

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) <i>(individual or company full name)</i>	J & R Grego
Contact name <i>(only applicable for companies)</i>	C/- Elizabeth Taylor
Postal address <i>(P.O. Box or street address)</i>	23 Valley Street
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	Liz - 0407584966
Email address <i>(non-mandatory)</i>	liz@elizabethtaylor.net.au
Mobile number <i>(non-mandatory)</i>	Liz- 0407584966
Fax number <i>(non-mandatory)</i>	N/A
Applicant's reference number(s) <i>(if applicable)</i>	ET22-005

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
		47	Myola Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	2	RP727243	Mareeba
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? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Mobile Concrete Batching Plant
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>
Mobile Concrete Batching Plant	High Impact Industry	N/A	N/A

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	

Division 2 – Reconfiguring a lot

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

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

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<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 constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input 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"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

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

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

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

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

PART 5 – REFERRAL DETAILS

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

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

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 Transport Infrastructure Act 1994: <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
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • <i>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</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i>
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

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			
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 <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
Hazardous chemical facilities			
23.2) Is this development application for a hazardous chemical facility ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

Clearing native vegetation

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

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

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

Environmental offsets

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

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

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

Koala habitat in SEQ Region

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

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

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

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

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

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

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

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

Waterway barrier works

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

- Yes – the relevant template is completed and attached to this development application
- No

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

Marine activities

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

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

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

Individual owner's consent for making a development application under the *Planning Act 2016*

John and Ronny Grego

as owner of the premises identified, as follows:

47 Myola Road Kuranda, being Lot 2 RP727243

consents to the making of a development application under the *Planning Act 2016* by:

Elizabeth Taylor – Town Planner

on the premises described above for:

Material Change of Use – High Impact Industry – (Mobile Concrete Batching Plant) ancillary to Raw Materials Yard


.....
John Grego


.....
Ronny Grego

7/4/22
.....
Date

7/4/22
.....
Date

TOWN PLANNING REPORT

**APPLICATION
FOR
MATERIAL CHANGE OF USE**

**MOBILE CONCRETE BATCHING PLANT
ANCILLARY TO
BULK LANDSCAPE SUPPLIES DEPOT**

47 MYOLA ROAD, KURANDA

**PREPARED FOR
J & R GREGO**



PREPARED BY

**ELIZABETH TAYLOR
TOWN PLANNER**

APRIL 2022

1.0 INTRODUCTION

This report provides a town planning assessment of an Application for Material Change of Use (MCU) for a Mobile Concrete Batching Plant (MCBP) to be stored and operated, occasionally, from part of a site approved 28 years ago for Nursery Supplies, located at 47 Myola Road Kuranda.

A short planning history of the site and the adjoining site is outlined below.

The assessment of the Application takes account of the relevant provisions of the Planning Act 2016 (PA), the Planning Regulation 2017 and Mareeba Shire Planning Scheme 2016. The site is included in the Rural Residential Zone.

The Application does not trigger referral, through SARA, to any referral agencies; and following a discussion with the State government, I can confirm that a MCBP is not an Environmentally Relevant Activity.

2.0 PLANNING HISTORY

In December 1994 Council issued a Consent Approval for Nursery Supplies to establish on land described as Lots 1 & 2 RP727243 with an area of 1.3 hectares.

The approved Plan showed the site having five (5) vehicular access points and comprising:

- Lot 1 - a machinery storage shed and caretaker's residence; and
- Lot 2 - storage of nursery supplies, reception and sales area, areas for growing and displaying plants and 4 car parking spaces.

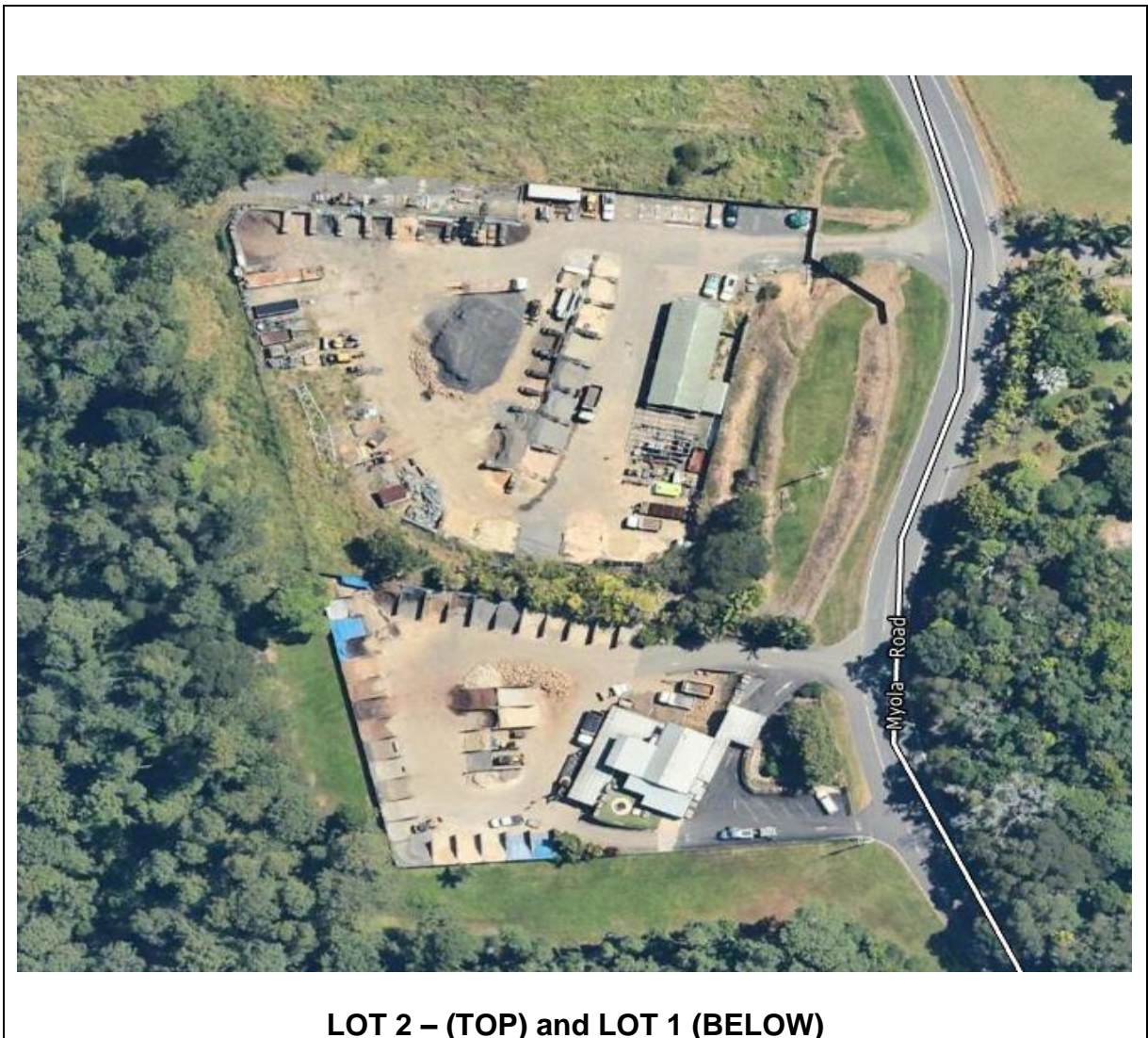
In approving the Application, in December 1994, Council imposed four (4) Conditions, with Condition 1 being amended in February 1995.

The four (4) Conditions, specified:

- Condition 1 – a singular vehicle access point for each lot;
- Condition 2 - Car parking for 5 cars, paved and line marked;
- Condition 3 – Lot 1 to be used solely to accommodate a caretaker's residence and shed for machinery storage and Lot 2 to be used for selling plants and raw materials, such as topsoil, potting mix, woodchip, sand and other general nursery supplies; and
- Condition 4 – dedication to Council of 305m² of land (north-eastern portion of Lot 2) for new road.

The two (2) lots were sold separately and both lots are now operating independently (and have for many years) as raw material yards, refer Aerial Site

Plan below. It is understood Lot 1 has, since 1994, had additional Council approval for raw materials sales, similar to Lot 2.



The 1994 Land use approval over the entire site was for Nursery Supplies. Under the current 2016 Planning Scheme the closest land use definition for the development operating on both sites is Bulk Landscape Supplies, refer definition below.

Bulk landscape supplies	Premises used for bulk storage and sale of landscaping and gardening supplies, which may include soil, gravel, potting mix and mulch, where the majority of materials sold from the premises are not in pre-packaged form.		Garden centre, outdoor sales, wholesale nursery
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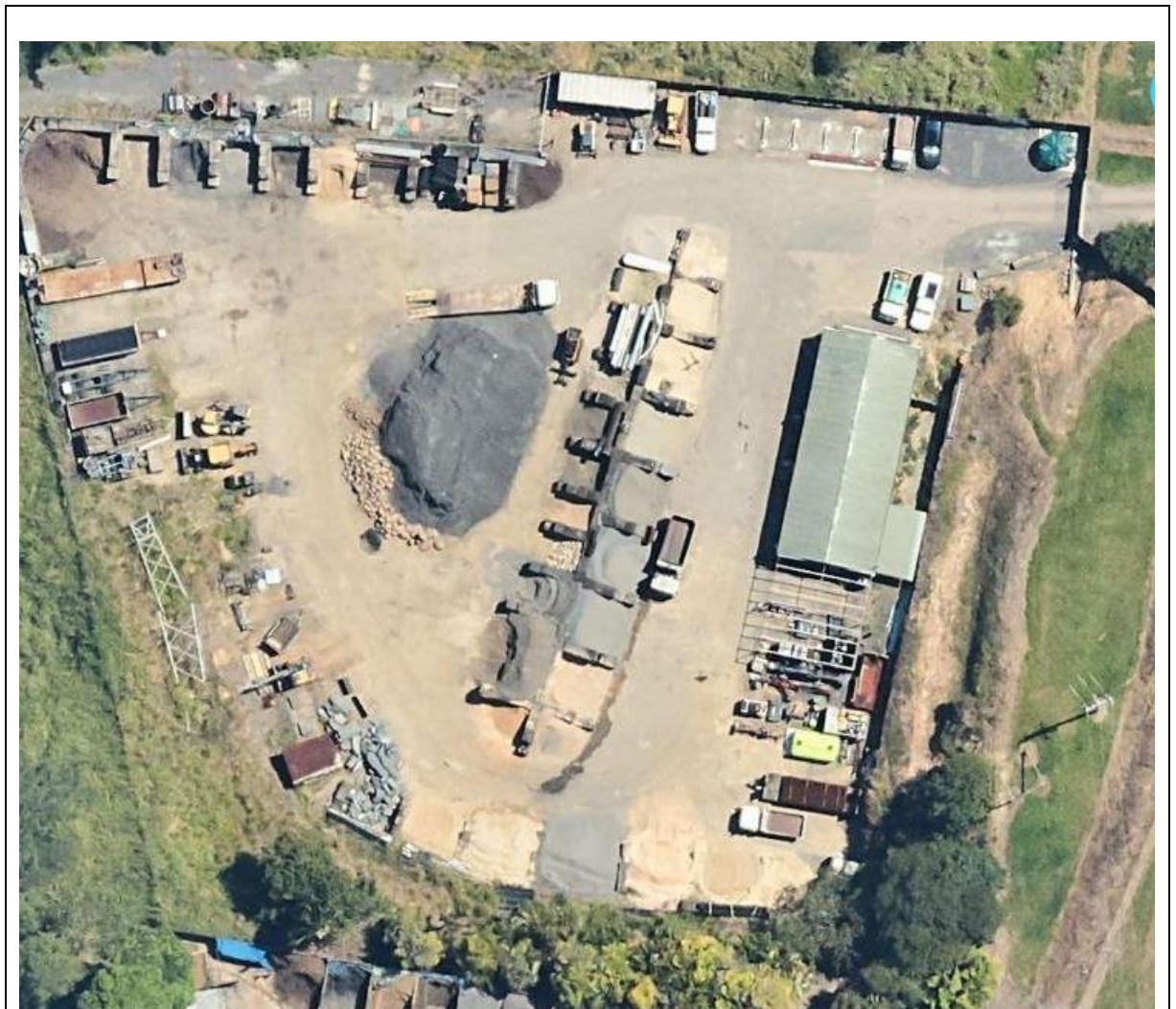
3.0 THE SITE AND LOCALITY

3.1 The Site

The site, Lot 2 RP727243, is generally hatched-shaped (no handle) and has an area of 8,814m². The site has a large central, level area and has a high, partially vegetated and fenced bank along Myola Road to the east and along the common boundary with the land to the south, the adjoining raw materials yard, which is elevated above Lot 2. The partial perimeter bank buffers and visually screens part of the site from Myola Road.

Vehicular access is from one entry/exit on Myola Road. The site is improved with a large shed and numerous bays for the storage of raw materials and equipment storage, associated with the activities carried out on and off the site by the landowners.

The Arial Plan below, shows the layout of the development on Lot 2.



Photographs, below, show the site, when viewed along Myola Road and demonstrates that development on the site is partially obscured by the raw materials yard being lower than the road and the high bank, fencing and some vegetation providing additional visual screening.



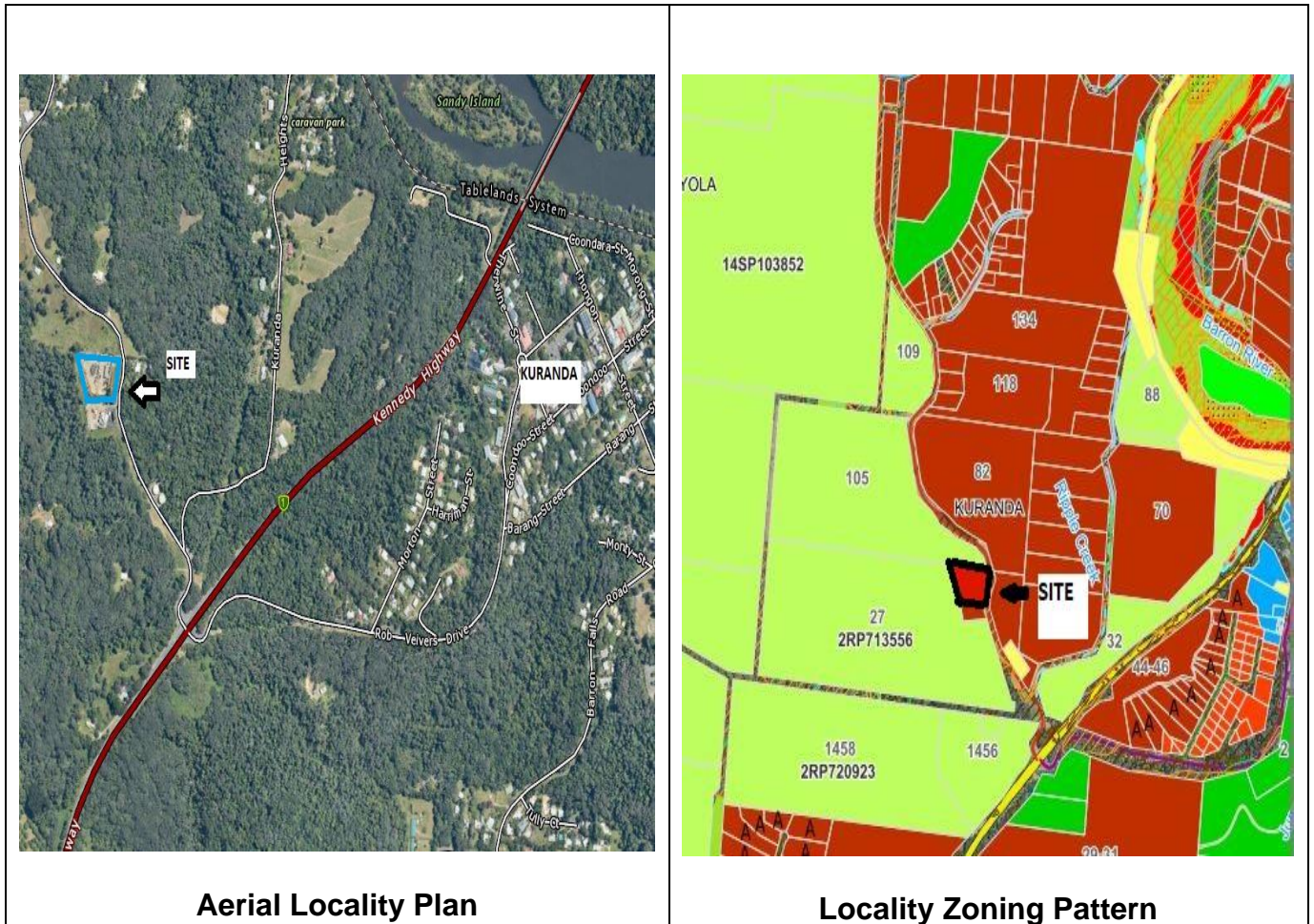


2.2 The Locality

The site is located just off the Kennedy Highway and in close proximity to Kuranda.

The surrounding land is zoned, primarily: Rural Residential (red) and Rural (lime green).

Refer to Locality Aerial Plan and Locality Zoning Plan, below.



The site is well located, in close proximity to the Kennedy Highway and Karunda and in an area that is not heavily developed and it is co-located with another commercial/industrial raw materials yard that has also been established since 1994 and has the same or very similar operational impacts.

4.0 PROPOSED DEVELOPMENT

Under the current 2016 Mareeba Shire Planning Scheme both the existing use (Bulk Landscape Supplies) and the proposed use (Mobile Concrete Batching Plant (MCBP), which falls under the definition of High Impact Industry) are defined as Industrial activities, refer list below.

Industrial activities	Bulk landscape supplies, Extractive industry, High impact industry, Low impact industry, Medium impact industry, Research and technology industry, Service industry, Special industry, Transport depot, Warehouse.
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The MCBP can accommodate up to 15m³ of product and service standard concrete trucks.



It is proposed to store the MCBP in the southern part of the site, in proximity to a water supply and raw material bays storing the products, such as sand, cement and aggregate used to make the concrete, refer to an annotated Site Plan at **Appendix 1**, showing the general area proposed to locate the MCBP.

It is important to note that the MCBP will not be used on the site permanently. It is mobile plant that will be stored on site, when not in use off-site, taken off-site for remote rural work, such as recent work undertaken by the landowner/plant operator for Ergon Energy on the CREB track upgrading.

In addition, it is proposed to upgrade part of the hardstand area on site, using the MCBP and in addition to remote rural work, also undertake local work in Kuranda, Myola and surrounding areas.

5.0 THE STATE CODES

An assessment against the State codes is not required as the proposed development does not trigger referral as the site is located in an Urban area and no triggers apply.

6.0 PLANNING SCHEME CONSIDERATIONS

5.1 Overview

Under the Planning Scheme the site has the following designations/classifications: -

Zone:

- Rural Residential

Overlays:

- Part of the site – Bushfire;
- Part of the site – Hill & Slope.

The MCBP falls under the definition of High Impact Industry and on that basis is Impact assessable development, under the Planning Scheme, which means assessment is required against the whole of the Planning Scheme, where relevant.

5.2 Strategic Framework (SF)

The SF requires that future development maintains the existing settlement pattern and the distinct character that it provides to the Shire.

The proposed development will not impact on the existing settlement pattern or detrimentally impact on the distinct character of the local area, as no major changes will occur on site.

The SF states that- *“smaller industry areas are strategically located across the Shire to service local needs”*.

The subject site and adjacent Lot 1 service local needs of residents of Kuranda and Myola and other satellite areas nearby.

The SF goes on to state - *“The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, well-being, amenity and safety of the community from the impacts of air, noise and odour emissions and hazardous materials.”*

Storing and utilising the MCBP on the site and, when required, moving the MCBP on and off the site, will not have detrimental impacts due to the location of the site with vacant land to the west and north and immediately adjoining another commercial/industrial land use, also a bulk landscape supplies depot, to the north; and bounding Myola Road to the east with buffering provided by the high bank, some vegetation and fencing.

The Bulk Landscape Supplies has operated from the site (and next door) for over 25 years and the addition of a MCBP on the site will have very little impact on how the site operates, while expanding services offered, in terms of off- site projects, local, regional and remote work.

It is considered that there is no conflict with the SF.

5.3 Rural Residential Zone Code

It is somewhat of an anomaly that a Bulk Landscape Supplies development is located on land in the Rural residential zone but given that it established over 25 years ago and has no direct interface with rural residential land that is developed for residential purposes, it can be seen as an historic planning decision, which was justified at the time.

An Overall Outcome of the Rural Residential Zone Code, is stated as:

“(f) Other uses may be appropriate where meeting the day-to-day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use.”

The proposal to store and utilise a MCBP on a site operating as a Bulk Landscape Supplies depot and expand allied services offered, can be supported, as it will provide a local service not currently available and being mobile will also be off-site doing remote/rural work.

A detailed assessment against the Rural Residential Zone Code is not warranted in this instance. However, consideration will be given to:

Building/structures minimum setbacks (PO3 & AO3) for the storing of the MCBP on the site, as follows:

- Minimum of 6 metres from the road frontage;
- Minimum of 3 metres from side or rear boundaries.

The MCBP is proposed to be sited, as shown on the Site Plan at **Appendix 1**. It is not a building or a structure and it will be screened from view from Myola Road, this is considered acceptable.

AND

Non-residential development (PO8 & AO8) and Amenity (PO9 & AO9 and PO10 & AO10) for the storing of the MCBP on the site, as follows:

PERFORMANCE OUTCOMES & ACCEPTABLE OUTCOMES	COMMENT														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th colspan="2" style="text-align: left; padding: 2px;">Non-residential development</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; padding: 2px;">PO8 Non-residential development:</td> <td style="width: 50%; padding: 2px;">AO8 No acceptable outcome is provided.</td> </tr> <tr> <td style="padding: 2px;">(a) is consistent with the scale of existing development;</td> <td></td> </tr> <tr> <td style="padding: 2px;">(b) does not detract from the amenity of nearby residential uses;</td> <td></td> </tr> <tr> <td style="padding: 2px;">(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and</td> <td></td> </tr> <tr> <td style="padding: 2px;">(d) directly supports the day to day needs of the immediate residential community; or</td> <td></td> </tr> <tr> <td style="padding: 2px;">(e) has a direct relationship to the land on which the use is proposed.</td> <td></td> </tr> </tbody> </table>	Non-residential development		PO8 Non-residential development:	AO8 No acceptable outcome is provided.	(a) is consistent with the scale of existing development;		(b) does not detract from the amenity of nearby residential uses;		(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and		(d) directly supports the day to day needs of the immediate residential community; or		(e) has a direct relationship to the land on which the use is proposed.		<p>COMPLIES with (a), (b), (c), (d) and (e).</p>
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Amenity		
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>A09 No acceptable outcome is provided.</p>	<p>COMPLIES with (a), (b), (c), (d), (e), (f), (g), (h) & (i).</p>
<p>PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO10 No acceptable outcome is provided.</p>	<p>The MCBP will be stored on site in an unobtrusive location and will be taken off site for work.</p>

5.4 Bushfire Hazard Overlay Code

The site is impacted, in part, by the Bushfire hazard overlay, refer to the extract from the Overlay map, below.



Bushfire Overlay

The Purpose and Overall Outcomes for the Bushfire Hazard Overlay Code, state:

8.2.3.2 Purpose

- (1) The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development in a Bushfire hazard area is compatible with the nature of the hazard;
 - (b) The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;
 - (c) Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and
 - (d) Appropriate infrastructure is available to emergency services in the event of a bushfire.

The proposed development will have no detrimental impacts associated with increasing bushfire risk and the site is well located, predominantly cleared and with good access to allow emergency services expedient access, if required.

The Code needs no further consideration.

5.5 Hill and Slope Overlay Code

The site is impacted, in part, by the Hill and Slope Overlay, refer extract from the Overlay map, below.



The Purpose and Overall Outcomes for the Hill and Slope Overlay Code, state:

8.2.8.2 Purpose

- (1) The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development is located to avoid sloping land where practical; and
 - (b) Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.

The site is only included in the Overlay mapping because of the steep banks that were created in providing a level bench for development many years ago. The proposed MCBP will be stored on existing level land within the Bulk Landscape Supplies depot and therefore will have no detrimental impacts on the slope stability of the site and will not increase the potential for erosion or landslide.

The Code needs no further consideration.

5.6 Industrial Activities Code

The Purpose and Overall Outcomes for the Industrial Activities Code, state:

9.3.5.2 Purpose

- (1) The purpose of the Industrial activities code is to ensure Industrial activities are:
 - (a) appropriately located within designated industrial areas;
 - (b) established and operated in an efficient manner with minimal impact on the character, scale, amenity and environmental values of the surrounding area; and
 - (c) managed to allow for progressive rehabilitation where involving Extractive industry.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Industrial activities are appropriately located having regard to topography, surrounding land uses, natural environment, accessibility, local character and potential social and community impacts;
 - (b) Industrial activities meet the needs of the local community and the local economy through well located, safe and convenient points of service;
 - (c) Industrial activities are designed to have minimal impact on the character, amenity and environment of the surrounding area;
 - (d) Industrial activities provide a safe working environment;
 - (e) Industrial activities are designed to promote sustainability and energy efficiency;
 - (f) Industrial activities are co-located with complimentary and compatible uses;
 - (g) External impacts associated with Extractive industry operations do not impact on the character and amenity of the surrounding area and the safety and wellbeing of the community;
 - (h) Extractive industry operations are adequately separated from potentially incompatible land uses; and
 - (i) Extractive industry sites are progressively rehabilitated.

A MCBP falls under the definition of High Impact industry in the Planning Scheme and therefore must be assessed against the Industrial Activities Code.

However, the Code is largely not applicable to the proposed development because the MCBP is being stored on site and will operate, primarily, off-site both locally, regionally, and remotely.

The landowners intend to upgrade hard stand areas of the site using the MCBP to facilitate the work but this will only be temporary, until the work is completed. In all other instances the plant will be taken off-site for work. It is therefore only necessary to assess the storage and product filling of the MCBP in terms of its impacts.

On that basis the proposed development is generally compliant with the purpose and overall outcomes of the Code and the only relevant provision of the Code that requires assessment is: PO2- AO2.

PERFORMANCE OUTCOME AND ACCEPTABLE OUTCOME	COMMENT				
<table border="1" style="width: 100%;"> <tr> <th colspan="2" style="background-color: #e0e0e0;">Amenity</th> </tr> <tr> <td style="width: 50%; vertical-align: top;"> PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: (a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (d) refuse bin storage areas. </td> <td style="width: 50%; vertical-align: top;"> AO2 No acceptable outcome is provided. </td> </tr> </table>	Amenity		PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: (a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (d) refuse bin storage areas.	AO2 No acceptable outcome is provided.	<p>The MCBP is proposed to be stored adjacent to the southern site boundary, in proximity to a water supply and the raw material bays holding products, such as sand and aggregate.</p> <p>It will not be visible from Myola Road and will be off-site much of the time.</p>
Amenity					
PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: (a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (d) refuse bin storage areas.	AO2 No acceptable outcome is provided.				

5.7 In Summary

No other Codes are considered relevant to the assessment of this proposed development, as:

- no additional advertising devices are proposed;
- no landscaping is required, or proposed;
- no additional parking or new accesses are required, or proposed;
- reconfiguration is not proposed;
- all works and services are in place and the storage of the MCBP on site will not require any upgrading of existing services.

7.0 Conclusion

The storage of a MCBP on-site, in proximity to raw materials needed in the production of concrete will have minimal impacts in relation to how the site currently operates or in terms of detrimental impacts outside the site.

The Application is recommended for approval, subject to reasonable and relevant conditions, given the low- key nature of the use, in association with a longstanding Bulk Landscape Supplies operation that has operated from the site for over 25 years.

EA TAYLOR
April 2022

APPENDIX: 1

KURANDA RAW MATERIALS



Proposed general storage and fill location of the Mobile Concrete Batching Plant

Myola Road

