

Our Ref HRP16299  
Contact Dominic Hammersley

**Cardno (Qld) Pty Ltd**  
ABN 57 051 074 992

20 October 2017

The Chief Executive Officer  
Mareeba Shire Council  
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MAREEBA QLD 4880

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Parramatta Park QLD 4870  
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P.O. Box 1619  
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**Attention: Development Assessment**

**Phone: 61 7 4034 0500**

**Delivery via email: [planning@msc.qld.gov.au](mailto:planning@msc.qld.gov.au)**

**[www.cardno.com](http://www.cardno.com)**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR NATURE BASED TOURISM OVER LAND AT 77 AND 112 BARNWELL ROAD, KURANDA MORE PROPERLY DESCRIBED AS PART OF LOT 16 ON N157227, LOTS 17, 18 AND 22 ON N157227, LOT 19 ON N157452 AND LOTS 1 AND 2 ON RP703984**

We act for Reeve and Ocean Pty Ltd ('the Applicant').

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made development application pursuant to Sections 50 and 51 of the *Planning Act 2016* ('the SPA') seeking a Development Permit for a Material Change of Use for Nature Based Tourism.

Please find **enclosed** the following documentation associated with this development application:

- (a) **Attachment A: Application Form** which includes:
  - DA Form 1 – Development Application details
- (b) **Attachment B: Proposal Plans** which includes:
- (c) **Attachment C: Statement of Code Compliance** prepared by Cardno;
- (d) **Attachment D: Owner's Consent**;
- (e) **Attachment E: Site Searches**, which includes:
  - Certificates of Title; and
  - EMR/CLR Search Extracts.
- (f) **Attachment F: State Planning Policy Response** prepared by Cardno.

The following sections of this letter discuss the relevant details of the development application, including the site, the proposed development and the applicable statutory town planning framework, and provide an assessment of the proposal against this framework.

We understand that the relevant application fee will be determined by Council at the time of the application being made.

## 1. THE SITE

The development application relates to land at 77 and 112 Barnwell Road, Kuranda ('the site'). The 77 Barnwell Road property is formed by a single lot, namely Lot 16 on N157227. The extent to which the 77 Barnwell Road property is included in the site is limited to the western-most part of Lot 16, with the purpose of facilitating access to the 112 Barnwell Road property, noting that the existing driveway from Barnwell Road traverses Lot 16 on N157227. Tourist activities are not proposed to be undertaken on the 77 Barnwell Road property.

The 112 Barnwell Road property, to the extent it applies to this application, is comprised of six lots more properly described as Lots 17, 18 and 22 on N157227, Lot 19 on N157452 and Lots 1 and 2 on RP703984. These lots include a land area of 319.6984 hectares.

The extent of the site is shown in Figure 1 below.



**Figure 1 – Extent of The Site**

The registered owner of the 112 Barnwell Road property is Reeve and Ocean Pty Ltd. Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin are the registered owners of the 77 Barnwell Road property. A copy of the required owner's consent (for 77 Barnwell Road) is provided in **Attachment D – Owner's Consent**. We note that owner's consent is not required for the 112 Barnwell Road property as the Applicant is the owner of these lots.

The site does not benefit from, and is not burdened by, any easements. The site is not located on the Environmental Management Register ('the EMR') or the Contaminated Land Register ('the CLR').

For further detail refer to **Attachment E - Site Searches**.

## 2. PROPOSED DEVELOPMENT

The proposal involves the development of an impermanent Nature Based Tourism enterprise on the site, providing a range of activities and experiences for site visitors, including horse riding, quad bike tours, walking and hiking and displays and shows of rural activities. The proposed development seeks to showcase:

- the unique natural environment of the site and the surrounding area;
- Australian and North Queensland culture and lifestyle, with a focus on 'Australiana' rural activities such as cattle handling; and
- the history of the site in the development of the rural economy of North Queensland, including the heritage values of Barnwell house and the grave of James Hamilton.

The proposed Nature Based Tourism use will operate on site up to 30 June 2018. We note that the Applicant is prepared to accept a reasonable and relevant condition imposed on any approval issued by Council which limits the timing of the use to this period. The proposed development is intended to form an initial stage of the ultimate use of the site for tourism activities. Any use of the site for tourist activities, beyond 30 June 2018, will be sought to be established by way of a separate development application.

The proposed impermanent development will involve the construction of three new temporary structures within an integrated complex to the north of the existing Dwelling House. These structures comprise:

- A large pavilion for the seating and dining of tourists visiting the facility;
- A pavilion for food preparation; and
- A toilet block comprising three separate facilities for male, female and persons with disabilities (PWD) users.

Further detail with respect to the design and location of the proposed development is provided in **Attachment B – Proposal Plans**.

Tourists will travel to the site by way of private buses operated by the Applicant. A total of two buses are intended to service the site, with tourists transported to the site in the morning and leaving the site in the afternoon. These buses will travel along the Kennedy Highway, Myola Road and Barnwell Road to access the site. The movement of the buses on site will be facilitated by the existing driveway and manoeuvring area, which will provide for vehicle movement, passenger drop off/pick up and vehicle parking. A network of new pedestrian paths will be developed to facilitate all-weather foot traffic.

A total of up to 60 tourists per day will attend the site in relation to the proposed development.

The 112 Barnwell Road property is presently improved with a Dwelling House and structures and infrastructure associated with the various rural uses on the site, including Animal Keeping, Animal Husbandry and Cropping. These uses, including the Dwelling House, will continue on the site with the proposed development.

### **3. STATUTORY TOWN PLANNING FRAMEWORK**

#### **3.1. Planning Act 2016**

The *Planning Act 2016* ('the PA') is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The PA is supported by the *Planning Regulation 2017* ('the PR').

The following sections of this report discuss the parts of the PA and PR applicable to the assessment of a development application.

##### **3.1.1. *Approval and Development***

Pursuant to Sections 49, 50 and 51 of the PA, the development application seeks a Development Permit for a Material Change of Use for Nature Based Tourism.

##### **3.1.2. *Application***

The proposed development is:

- development which is located completely in a single local government area; and
- is development made assessable under a local categorising instrument, as discussed in Section 5.3.

In accordance with Section 48 of the PA and Section 21 and Schedule 8, Table 2, Item 1 of the PR, the development application is required to be made to the applicable local government, in this instance being Mareeba Shire Council.

##### **3.1.3. *Referral***

Section 52(2) of the PA and Section 22 and Schedules 9 and 10 of the PR provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided.

The proposed development does not trigger referral to any agency.

##### **3.1.4. *Public Notification***

Section 53(1) of the PA provides that an applicant must give notice of a development application where any part is subject to Impact Assessment or where it is an application which includes a variation request.

The development application is subject to Code Assessment and does not include a variation request. Notice of the development application is therefore not required in this instance.

##### **3.1.5. *Assessment Framework***

As discussed in Section 3.6 of this report, a Code Assessable development application is required in this instance. Section 45(3) of the PA provides that:

“(3) A code assessment is an assessment that must be carried out only—



- (a) *against the assessment benchmarks in a categorising instrument for the development; and*
- (b) *having regard to any matters prescribed by regulation for this paragraph.”*

The *Mareeba Shire Planning Scheme 2016* ('the Planning Scheme'), as the applicable local categorising instrument, is discussed in greater detail in Section 3.6 of this report.

Section 26 of the PR provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the PA:

- (1) *For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) *Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—*
  - (a) *the assessment benchmarks stated in—*
    - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (iii) *any temporary State planning policy applying to the premises;*
  - (b) *if the local government is an infrastructure provider—the local government's LGIP.*
- (3) *However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the PR provides matters for the purposes of Section 45(3)(b) of the PA:

- (1) *For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
  - (a) *the matters stated in schedules 9 and 10 for the development; and*
  - ...
  - (d) *if the prescribed assessment manager is a person other than the chief executive—*
    - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (iii) *for designated premises—the designation for the premises; and*
  - (e) *any temporary State planning policy applying to the premises; and*
  - (f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*
  - (g) *the common material.*
- (2) *However—*
  - (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is*

- relevant to the development; and*
- (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.*

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

### **3.2. Schedules 9 and 10 of the Planning Regulation 2017**

Schedules 9 and 10 of the PR do not prescribe any applicable assessment benchmarks.

### **3.3. Far North Queensland Regional Plan 2009-2031**

The *Far North Queensland Regional Plan 2009 - 2031* ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies.

The Regional Plan is identified in the Planning Scheme as being appropriately integrated in the Planning Scheme.

The Regional Plan is therefore not applicable to the assessment of the development application.

### **3.4. State Planning Policy**

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

The SPP is identified in the Planning Scheme as being appropriately integrated in the Planning Scheme. We note, however, that the Planning Scheme does not reflect the most recent version of the SPP (3 July 2017).

On this basis, the SPP is therefore applicable to the assessment of the development application:

- pursuant to Section 45(3)(a) of the PA and Section 26(2)(a)(ii) of the PR, to the extent it contains assessment benchmarks in Part E; and
- pursuant to Section 45(3)(b) of the PA and Section 27(1)(d)(ii) of the PR, as a matter to which the assessment manager may have regard.

### **3.5. Temporary State Planning Policies**

There are currently no temporary State Planning Policies in effect in Queensland.

### **3.6. Mareeba Shire Planning Scheme 2016**

The Planning Scheme came into effect on 1 July 2016 and is the applicable planning scheme for the assessment of development applications within the Mareeba Shire local government area.

#### **3.6.1. Zone**

The site is wholly located within the Rural Zone.

### 3.6.2. Overlays

Table 1 identifies the overlays applicable to the site.

**Table 1: Applicable Overlays**

Overlay	Sub-category
Airport Environs Overlay	<ul style="list-style-type: none"> <li>Area of Interest (15000 metre buffer)</li> </ul>
Bushfire Hazard Overlay	<ul style="list-style-type: none"> <li>Potential Impact Buffer (100 metres)</li> </ul>
Environmental Significance Overlay	<ul style="list-style-type: none"> <li>Regulated Vegetation</li> <li>Wildlife Habitat</li> <li>Habitat Linkage</li> <li>Ecological Corridor</li> <li>Waterway</li> <li>Waterway 100 metre Buffer</li> </ul>
Hill and Slope Overlay	<ul style="list-style-type: none"> <li>Hill and Slope Area</li> </ul>
Transport Infrastructure Overlay	<ul style="list-style-type: none"> <li>Minor Rural Road (Barnwell Road)</li> </ul>

### 3.6.3. Category of Development and Assessment

Nature Based Tourism is subject to Code Assessment in the Rural Zone, where:

- not Accepted Development (involving a temporary use);
- on a lot greater than 15 hectares;
- setback 100 metres from any property boundary;
- a maximum of 10 guests are accommodated at any one time<sup>1</sup>;
- guest accommodation is located within 200 metres of the primary dwelling house; and
- a maximum of 2 dwellings/accommodation units or 5 rooms are provided in addition to the primary dwelling.

Impact Assessment is triggered where the use is not subject to Code Assessment.

With respect to the proposed development, it is noted that:

- the proposed development does not involve a temporary use, as defined in Section 1.7.1 of the planning scheme;
- the site is greater than 15 hectares in area, with each lot contained within the site also including a land area greater than 15 hectares;
- the structures proposed as part of the development are all setback a minimum of 100 metres from any property boundary; and
- the proposed development does not include any accommodation.

On this basis, the proposed development is subject to Code Assessment in the zone. The applicable category of development and assessment is not altered by the applicable overlays. The proposed development is therefore subject to Code Assessment.

<sup>1</sup> With respect to this element of the trigger for Code Assessment, we note that the term "accommodated" is used. It is considered that the use of this term indicates that the limitation of 10 guests is to apply to any accommodation component of a Nature Based Tourism use (noting the commonality of terminology between "accommodated" and "accommodation"), rather than the broader capacity of the use. This interpretation is consistent with the primary Oxford Dictionary definition for "accommodate", being "provide lodging or room for". "Lodging" is defined by the Oxford Dictionary as "temporary accommodation", which is consistent with the element of the Nature Based Tourism use definition which provides that such a use may include tourist and visitor short-term accommodation.

### 3.6.4. Applicable Codes

The Planning Scheme identifies that the following codes are applicable to the assessment of the proposed development:

#### Zone Codes

- Rural Zone Code

#### Overlay Codes

- Airport Environs Overlay Code
- Environmental Significance Overlay Code

#### Development Codes

- Parking and Access Code
- Works, Services and Infrastructure Code

With respect to the Bushfire Hazard Overlay Code, it is noted that the proposed development is located outside any Bushfire Hazard Area or buffer. With respect to the Hill and Slope Overlay Code, it is noted that the proposed development does not involve building work, operational work or clearing of vegetation within the Hill and Slope Area. In both instances, these overlay codes are not applicable to the development (reference should be made to Section 5.10 of the planning scheme).

### 3.7. Relationship to the Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Government, through the *Environment Protection and Biodiversity Conservation Act 1999* ('the EPBC Act'), regulates activities and actions that may affect matters of national and international environmental significance ("a controlled action").

It is acknowledged that the site and its surrounds have the potential to contain matters protected by the EPBC Act, noting the site's proximity to the Wet Tropics World Heritage Area.

The proposed development will be, where relevant, referred to the Commonwealth Department of the Environment and Energy in accordance with the requirements of the EPBC Act, for determination as to whether the proposal involves a controlled action and therefore requires Commonwealth approval. The approval process under the EPBC Act is separate to the development approval process under the PA. The potential need for a Commonwealth approval to be obtained, or at the least advice in relation to a controlled action, does not prevent the issuing of a development approval pursuant to the PA.

## 4. ASSESSMENT OF COMPLIANCE

The statutory town planning framework applicable to the assessment of the development application is discussed in Chapter 3 of this report. The following sections provide an assessment of the proposed development against the relevant components and provisions of this framework.

### 4.1. State Planning Policy

An assessment of the proposed development against the relevant assessment benchmarks and other matters of the SPP is provided in **Attachment F – State Planning Policy Response**. The assessment undertaken demonstrates that the proposed development is consistent with the relevant requirements of the SPP.

## **4.2. Planning Scheme Codes**

A detailed assessment of the proposed development against the applicable codes of the Planning Scheme is provided in **Attachment C - Statement of Code Compliance**. The following sections provide a summary of the assessment undertaken.

### **4.2.1. Rural Zone Code**

The proposed development complies with all applicable Acceptable Outcomes of the Rural Zone Code. Where an applicable Acceptable Outcome is not provided, an Alternative Outcome has been proposed, that demonstrates that the proposal achieves compliance with the corresponding Performance Outcome. The proposed development achieves compliance with all applicable Performance Outcomes of the Rural Zone Code and therefore complies with the Purpose and Overall Outcomes.

### **4.2.2. Airport Environs Overlay Code**

The proposed development complies with all applicable Acceptable Outcomes of the Airport Environs Overlay Code. Where an applicable Acceptable Outcome is not provided, an Alternative Outcome has been proposed, that demonstrates that the proposal achieves compliance with the corresponding Performance Outcome. The proposed development achieves compliance with all applicable Performance Outcomes of the Airport Environs Overlay Code and therefore complies with the Purpose and Overall Outcomes.

### **4.2.3. Environmental Significance Overlay Code**

The proposed development complies with all applicable Acceptable Outcomes of the Environmental Significance Overlay Code. Where an applicable Acceptable Outcome is not provided, an Alternative Outcome has been proposed, that demonstrates that the proposal achieves compliance with the corresponding Performance Outcome. The proposed development achieves compliance with all applicable Performance Outcomes of the Environmental Significance Overlay Code and therefore complies with the Purpose and Overall Outcomes.

### **4.2.4. Parking and Access Code**

The proposed development complies (or can comply) with most applicable Acceptable Outcomes of the Parking and Access Code. Alternative Outcomes are proposed in relation to AO2.2/AO2.2 (access), AO5.4 (pedestrian access) and AO6.3 (internal road design). Alternative Outcomes are also proposed where no applicable Acceptable Outcome is provided. All Alternative Outcomes demonstrate that the proposal achieves compliance with the corresponding Performance Outcome. The proposed development achieves compliance with all applicable Performance Outcomes of the Parking and Access Code and therefore complies with the Purpose and Overall Outcomes.

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

The proposed development complies (or can comply) with most applicable Acceptable Outcomes of the Works, Services and Infrastructure Code. Alternative Outcomes are proposed in relation to AO3.2 (drainage), AO8.1 (vehicular access) and AO10.1/AO10.2 (stormwater quality). Alternative Outcomes are also proposed where no applicable Acceptable Outcome is provided. All Alternative Outcomes demonstrate that the proposal achieves compliance with the corresponding Performance Outcome. The proposed development achieves compliance with all applicable Performance Outcomes of the Works, Services and Infrastructure Code and therefore complies with the Purpose and Overall Outcomes.



## 5. CONCLUSION

The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant planning framework.

We therefore recommend that Council favourably consider the proposed development and approve the development application, subject to reasonable and relevant conditions.

If you have any queries, please contact me.

Yours faithfully



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Enc: Attachments A-F

# Attachment A

## Application Form

# DA Form 1 – Development application details

**Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.**

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

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

For a development application involving **building work associated with any other type of assessable development**, 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)	Reever and Ocean Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	c-/ Dominic Hammersley Cardno PO Box 1619
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	4034 0500
Email address (non-mandatory)	<a href="mailto:dominic.hammersley@cardno.com.au">dominic.hammersley@cardno.com.au</a>
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	HRP16299

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



## PART 2 – LOCATION DETAILS

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

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

## 3.1) Street address and lot on plan

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		77	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	Part of 16	N157227	Mareeba
b)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	17	N157227	Mareeba
c)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	18	N157227	Mareeba
d)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	22	N157227	Mareeba
e)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	19	N157452	Mareeba
f)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	1	RP703984	Mareeba
g)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	2	RP703984	Mareeba

## 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)

	<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
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**3.3) Additional premises**

- ☐ Additional premises are relevant to this development application and their details have been attached in a schedule to this application
- ☒ Not required

**4) Identify any of the following that apply to the premises and provide any relevant details**

- ☒ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

Owen Creek, Haren Creek, Cain Creek,  
tributary of Warril Creek

- ☐ 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:

- ☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

- ☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

**5) Are there any existing easements over the premises?**

*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

**PART 3 – DEVELOPMENT DETAILS****Section 1 – Aspects of development****6.1) Provide details about the first development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

Nature Based Tourism

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      ☒ Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot      ☐ Yes – complete division 2

Operational work      ☐ Yes – complete division 3

Building work      ☐ Yes – complete *DA Form 2 – Building work details*

### 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 <sup>2</sup> ) <i>(if applicable)</i>
Tourist facility	Nature Based Tourism	N/A	45m <sup>2</sup>

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?

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

<input 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 construction 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				

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

- ☐ Yes – provide additional details below  
☐ No

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

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

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

**12) Boundary realignment****12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

**12.2) What is the reason for the boundary realignment?**

--

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

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

**Division 3 – Operational work****Note:** This division is only required to be completed if any part of the development application involves operational work.**14.1) What is the nature of the operational work?**

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

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

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

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

\$

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

☐ Yes – a copy of the decision notice is attached to this development application

☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

☒ No

## PART 5 – REFERRAL DETAILS

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

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

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

Matters requiring referral to the **chief executive of the Planning Regulation 2017:**

☐ Clearing native vegetation

☐ Contaminated land *(unexploded ordnance)*

☐ Environmentally relevant activities (ERA) *(only if the ERA have not been devolved to a local government)*

☐ Fisheries – aquaculture

☐ Fisheries – declared fish habitat area

☐ Fisheries – marine plants

☐ Fisheries – waterway barrier works

☐ Hazardous chemical facilities

☐ Queensland heritage place *(on or near a Queensland heritage place)*

☐ Infrastructure – designated premises

☐ Infrastructure – state transport infrastructure

☐ Infrastructure – state transport corridors and future state transport corridors

☐ Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels

☐ Infrastructure – state-controlled roads

☐ Land within Port of Brisbane's port limits

☐ SEQ development area

☐ 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 – residential development

☐ SEQ regional landscape and rural production area or SEQ Rural living area – urban activity

☐ Tidal works or works in a coastal management district

☐ Urban design

☐ Water-related development – taking or interfering with water

☐ Water-related development – removing quarry material *(from a watercourse or lake)*

☐ Water-related development – referable dams

☐ Water-related development – construction of new levees or modification of existing levees *(category 2 or 3 levees only)*

☐ Wetland protection area

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

☐ Airport land

☐ Environmentally relevant activities (ERA) *(only if the ERA have been devolved to local government)*

☐ Local heritage places

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

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

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

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

☐ Yes – the yellow local government/private certifier's 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

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 EM941) 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 "EM941" at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

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

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

**Hazardous chemical facilities**

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

☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

☒ No

**Note:** See [www.justice.qld.gov.au](http://www.justice.qld.gov.au) for further information.

**Clearing native vegetation**



23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** See [www.qld.gov.au](http://www.qld.gov.au) for further information.

### **Environmental offsets**

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

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

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala conservation**

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

☐ Yes

☒ No

**Note:** See guidance materials at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works?**

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

☒ No

**Note:** DA templates are available from [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

☐ Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources and Mines at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au) for further information.

### **Marine activities**

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

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

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

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

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources and Mines at [www.dnrm.qld.gov.au](http://www.dnrm.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

<input checked="" type="checkbox"/> No <b>Note:</b> Contact the Department of Environment and Heritage Protection at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for further information.	
<b>Referable dams</b>	
23.11) Does this development application involve a <b>referable dam</b> required to be failure impact assessed under section 343 of the <i>Water Supply (Safety and Reliability) Act 2008</i> (the Water Supply Act)?	
<input type="checkbox"/> Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the Water Supply Act is attached to this development application <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.dews.qld.gov.au">www.dews.qld.gov.au</a> for further information.	
<b>Tidal work or development within a coastal management district</b>	
23.12) Does this development application involve <b>tidal work or development in a coastal management district</b> ?	
<input type="checkbox"/> Yes – the following is included with this development application: <ul style="list-style-type: none"> <li><input type="checkbox"/> Evidence the proposal meets the code for assessable development that is prescribed tidal work (<i>only required if application involves prescribed tidal work</i>)</li> <li><input type="checkbox"/> A certificate of title</li> </ul> <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for further information.	
<b>Queensland and local heritage places</b>	
23.13) Does this development application propose development on or adjoining a place entered in the <b>Queensland heritage register</b> or on a place entered in a local government’s <b>Local Heritage Register</b> ?	
<input type="checkbox"/> Yes – details of the heritage place are provided in the table below <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for information requirements regarding development of Queensland heritage places.	
Name of the heritage place:	Place ID:
<b>Brothels</b>	
23.14) Does this development application involve a <b>material change of use for a brothel</b> ?	
<input type="checkbox"/> Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> <input checked="" type="checkbox"/> No	
<b>Decision under section 62 of the <i>Transport Infrastructure Act 1994</i></b>	
23.15) Does this development application involve new or changed access to a state-controlled road?	
<input type="checkbox"/> Yes - this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied) <input checked="" type="checkbox"/> No	

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

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

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

☐ Yes

☒ Not applicable

## 25) Applicant declaration

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

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

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

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

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

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

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

## PART 9 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

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

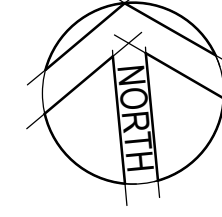
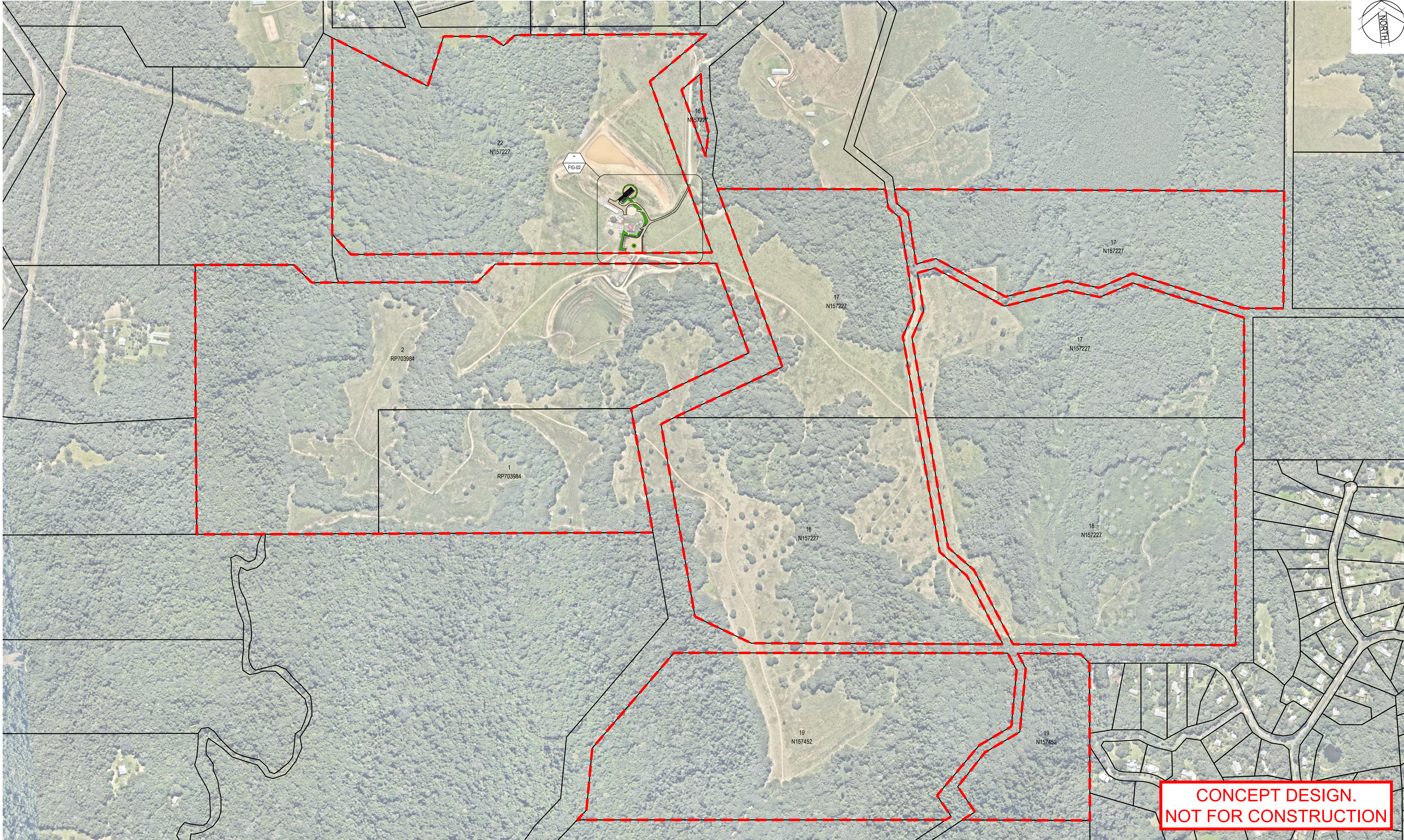
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the Planning Regulation 2017 and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

# Attachment B

## Proposal Plans





SITE PLAN  
SCALE 1:4000

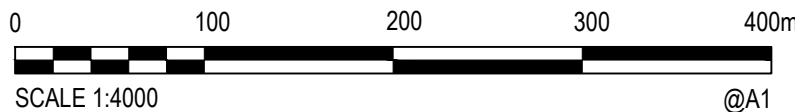
CONCEPT DESIGN.  
NOT FOR CONSTRUCTION

 EXTENT OF SITE



Cairns Tel: 07 4051 0288

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NATURE BASED TOURISM  
BARNWELL ROAD - KURANDA

Date  
03/10/2017

Scale  
1:4000

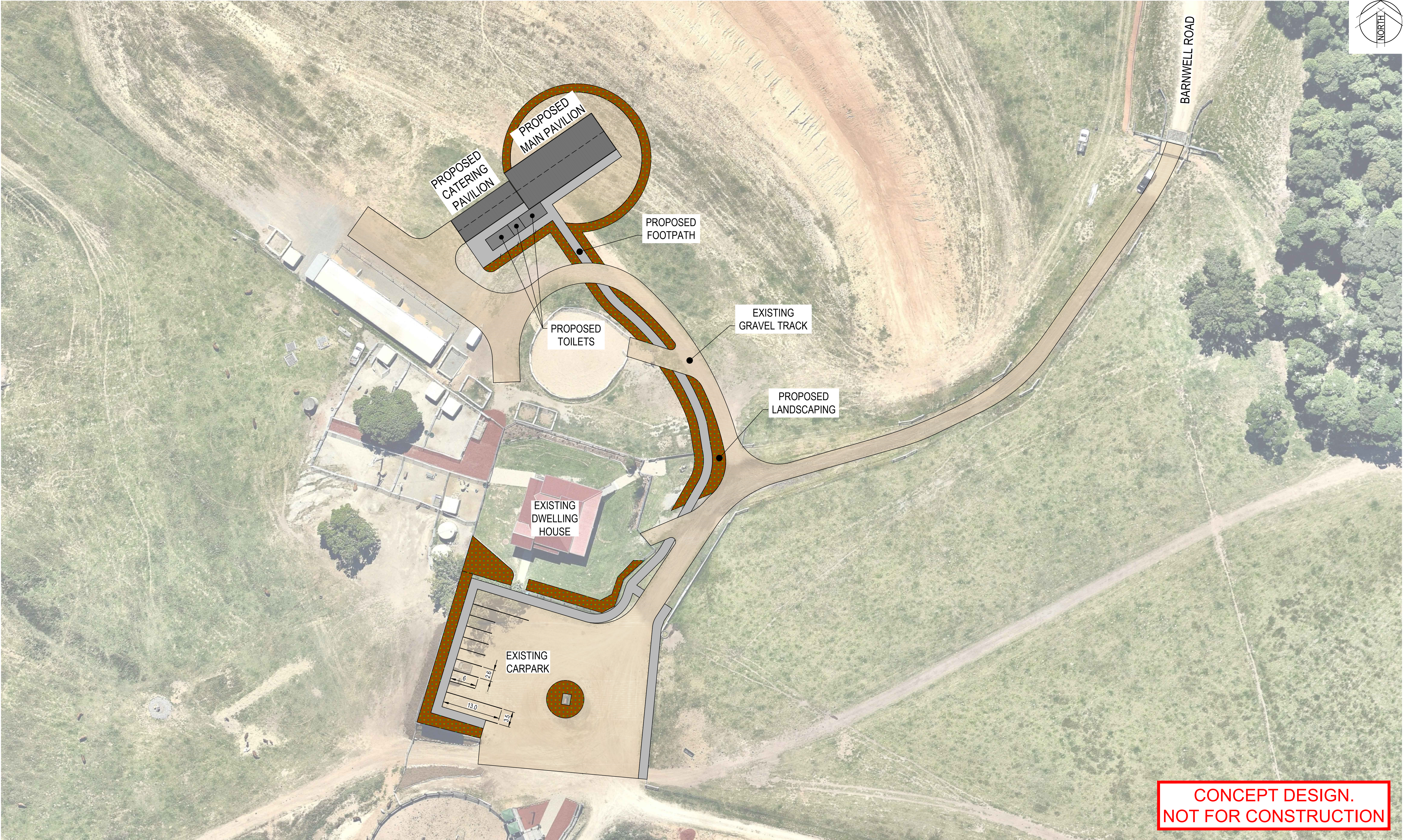
Size  
A1

HRP16299-006-FIG-01  
Drawing Number

SITE PLAN

A  
Revision





PROPOSAL PLAN  
SCALE 1:400