



10.11.2021

Our Ref: 34750-001-01

Your Ref:

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

Attention: Planning & Environment

Dear Planners,

**Development Application Reconfiguring a Lot (1 lot into 3 lots)
57 Spena Road, Mareeba – Lot 1 on SP305276**

Brazier Motti acts on behalf of the Applicant, M. David, in relation to the abovementioned.

On behalf of the Applicant we now submit to Mareeba Shire Council an application seeking a Development Permit for Reconfiguring a Lot (1 lot into 3 lots).

The following has been prepared to assist with Council's assessment of the proposed development:

The Site

The subject land is located 57 Spena Road, Mareeba and precisely described as Lot 1 on SP305276. Figure 1 below identifies the subject site and surrounding development.

Figure 1: Aerial Image of Site



Source: QLD Globe November 2021



The subject land comprises a total land area of 414.7 hectares with a frontage of 357.325 metres to Spena Road. The majority of the site is covered by remnant not of concern regional ecosystem. The subject land has undulating topography, with a dam and numerous drainage lines throughout. The land fronting Spena Road is considered unconstrained in the way of vegetation and topography.

The Title Search included at *Attachment B* confirms that the Applicant, M. David is the registered owner of the subject land. A current SmartMap and Survey Plan – SP305276 are also included at *Attachment B*, which identifies the existing lot configuration.

Figure 1: Aerial Image of Site



Source: QLD Globe November 2021

Proposal

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (1 lot into 3) as identified on the plan of proposed reconfiguration (Brazier Motti Drawing No. 34750/001A) included within *Attachment C*.

The details of the proposed lots are as follows:

- Proposed Lot 11 – 68.07ha, 119.0 metres frontage to Spena Road;
- Proposed Lot 12 – 56.67ha, 119.0 metres frontage to Spena Road; and
- Proposed Lot 13 – 280.9ha, 119.3 metres frontage to Spena Road.

The lot configuration has been designed to incorporate the natural features of the site in particular with the existing dam being fully contained within proposed Lot 12. As previously mentioned the land fronting Spena Road is considered unconstrained in the way of vegetation and topography. The proposed reconfiguration will result in the proposed lots having equal frontage to Spena Road providing the option of future

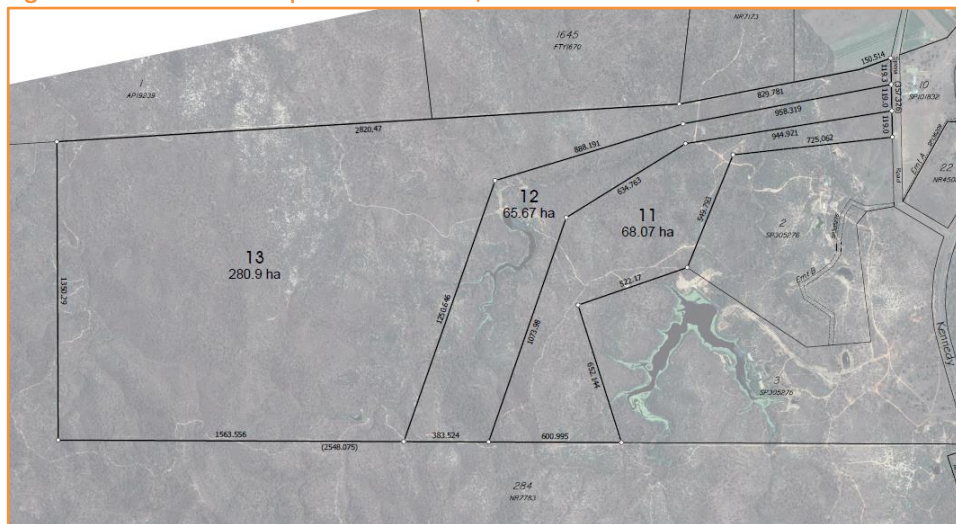


dwelling with associated infrastructure, livestock yards etc. to be located within the unconstrained area of the proposed lots.

Access to proposed Lot 11 will continue to utilise the existing Spena Road property access crossover. New property access crossovers will be provided for proposed Lots 12 & 13. The proposed reconfiguration can be appropriately conditioned ensuring the proposed lots are provided with the level of infrastructure at the time of future development.

Overall, the proposed reconfiguration is considered minor in nature and is in keeping with the character and amenity of the surrounding area.

Figure 2: Extract from Proposal Plan 34750/001A



Planning Act 2016 Considerations

The table below provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016* and *Planning Regulation 2017*.

Assessable Development	The proposed development constitutes assessable development under the Mareeba Shire Planning Scheme. Accordingly, pursuant to Section 44(3) of the Planning Act 2016 a development approval is required.
Assessment Manager	Pursuant to Schedule 8 of the <i>Planning Regulation 2017</i> the Assessment Manager for this development application is Mareeba Shire Council.
Category of Assessment	The Mareeba Shire Planning Scheme 2016 identifies that the proposed development is Code Assessable development.



Public Notification	The Application is Code Assessable, therefore, in accordance with section 53 of the <i>Planning Act 2016</i> public notification is not required.
Referrals	<p>Consideration of the proposed application against Schedule 1 of the <i>Planning Regulation 2017</i> determined the proposal does not trigger any referral matters.</p> <p>While the site contains vegetation defined as Category B on the regulated vegetation management map, all proposed lots are greater than 25ha.</p>
Owners Consent	In accordance with section 51 of the <i>Planning Act</i> , written consent is not required as the applicant is also the registered owner of the premises.

Mareeba Shire Planning Scheme 2016

Under the Mareeba Shire Planning Scheme 2016 the site is included in the Rural Zone. The Table of Assessment for the Rural Zone identifies that highest level of assessment for the proposed development is Code Assessment.

The proposal seeks approval for Reconfiguring a Lot.

The table below provides an overview of the planning scheme elements applicable to the subject land and the proposed development provisions under the Mareeba Shire Planning Scheme 2016:

The Table of Assessment also identifies that the proposed development is assessable against the following planning scheme codes:

Applicable Codes	Zone Code	<ul style="list-style-type: none">Rural Zone Code
	Overlay Codes	<ul style="list-style-type: none">Bushfire Hazards Overlay CodeEnvironmental Significance Overlay CodeHill and Slope Overlay CodeTransport Infrastructure Overlay Code
	Development Codes	<ul style="list-style-type: none">Landscaping CodeParking and Access CodeReconfiguring a Lot CodeWork, Services and Infrastructure Code

All aspects of the proposed development are considered to be generally consistent with the relevant acceptable measures and/or performance criteria of each of the applicable codes identified above. An assessment against the applicable codes is provided below:



Rural Zone Code

In accordance with the Mareeba Shire Planning Scheme 2016 the site is contained within the Rural Zone, where a Reconfiguring a Lot is Code Assessable.

A detailed assessment against the zone code is not considered warranted as this proposal is for the reconfiguration of land only. The proposed reconfiguration creates large rural lots of sufficient area and dimensions for the intended land uses.

Overall, it is considered that the proposed reconfiguration is consistent with the relevant performance outcomes for the zone.

Bushfire Hazards Overlay Code

The majority of the subject land is identified as being within the medium and high intensity bushfire hazard areas. Accordingly assessment against the Bushfire Hazard Overlay Code is applicable.

The proposal is for the reconfiguration of land only. The proposed reconfiguration can be appropriately conditioned that any future dwellings must achieve a setback from hazardous vegetation being 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater and also provide on-site water storage of not less than 5,000L, with a 50mm male cam lock fire brigade fitting for firefighting purposes.

Overall it is considered that the proposed development achieves consistency with the applicable Acceptable and Performance Outcomes of the Bushfire Hazard Overlay Code

Environmental Significance Overlay Code

The subject land is depicted as being an ecological corridor. Accordingly assessment against the Environmental Significance Overlay Code is applicable.

The proposed reconfiguration is for the creation of large rural lots with areas greater than 60ha. The established ecological corridors will be maintained.

Overall it is considered that the proposed development achieves consistency with the applicable acceptable and performance outcomes of the Environmental Significance Overlay Code

Hill and Slope Overlay

The subject land is identified as having areas within the Hill and Slope Area. Accordingly assessment against the Hill and Slope Overlay Code is applicable.

The proposed development is for the reconfiguration of the land only. No clearing or earthworks are proposed. The proposed lots have sufficient level areas to site a future dwelling and associated infrastructure. The development can be appropriately conditioned that any future dwelling is not located on land with a gradient greater than 25%.



Overall it is considered that the proposed development achieves consistency with the applicable Acceptable and Performance Outcomes of the Hill and Slope Overlay Code

Transport Infrastructure Overlay Code

The purpose of the Transport Network Overlay Code is to ensure that development provides transport infrastructure that supports a safe, efficient transport network, including the active transport network.

The proposed reconfiguration is consistent with intended role and function of the transport network, does not compromise the safety and efficiency of Spena Road and is consistent with the Transport Network Overlay Code.

Landscaping Code

The Landscaping Code seeks to ensure all development is landscaped to a standard that compliments the site and locality.

The proposed reconfiguration is for the creation of large rural lots within the Rural Zone. No landscaping is proposed to facilitate this rural reconfiguration. Hence, assessment against this code is not warranted.

Parking and Access Code

The Parking and Access Code seeks to ensure sufficient parking is designed to service new developments.

The proposed reconfiguration is for the creation of large rural lots within the Rural Zone. The proposed lots are of sufficient dimensions to accommodate parking and access for any future land uses.

Access crossovers to the proposed lots will be constructed to each of the proposed lots from the edge of the road to the property boundary in accordance with FNQROC Development Manual.

Overall it is considered that the proposed development achieves consistency with the applicable acceptable outcomes and performance outcomes of the Parking and Access Code.

Reconfiguring a Lot Code

The Reconfiguring a Lot Code seeks to ensure that development results in lots that are suitable for their intended use, locality, are of a high standard of amenity, and provide all necessary infrastructure and services.

The proposed development will result in the creation of the following lots:

- Proposed Lot 11 – 68.07ha, 119.0 metres frontage to Spena Road;
- Proposed Lot 12 – 56.67ha, 119.0 metres frontage to Spena Road; and
- Proposed Lot 13 – 280.9ha, 119.3 metres frontage to Spena Road.



The site has a total frontage of 357metres to Spena Road. It is acknowledged that the proposed lots do not meet the minimum frontage of 400 metres. The land that fronts Spena Road is considered unconstrained in the way vegetation and topography. The proposed reconfiguration has been designed to provide each of the proposed lots equal frontage to Spena Road providing the option of siting future dwellings with associated infrastructure, livestock yards etc. within the unconstrained area of the proposed lots.

The proposed lots are considered to be of sufficient area and dimensions that are suited for their intended land use. Overall it is considered that the proposed development achieves consistency with the applicable Acceptable and Performance Outcomes of the Reconfiguring a Lot Code.

Works, Services and Infrastructure Code

The Infrastructure Works Code seeks to ensure that development is safely and efficiently serviced by and connected to infrastructure.

The subject land is located within the Rural Zone and outside the reticulated water supply and reticulated sewerage system areas. The proposed development is only for the reconfiguration of the land.

The proposed development can be appropriately conditioned for the provision of a water supply in accordance with AO1.2 and wastewater disposal in accordance with AO2.2 at the time of that of future development is undertaken within the proposed lots. The provision of electricity and telecommunications connections can be delayed to the time that final land uses are determined within the proposed lots.

Access crossovers to the proposed lots will be constructed to each of the proposed lots from the edge of the road to the property boundary in accordance with the FNQROC Development Manual.

Overall it is considered that the proposed development can achieve consistency with the applicable acceptable outcomes and performance outcomes of the Infrastructure Works Code.

Conclusion

The abovementioned has demonstrated that the proposed Reconfiguration of a Lot at 57 Spena Road, Mareeba has been assessed against the assessment benchmarks of the Mareeba Shire Planning Scheme 2016 and is considered to comply with the relevant provisions.

The proposed reconfiguration is of a scale and nature that contributes to the proper and orderly development of the locality and is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area.



The proposal is considered consistent with the purpose of the Rural Zone and provides allotments which are of sufficient size and dimensions to allow for future land uses.

Accordingly, subject to the imposition of reasonable and relevant conditions, we request that Council issue a Development Permit for Reconfiguring of a Lot as detailed in above.

Supporting Documents

Please see enclosed the following supporting documents to assist with Council's assessment of the application:

Attachment A: DA Form 1;
Attachment B: Title Search, Smartmap & Survey Plan – SP305276; and
Attachment C: Proposal Plan prepared by Brazier Motti Drawing No. 34750/001A.

We trust that the enclosed documentation is sufficient to allow Council's assessment of the proposed development, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Planner
Brazier Motti Pty Ltd

ATTACHMENT A

brazier motti



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)	M. P. David c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	4054 0400
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	34750-001-01

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" 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
		57	Spena Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	1	SP305276	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):*

Reconfiguring a Lot – 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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

- ☒ Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
1	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				Rural
Number of lots created				3
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input checked="" type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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.

- ☒ 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:**

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

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:
<input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>)
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<p>Note: By not agreeing to accept an information request I, the applicant, acknowledge:</p> <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. <p>Further advice about information requests is contained in the DA Forms Guide.</p>

PART 7 – FURTHER DETAILS

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

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (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?	
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No	

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i>?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No 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:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a hazardous chemical facility?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No 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.dsdmp.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.dsdmp.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

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

Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

PART 9 – FOR 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

Note: For completion by assessment manager if applicable

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	

ATTACHMENT B

brazier motti



Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	51172470	Search Date:	01/11/2021 10:06
Date Title Created:	23/01/2019	Request No:	39100553
Previous Title:	50241230		

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 305276

Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 719213468 16/01/2019

MAXWELL PETER DAVID

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21262105 (Lot 26 on CP NR6024)
2. EASEMENT No 704334704 27/09/2000 at 14:53
benefiting the land over
EASEMENT A ON SP136209

ADMINISTRATIVE ADVICES

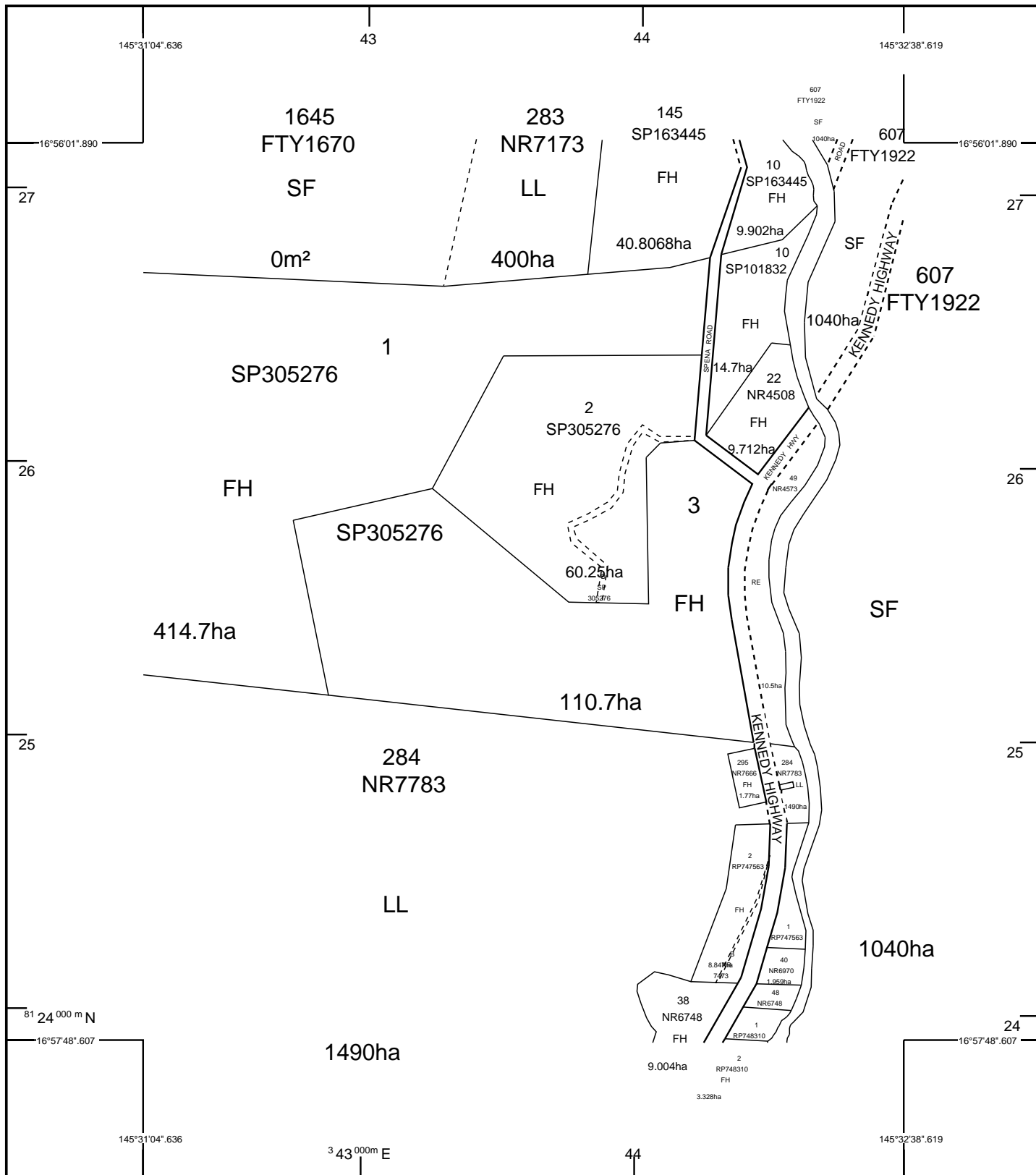
NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



STANDARD MAP NUMBER
8064-33341

0 400 800 1200 1600 2000 m
HORIZONTAL DATUM: GDA94 ZONE: 55 SCALE 1 : 20000

MAP WINDOW POSITION &
NEAREST LOCATION

145°31'51\"/>

SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	3/SP305276
Area/Volume	110.7ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	MAREEBA
Segment/Parcel	9242/716

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 08/02/2019

DCDB 07/02/2019 (Lots with an area less than 3000m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources, Mines and Energy (DNRME)'s best efforts, DNRME makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

For further information on SmartMap products visit <http://nrm.qld.gov.au/property/mapping/blinmap>

SmartMap

An External Product of
SmartMap Information Services

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.



Land Title Act 1994 ; Land Act 1994
Form 21 Version 4

SURVEY PLAN

Sheet 1 of 4



REFERENCE MARKS				
STN	TO	ORIGIN	BEARING	DIST
1	OIP	1a/SP163445	69°56'	1.062
2	Pin		95°12'	0.898
3	OIP	2a/NR4680	59°49'	1.149
3	Spike in Bit		359°35'30"	11.224
4	Pin		348°58'	1.234
5	Pin		67°11'	1.305
6	Pin		94°49'	1.372
7	Pin		33°30'	1.337
8	Pin		141°44'	1.902
9	Spike in Bit		262°03'	9.971
10	Pin		252°07'	2.586
11	Spike in Bit		240°41'	17.441
12	Spike in Bit		289°10'	9.081
13	Spike in Bit		287°50'	15.619
14	Spike in Bit		292°37'	9.872
15	Spike in Bit		300°17'	7.447
16	Pin		134°30'	1.358
17	Pin		255°17'	1.075
17	Spike in Bit		359°41'	17.632
18	Pin		246°23'	1.336
19	Pin		249°41'	1.314
20	OIP	20b/NR6024	270°15'	1.0
21	OIP	19b/NR6024	270°15'	1.0
21	ORT not Schd	19b/NR6024	243°40'8"	19.31
22	OIP	19/NR6024	270°15'	1.0
23	Pin		148°23'	1.23
24	Pin		289°22'	1.7
25	Pin		272°30'	1.189

PERMANENT MARKS				
PM	ORIGIN	BEARING	DIST	NO
3-PM fd		82°15'25"	40.17	151314
3-PM fd		120°42'35"	267.408	184298

Original information compiled from
SP101832 & NR6024 in the Department of
Natural Resources, Mines & Energy.

Peg placed at all new corners, unless
otherwise stated.

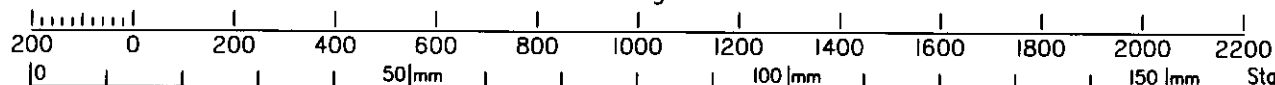
Amendments by Queensland Surveying Pty Ltd
(ACN 604 671 374)
Delegate: *C. G. A.* Date: *27/6/2018*

SURVEY REPORT

Datum of survey is from Stns 20-22
on the Southern boundary of Lot 3
where either O.M.s and/or O.Ref Mks
were found. A shortage of 0.059 was
noted between Stns 22-21 and a
shortage of 0.036 was noted between
Stns 21-20.

Spina Road frontage has been defined
by O.M.s & O.Refs at Stns 1 & 3, with
good agreement with data.

Scale 1:15000 - Lengths are in Metres.



State copyright reserved.

QUEENSLAND SURVEYING PTY LTD (ACN 604 671 374) hereby
certify that the land comprised in this plan was surveyed by the
corporation, by Kevin Eric THORNE, Surveying Associate, for whose
work the corporation accepts responsibility, under the supervision
of Charles Leonard Roy GOSLING, Cadastral Surveyor, and that the
plan is accurate, that the said survey was performed in accordance
with the Survey and Mapping Infrastructure Act 2003 and
Surveyors Act 2003 and associated Regulations and Standards and
that the said survey was completed on 11/5/2018.

C. G. A.
Delegate

27/6/2018
Date

Plan of Lots 1-3 &
Emt B in Lot 2

Cancelling Lot 11 on SP101832

LOCAL
GOVERNMENT: MAREEBA SHIRE

LOCALITY: MAREEBA

Meridian: NR6024

Survey
Records: No

Scale: 1:15000

Format: STANDARD



SP305276

719213468

\$696.00
16/01/2019 15:24

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.

Sheet
2 of
4

Plans may be rolled.

Information may not be placed in the outer margins.

5. Lodged by

PRESTON MIKE SOLUTIONS 65709

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

1/We MAXWELL PETER DAVID

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

M. David

Signature of *Registered Owners *Lessees

* Rule out whichever is inapplicable

2. Planning Body Approval.

* Mareeba Shire Council

hereby approves this plan in accordance with the :

%

Planning Act 2016

Dated this 9th day of January 2019

AA

Anthony Archie
Manager Development
& Governance

* Insert the name of the Planning Body.

Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 30824

6. Existing

Title Reference	Description	New Lots	Road	Secondary Interests
50241230	Lot 11 on SP101832	1-3	---	EMT B

BENEFIT EASEMENT ALLOCATIONS

Easement	Lots Fully Benefited	Lots Partially Benefited
704334704	1-3	---

Notification issued to the owners of Lot 11 on SP101832 &
Spena Road on 8/6/2018, in accordance with s.18 of the
Survey and Mapping Infrastructure Regulation 2014.

9. Building Format Plans only.

I certify that :

* As far as it is practical to determine, no part
of the building shown on this plan encroaches
onto adjoining lots or road;

* Part of the building shown on this plan
encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date

* delete words not required

10. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
.....New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

11. Insert
Plan
Number

SP305276

7. Orig Grant Allocation :

8. Passed & Endorsed :

By: QUEENSLAND SURVEYING PTY LTD

Date: 27/6/2018

Signed: C Godt.

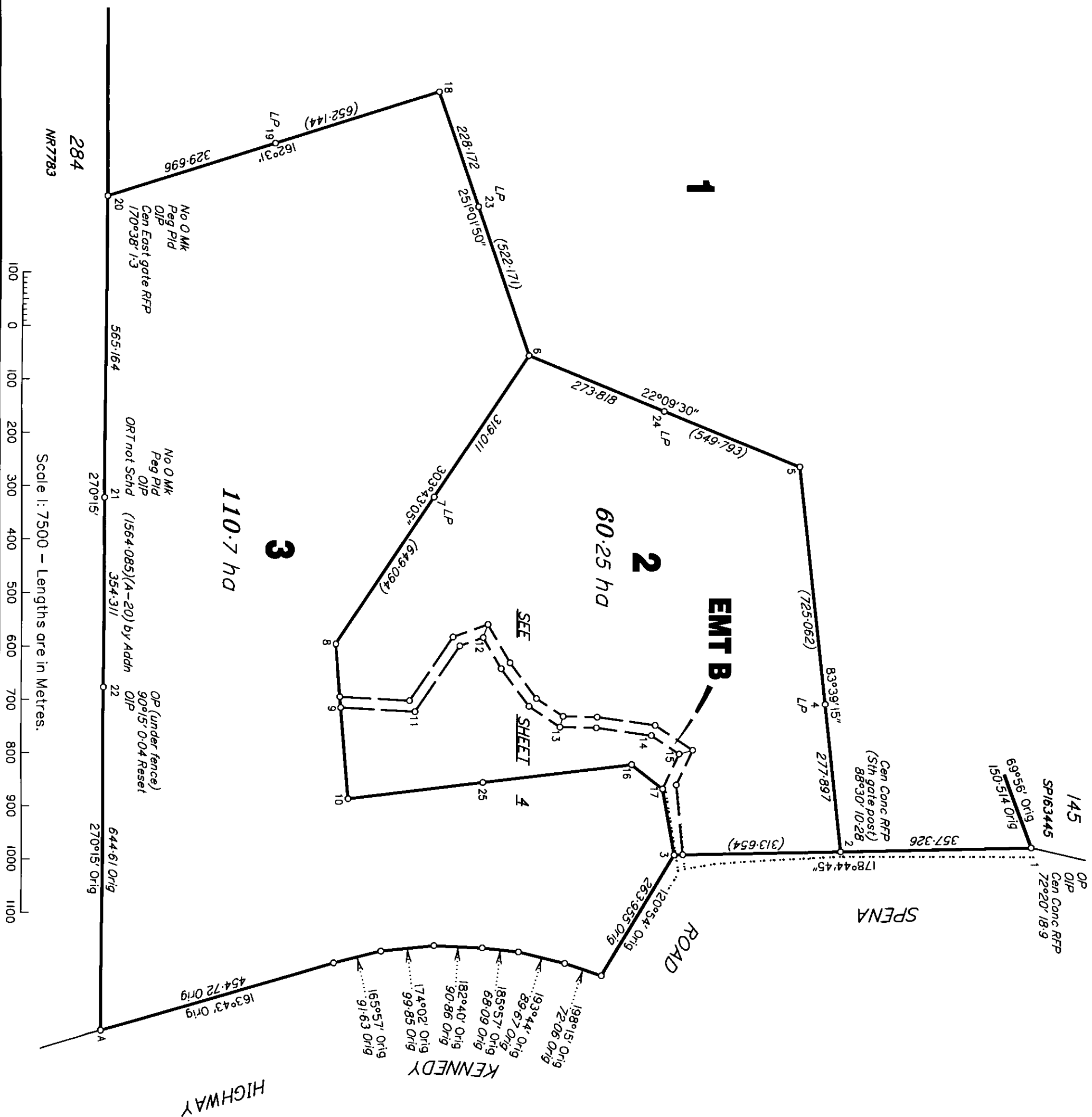
Designation : Delegate

1-3

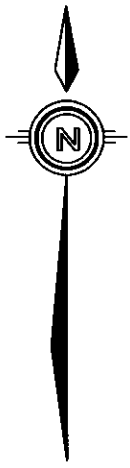
Lot 26 on NR6024

Lots

Orig



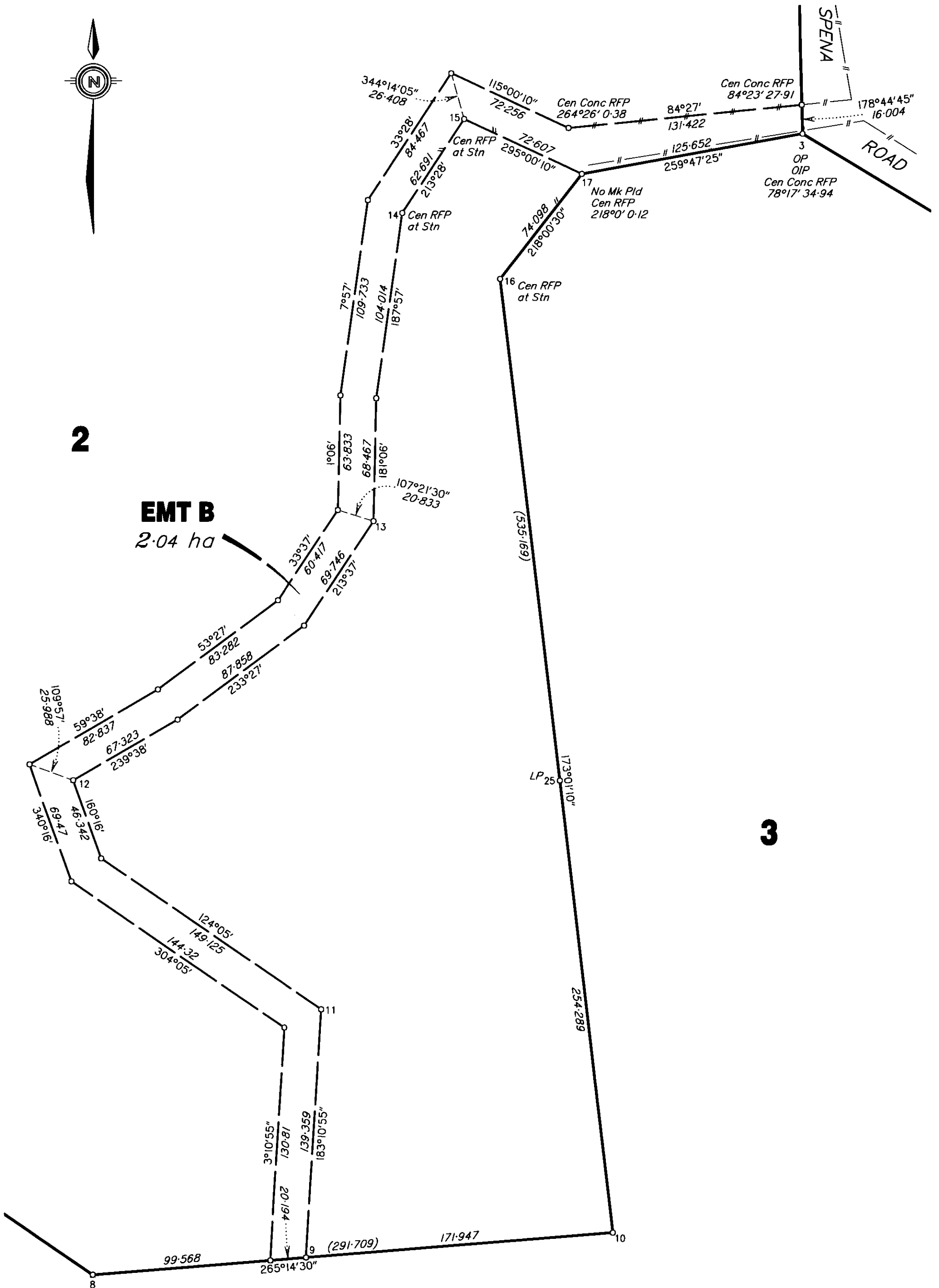
SP305276



2

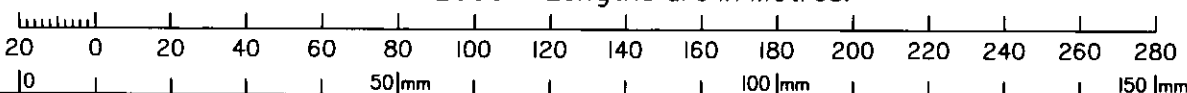
EMT B

2.04 ha



3

Scale 1:2000 – Lengths are in Metres.



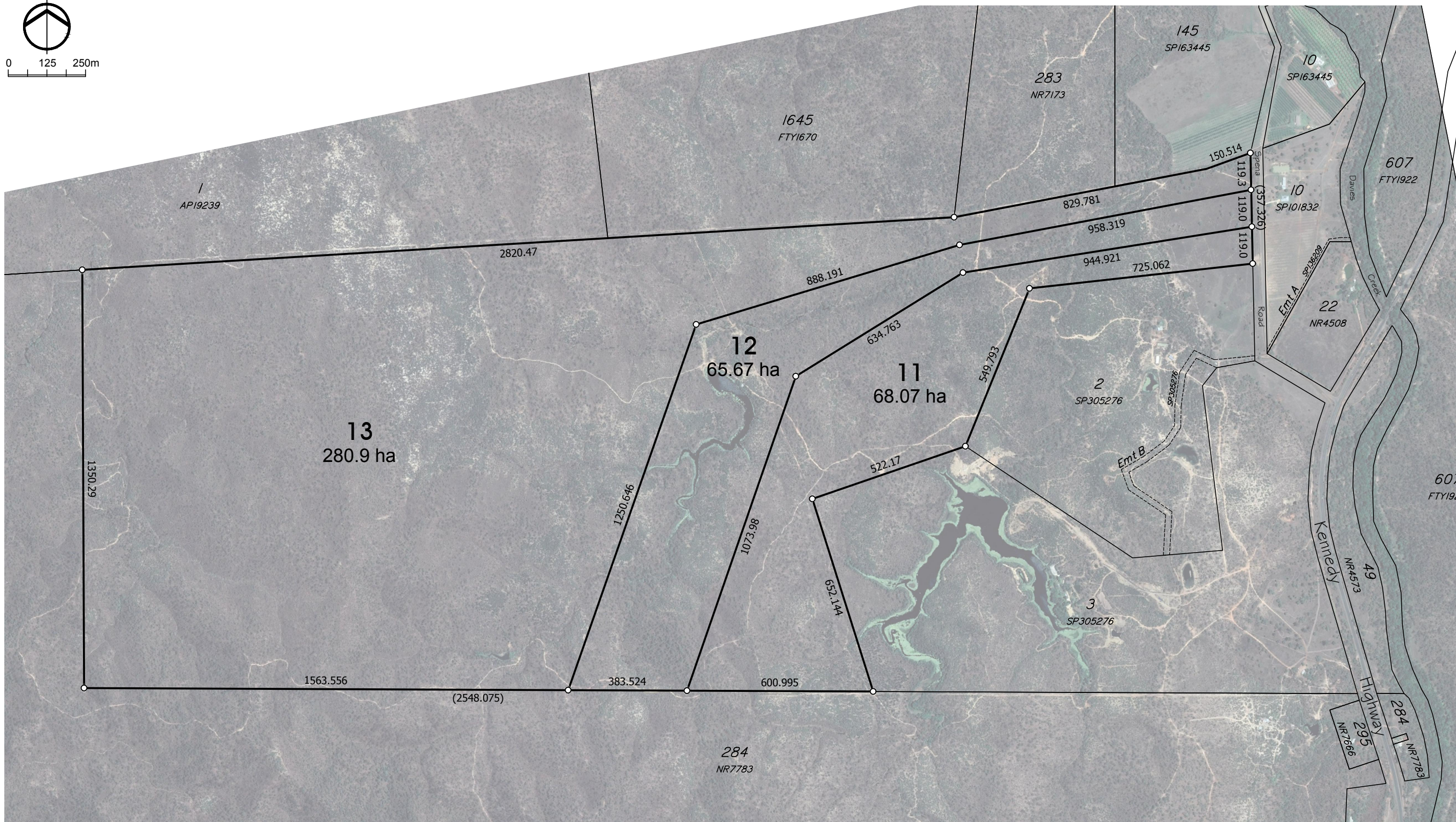
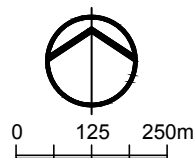
Insert
Plan
Number

SP305276

ATTACHMENT C

brazier motti





PROPOSED RECONFIGURATION

Lots 11, 12 & 13
Cancelling Lot 1 on SP305276

Mareeba Shire Council
Locality of Mareeba



This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.



P 1300 267 878
W www.braziermotti.com.au

Date: 11/08/2021
Scale: 1:12500 @A3
Drawn: WCHO
Job No: 34750/1-1
Plan No: 34750/001A

surveying | town planning | project management | mapping and GIS