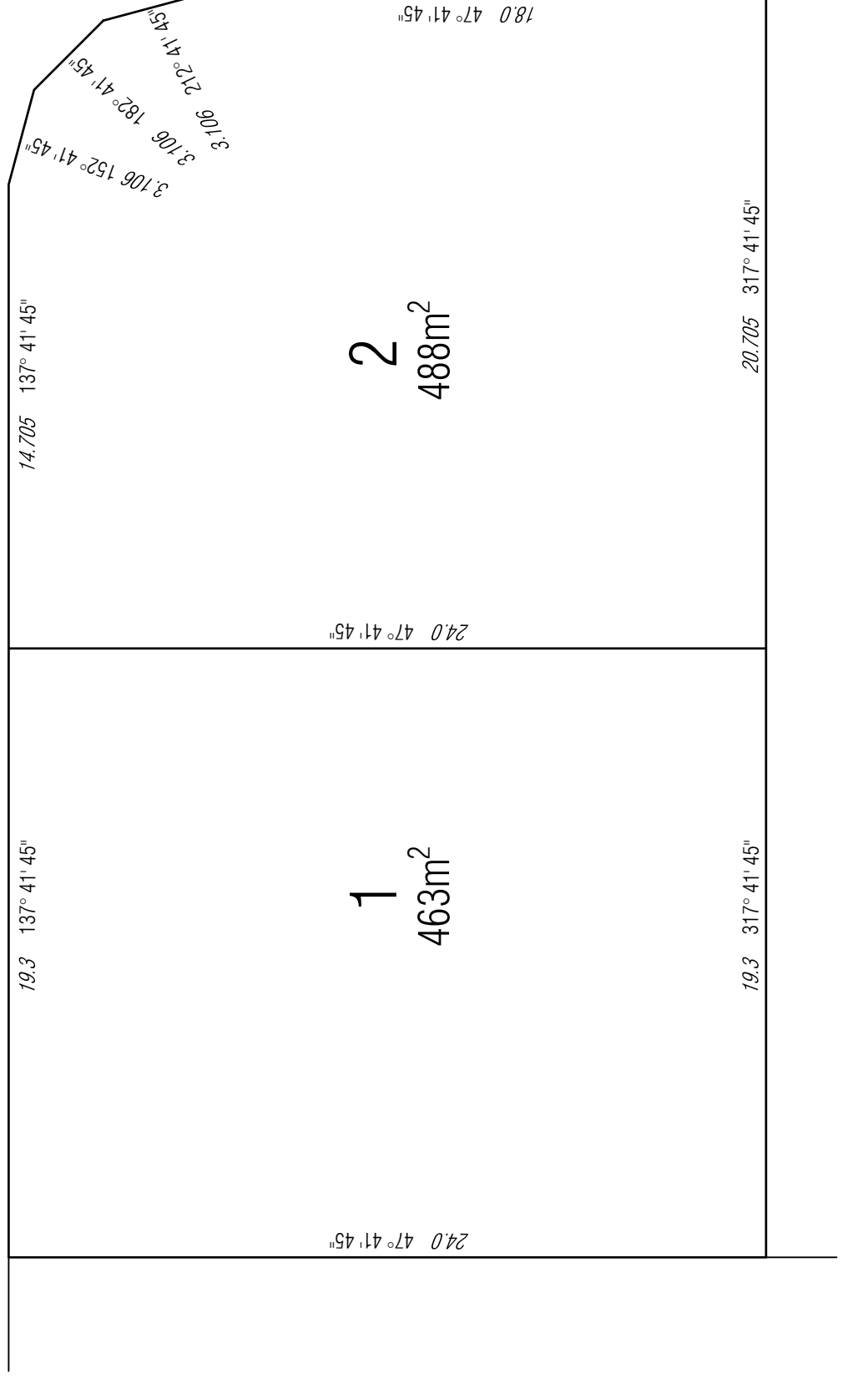
P.O. Box 1062 Malanda 4885
Phone: 0438 559 747
email: kenb66@hidesigners.com.au
QBCC Licence No. 1152837

DRAWN: K.B.	JOB No: 1122
DATE: 2.10.21	SHEET: 1
DRAWING SIZE: A3	SCALE: AS SHOWN



Nolan Street

Seary Road



PROPOSED SUBDIVISION PLAN

1:200

D. & D. Chieffe

18 Seary Road

Mareeba Lot 26 SP206329

D:\temp\AC\publish\1326\1122 Chieffe.dwg Oct 11, 2021 - 10:30am

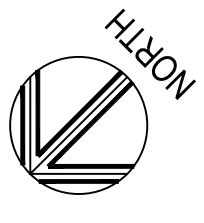
**MCU Dual Occupancy
Proposed Subdivision Plan**



**HOME
IMPROVEMENT
DESIGNERS**
A.B.N. 29 093 275 737

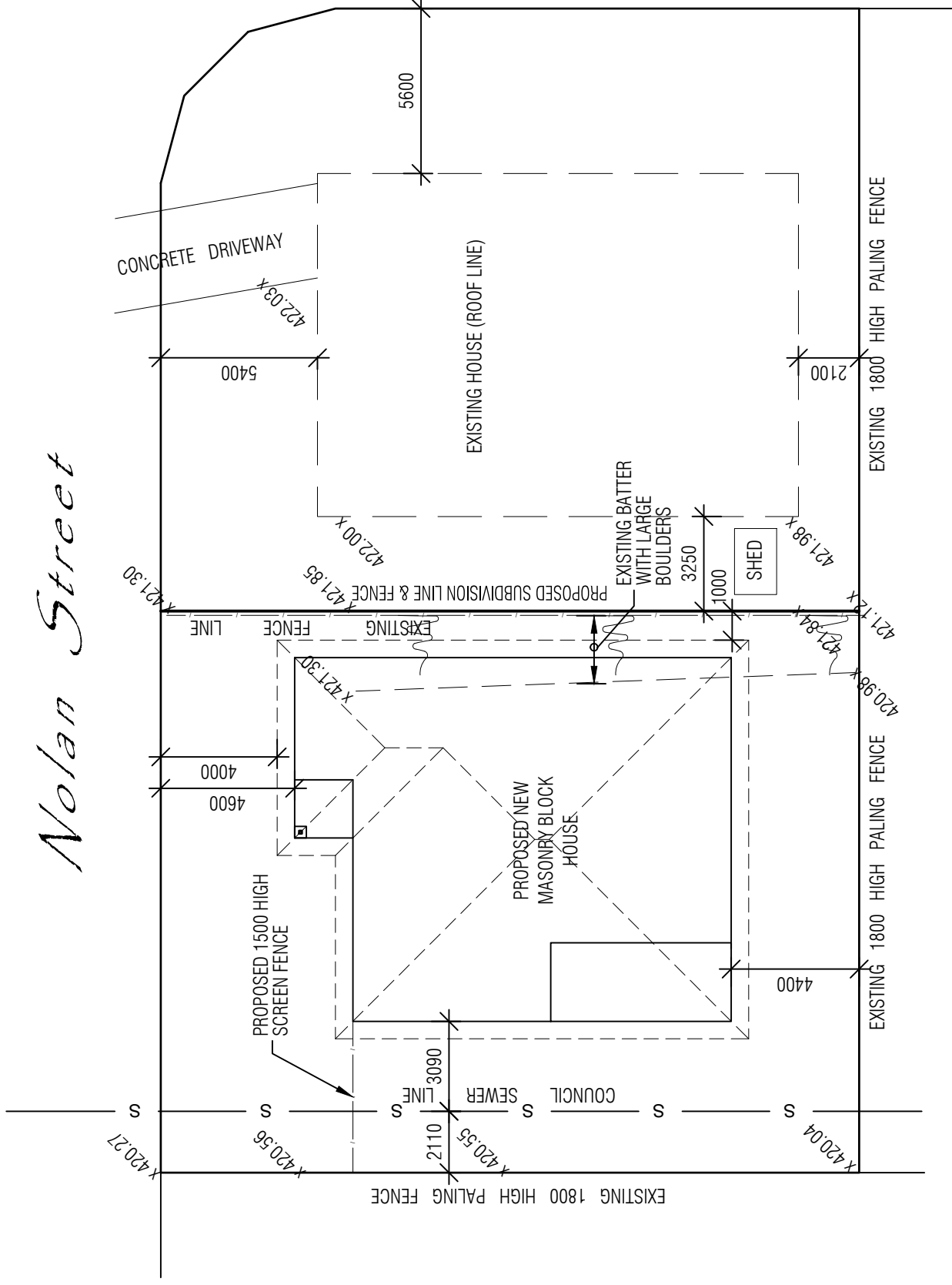
P.O. Box 1062 Malanda 4885
Phone: 0438 559 747
email: kenb66@hidesigners.com.au
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DRAWN: K.B.	JOB No: 1122
DATE: 2.10.21	SHEET: 2
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Nolan Street

Seary Road



SITING PLAN

- 1:200
- EXISTING HOUSE OFFSET DIMENSIONS FROM QUEENSLAND GLOBE
- SEWER LINE LOCATION FROM COUNCIL RECORDS
- EXISTING GROUND LEVELS

D. & D. Chieffe
 18 Seary Road
 Mareeba Lot 26 SP206329

MCU Dual Occupancy
 Siting Plan



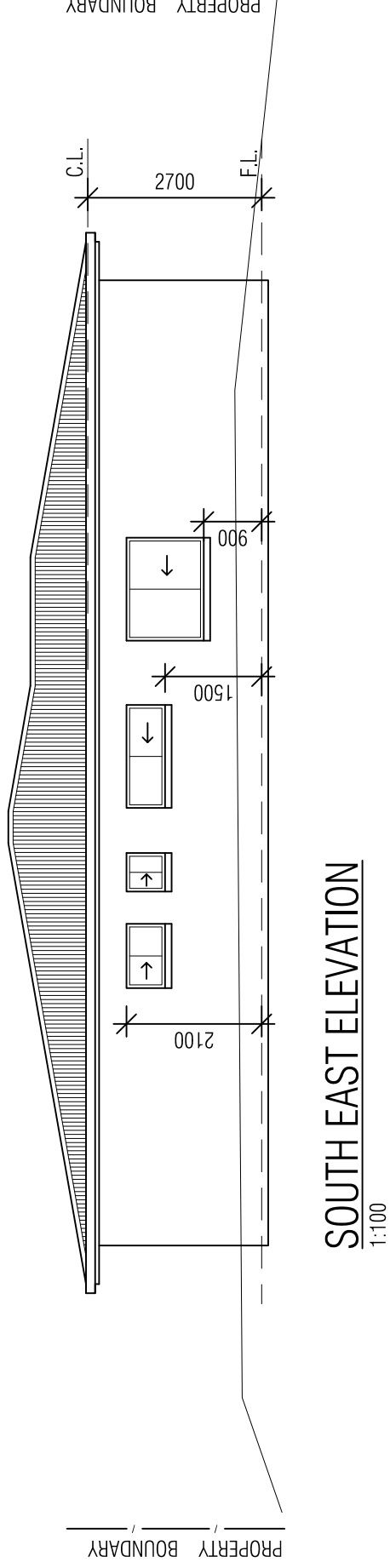
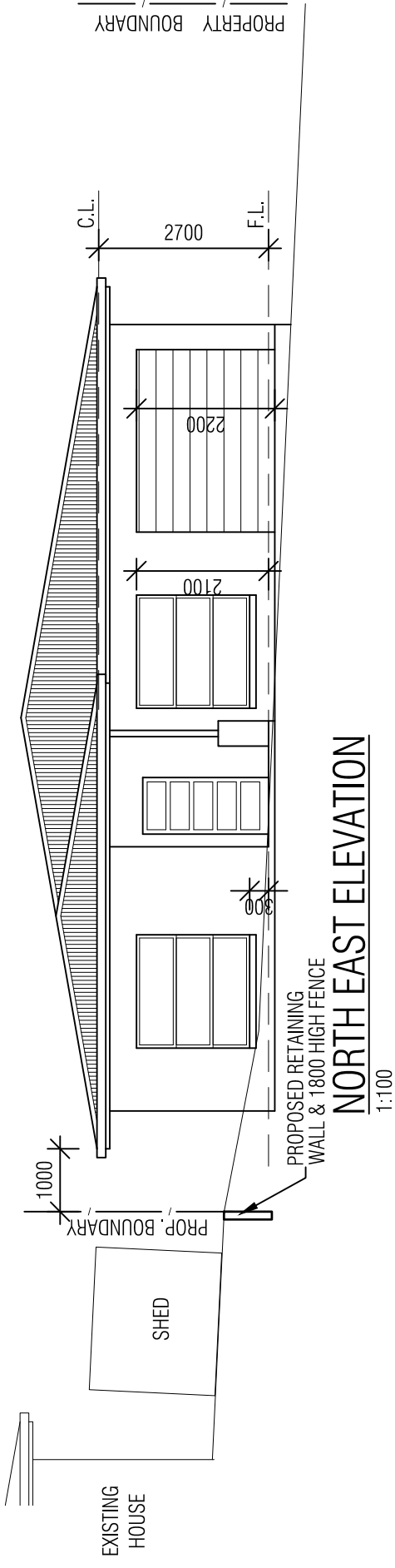
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DRAWING SIZE: A3	SCALE: AS SHOWN

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D. & D. Chieffe

18 Seary Road

Mareeba Lot 26 SP206329

MCU Dual Occupancy

Elevations 1



Building Design

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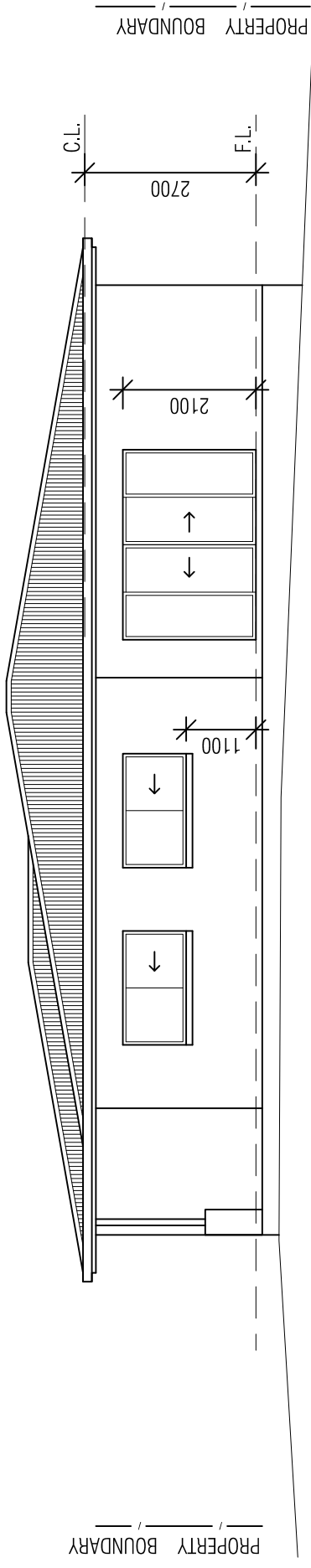
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DATE: **2.10.21**

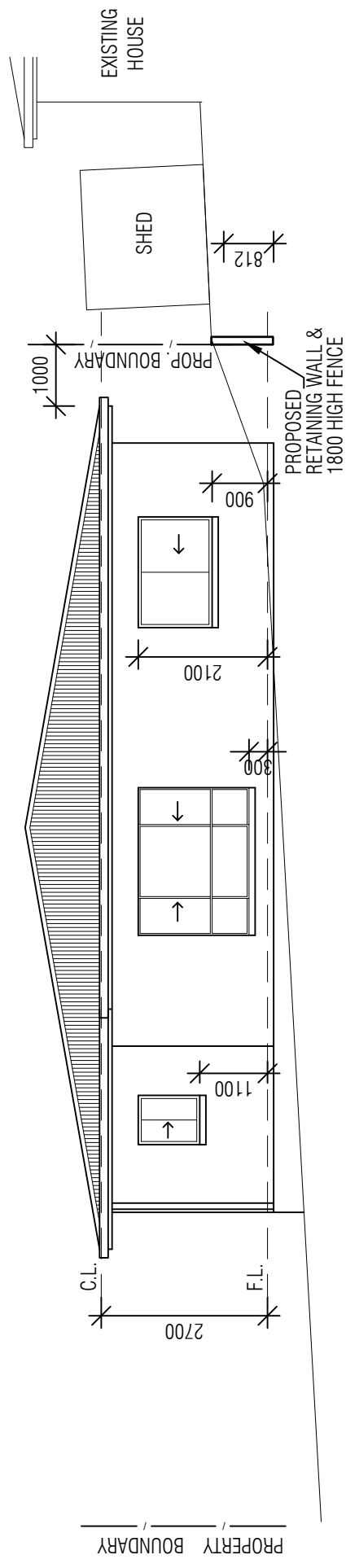
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SCALE: **AS SHOWN**



NORTH WEST ELEVATION
1:100



SOUTH WEST ELEVATION
1:100

D. & D. Chieffe
18 Seary Road
Mareeba Lot 26 SP206329

MCU Dual Occupancy
Elevations 2



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DATE: 2.10.21	SHEET: 6
DRAWING SIZE: A3	SCALE: AS SHOWN