

Our Ref: R5-22

3 May 2022

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

Attention: Planning Department

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR A
RECONFIGURATION OF A LOT – 1 INTO 3 LOTS
LOCATED AT – 24-26 BILWON ROAD, BIBOOHRA
FORMALLY DESCRIBED AS - LOT 11 ON MPH40232**

We have been commissioned by MFA & PS Wagstaff, in preparing and submitting the following development application which seeks a Development Permit to Reconfigure a Lot (1 into 3 lots) under the Planning Act 2016, located at 24-26 Bilwon Road, Biboohra.

The subject land parcel that incorporates the existing residence is located within the low density residential zoned area along Bilwon Road. The subject site covers a total area of 8,094m² with approximately 100m of road frontage onto both Bilwon Road and the Mulligan Highway. The proposed application seeks to create a total of 3 allotments. The proposed material change of use triggers a **code assessable** development application.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the *Mareeba Shire Planning Scheme 2016*. In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed material change of use is **\$1,866.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately. As always, we ask if all correspondence be also forwarded to our office via email.

Yours faithfully,



Ramon Samanes

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

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>	MFA & PS Wagstaff c/- U&i Town Plan
Contact name <i>(only applicable for companies)</i>	Ramon Samanes
Postal address <i>(P.O. Box or street address)</i>	PO Box 657
Suburb	Mareeba
State	QLD
Postcode	4880
Country	Australia
Contact number	0411344110
Email address <i>(non-mandatory)</i>	Ramon@uitownplan.com.au
Mobile number <i>(non-mandatory)</i>	0411344110
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	R5-22

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 No – proceed to 3)

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		24-26	Bilwon Road	Biboohra
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		11	MPH40232	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

Note: Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
 Not required

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

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

Name of water body, watercourse or aquifer:

- On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguring a Lot – 1 into 3 lots

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition <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>

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?

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

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

10) Subdivision

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

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	3			

10.2) Will the subdivision be staged?

- Yes – provide additional details below
- No

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
<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
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*)

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

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input 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			

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

Clearing native vegetation

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

Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

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

No

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

Koala habitat in SEQ Region

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

Yes – the development application involves premises in the koala habitat area in the koala priority area

Yes – the development application involves premises in the koala habitat area outside the koala priority area

No

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

Water resources

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

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

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

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

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

Waterway barrier works

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

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

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

- Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

No

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

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

Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

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			

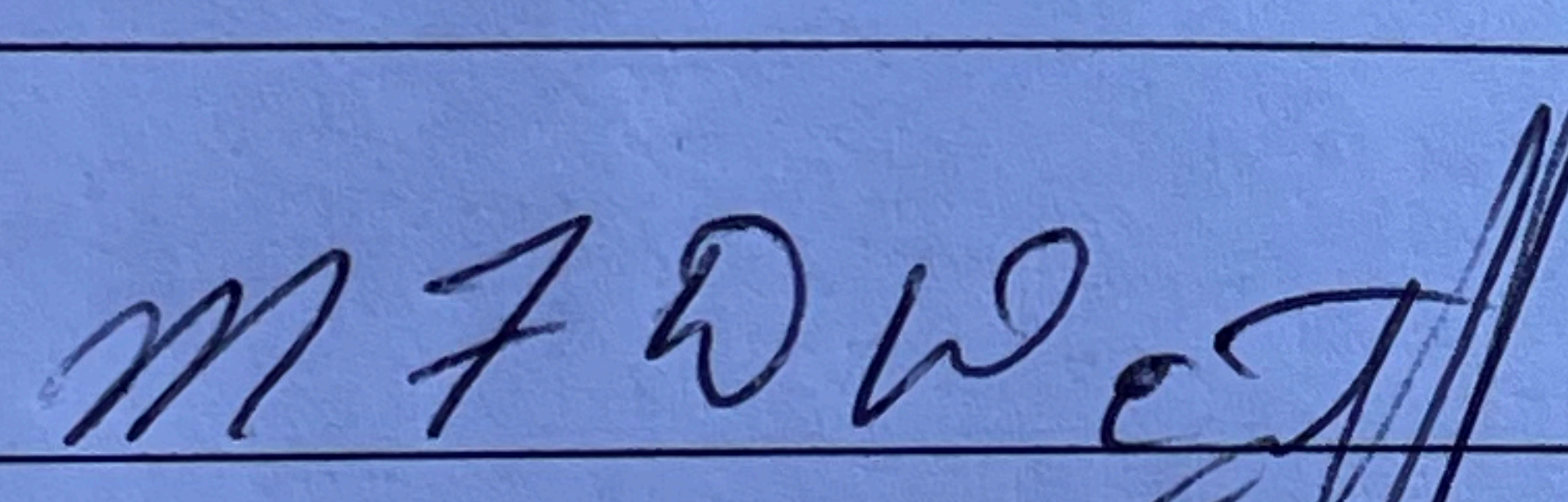
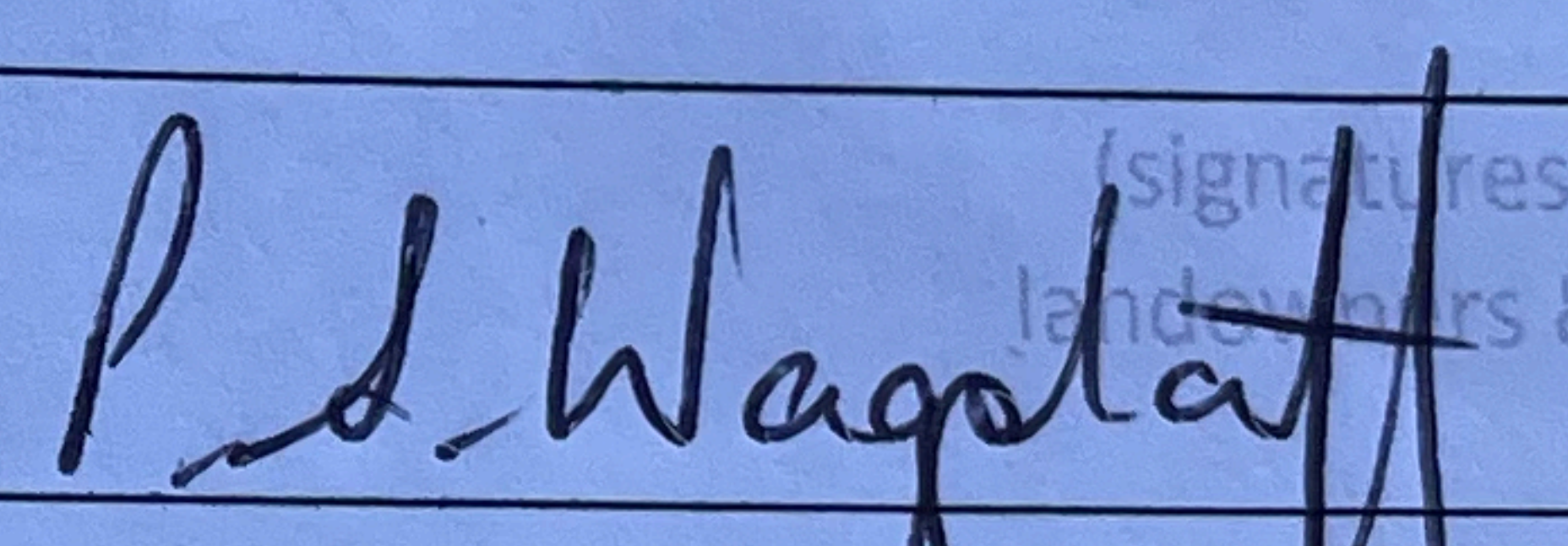
CLIENT ACCEPTANCE FORM / OWNER'S CONSENT
(TO BE COMPLETED AND RETURNED)

PROJECT:	Reconfiguration of a Lot
PROJECT ADDRESS:	24-26 Bilwon Road, Biboorha (Lot 11 on MPH40232)

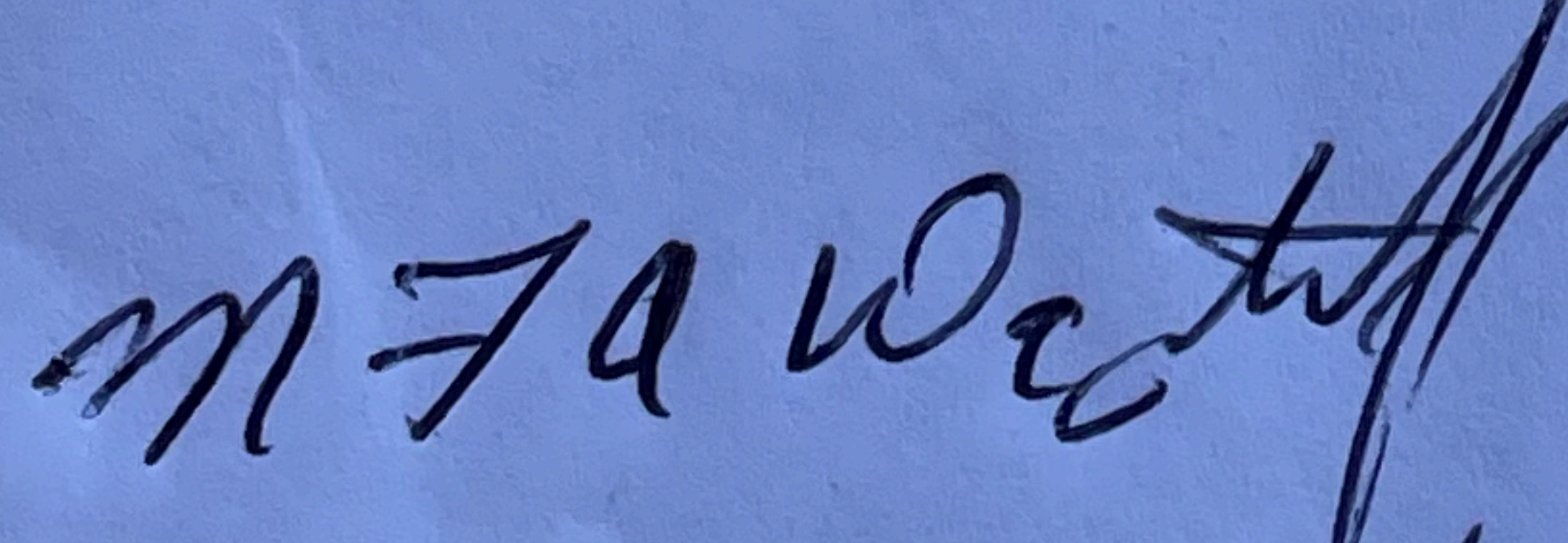
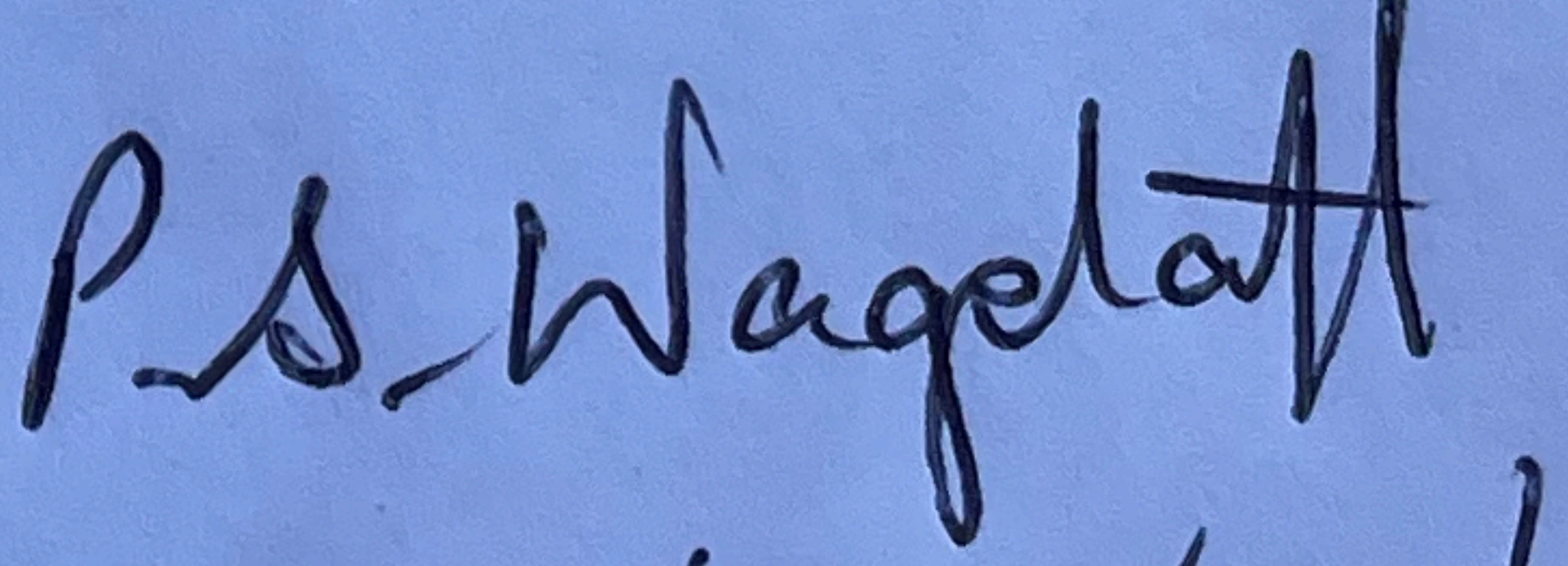
Client Details

Client:	MFA 2PS WAGSTAFF	(enter client name) (primary contact)
Invoice Address:	P.O. Box 796, MAREEBA	(enter invoice address)
Phone:	07 40932597	(enter client phone)
Email:	nanpop796@gmail.com	(enter client email)
Accounts Contact:		(enter accounts email & phone)

Landowner Details

Landowner Name/s:	MICHAEL FRANCIS ARTHUR WAGSTAFF	PAMELA SHIRLEY WAGSTAFF.	(enter landowner name/s) As shown on rates notice
Address:	2 BILWON ROAD BIBOORHA		
All Owners Signatures:	 		

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

Signed:  

Name: MICHAEL Wagstaff + Pamela Wagstaff.

Date: 29th April 2022

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

PLANNING REPORT

DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT TO
RECONFIGURE A LOT – ONE (1) INTO THREE (3) ALLOTMENTS

PROJECT LOCATION:

SITUATED AT 24-26 BILWON ROAD, BIBOOHRA
FORMALLY DESCRIBED AS LOT 11 ON MPH40232

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APPENDICIES

Appendix 1: DA Form 1 – Development Application Details

Appendix 2: Owner’s Consent

Appendix 3: Development Plans

Appendix 4: SDAP – State Code 1 – Development in a State-controlled road environment

ASSESSMENT MANAGER:	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
DEVELOPMENT TYPE:	DEVELOPMENT PERMIT – RECONFIGURE A LOT
PROPOSED WORKS:	ONE (1) INTO THREE (3) ALLOTMENTS
REAL PROPERTY DESCRIPTION:	LOT 11 ON MPH40232 (FREEHOLD)
LOCATION:	24-26 BILWON ROAD, BIBOOHRA
ZONE:	LOW DENSITY RESIDENTIAL ZONE
APPLICANT:	MICHAEL AND PAMELA WAGSTAFF C/- U&I TOWN PLAN
ASSESSMENT CRITERIA:	RECONFIGURATION OF A LOT (CODE ASSESSABLE)
REFERRAL AGENCIES:	SARA (DEVELOPMENT IN A STATE CONTROLLED ROAD ENVIRONMENT)
STATE PLANNING:	THE PROPOSAL TRIGGERS ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS

IMPORTANT NOTE

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report may be reproduced by any process without the written consent of R&A Samanes Pty Ltd ('U&i Town Plan').

This Report has been prepared for Michael and Pamela Wagstaff for the sole purpose of making a Development Application seeking a Development Permit to Reconfigure a Lot on land at 24-26 Bilwon Road, Biboohra (over Lot 11 on MPH40232) to create three (3) new allotments. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.

U&i Town Plan has made certain assumptions in the preparation of this report, including:

- a) That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;*
- b) That information obtained as a result of a search of a government register or database is complete and accurate.*

U&i Town Plan is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report. While every effort has been made to ensure accuracy, U&i Town Plan does not accept any responsibility in relation to any financial or business decisions made by parties' other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and/or content of this Report without consent of U&i Town Plan, U&i Town Plan disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified U&i Town Plan from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

1.0 EXECUTIVE SUMMARY

Michael and Pamela Wagstaff (the ‘Applicant’) is seeking the required development approval from the Cook Shire Council (‘Council’) for the proposed reconfiguration of a lot located at 24-26 Bilwon Road, Bibohra for the purposes of obtaining approval to reconfigure the property from one (1) into three (3) allotments.

The subject land is located within the Low Density Residential Zone and the proposed subdivision triggers a reconfiguration of a lot development application to be submitted to Council for assessment and approval. Upon review of the Mareeba Shire Council Planning Scheme 2016 (planning scheme) the relevant tables of assessment confirm the application is subject to Code Assessment. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – One (1) into Three (3) Allotments**

This report has been undertaken to:

- Examine the physical characteristics of the subject land and appropriateness in relation to the proposed development;
- Present the proposed layout and orientation of the proposed subdivision;
- Address all applicable statutory requirements triggered through the Planning Act 2016 (PA) and the Planning Scheme; and
- Provide commentary on the identified key planning issues and offer reasonable alternative solutions as a means of establishing sound planning grounds in support of the proposed development, where required.

In summary, the proposed reconfiguration of the allotment meets the outcomes sought for an efficient land use pattern, while not compromising the character and amenity of the locality and is encouraged under the existing planning frameworks that are applicable to the site. Furthermore, the development is generally compliant with the Planning Scheme. There may be some departures away from a handful of the ‘deemed to comply’ Acceptable Outcomes, although where these departures have been identified, a detailed assessment has been provided to justify and demonstrate that, based on sound planning grounds, compliance with the corresponding Performance Outcomes can still be achieved.

Accordingly, we now submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the Planning Scheme to allow favourable consideration through the application of reasonable and relevant development conditions.

2.0 SITE DESCRIPTION

The subject land is described as Lot 11 on MPH40232, located at 24-26 Bilwon Road, Bibbohra. The site is currently only utilised as a large residential lifestyle allotment with an existing dwelling and associated outbuildings to be located on proposed lot 3. The proposed allotments are consistent with the established low density residential lifestyle character in the immediate and surrounding area. Past approvals along Bilwon Road have seen allotments being created with significantly less site areas than what is proposed for this development and this proposal is in line with that established precedence for the area.

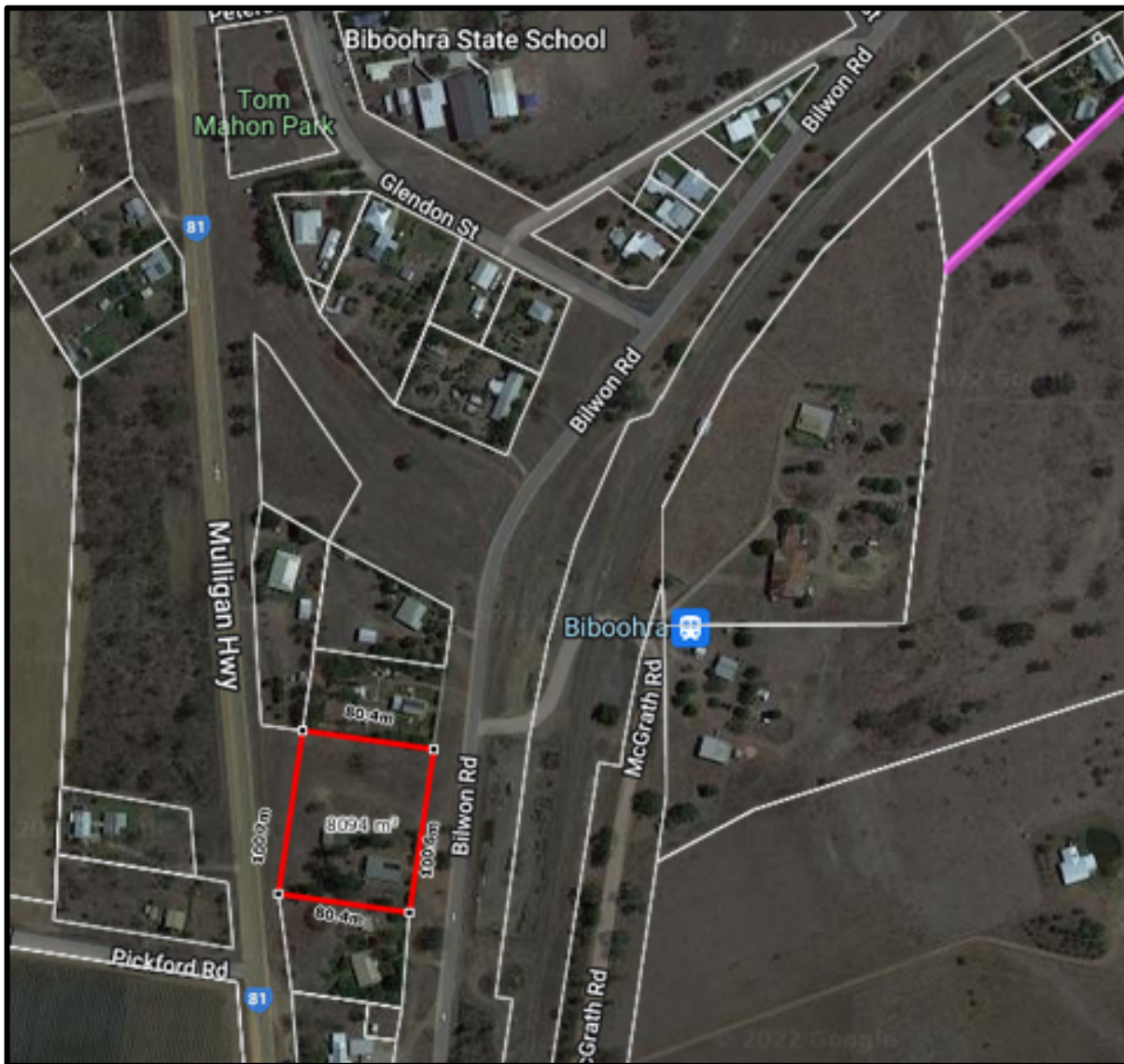


Figure 1: Aerial View of the Subject Land (© State of Queensland (Department of Resources) 2022)

A site summary is provided below:

Table 2.0: Site summary

Street address:	<i>24-26 Bilwon Road, Biboohra</i>
Real property description:	<i>Lot 11 on MPH40232</i>
Local government area	<i>Mareeba Shire Council</i>
Tenure:	<i>Freehold</i>
Site area:	<i>8,094m²</i>
Zone:	<i>Low Density Residential Zone</i>
Current use:	<i>Large residential lifestyle allotment with an existing dwelling and associated outbuildings located on proposed lot 3.</i>
Road frontage:	<i>~100.6 metres along Bilwon Road ~100.7 metres to the Mulligan Highway</i>
Adjacent uses:	<i>Low Density Residential Lifestyle Allotments</i>
Topography	<i>The site is relatively flat with a slight slope towards the surrounding road frontages.</i>
Vegetation:	<i>The site contains areas of sparse vegetation located around the existing dwelling and outbuildings.</i>
Easements:	<i>There are no existing easements across the property.</i>
Existing Infrastructure:	<i>Existing dwelling and associated outbuildings as illustrated on the plans are to be located upon proposed lot 3. Existing access and driveway will service proposed Lot 3, while new access points for proposed Lots 1 & 2 are to be from Bilwon Road.</i>

3.0 DEVELOPMENT PROPOSAL

3.1 General Description

The Applicant seeks the required development approval from the Mareeba Shire Council ('Council') for the proposed reconfiguration of the Lot 11 on MPH40232, at 24-26 Bilwon Road, Biboohra for the purposes of obtaining approval to reconfigure the property from one (1) into three (3) allotments. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – One (1) into Three (3) Allotments**

3.2 Proposal Details

This development application is seeking a development permit to Reconfigure the allotment formally described as Lot 11 on MPH40232, at 24-26 Bilwon Road, Biboohra for the purposes of obtaining approval to reconfigure the property from one (1) into three (3) allotments. The proposed lot layout and configuration is illustrated in figure 2. The proposed development provides a unique large low density lifestyle product to the market within 10 minutes of the Mareeba township that is consistent in maintaining the rural outlook and character of its surrounds.



Figure 2: Extract from Development Plans – Lot Layout and Configurations

The proposed reconfiguration seeks to create three (3) allotments currently described as proposed lot 1, 2 and 3. The proposed areas of these allotments are provided in the table below:

Lot No.	Proposed Lot Area	New Road Frontage
1	~1,675m ²	~21.5m to Bilwon Road and Mulligan Highway
2	~2,230m ²	~27.5m to Bilwon Road and Mulligan Highway
3	~4,169m ²	~51.5m to Bilwon Road and Mulligan Highway

In terms of the zoning of the property, the subject site is designated within the ‘Low Density Residential Zone’ under the Mareeba Shire Council Planning Scheme 2016. An insert of the subject property and the relevant zoning from the Mareeba Shire Planning Scheme is provided in figure 3 below.



Figure 3: Planning Scheme Zoning Map – Low Density Residential Zone (pink)

In terms of the minimum lot size and dimensions for the various zones under the planning scheme, we wish to provide the following table from the planning scheme.

Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m ²	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	350m ²	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	600m ²	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m ²	5 metres
	All other lots	800m ²	16 metres
Medium density residential	Rear lot	600m ²	5 metres
	All other lots	400m ²	10 metres
Industry	All lots	1,500m ²	45 metres
Recreation and open space	All lots	Not specified	Not specified
Rural	All lots	60 hectares	400 metres
Rural residential	2 hectare precinct		
	All lots	2 hectares	60 metres
	1 hectare precinct		
	All lots	1 hectare	40 metres
	4,000m ² precinct		
All lots	4,000m ²	40 metres	

It is identified that typically the minimum lot size within the low-density residential zone is between 600-800m², where connection is made to reticulated water and sewerage.

The proposed development seeks to create three (3) rural residential allotments with an average lot size of 2,691m², which is compliant with any of the minimum lot size criteria prescribed under the Reconfiguring a Lots Code for Low Density Residential allotments.

In terms of the services provided as part of this development, we proposed the development be serviced in the following format:

- **Access:** The existing access crossovers to proposed Lot 3 will remain unchanged as part of this development. A new access crossover will be required for proposed lots 1 & 2 in accordance with FNQROC Development Manual.
- **Water:** In terms of water, it is anticipated that any new dwelling on proposed lots 1 and 2 will be serviced by a reliable reticulated water supply such as an underground bore. Alternatively, a suitably sized rainwater tank being around 50,000 litres can be installed as part of the

Development Application for Building Works should access to the reticulated network be hindered.

- **Sewerage:** The existing dwelling on proposed lot 3 is serviced by existing on-site sewerage infrastructure. Any future dwelling on proposed lots 1 and 2 will be required to have a suitable on-site septic treatment system installed. Details of which will be provided as part of the Development Application for Building Works or Plumbing Works.
- **Power:** As conditioned on other residential type developments, we would anticipate a condition of approval to require power to be provided and demonstrated at the time of building approval. Reticulated power is available within the surrounding road network and is anticipated to be connected to each proposed allotment; and
- **Telecommunications:** Not considered applicable to this development as it is within the low density residential zone as there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.

Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development has merit based on sound planning grounds that justify and support the creation of two (2) additional low density residential allotments within the low density residential zone, which meets the prescribed minimum lot size for the current site situation. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Low Density Residential Zone Code and Reconfiguring a Lot Code. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

4.0 LEGISLATIVE REQUIREMENTS

4.1 Planning Act 2016

The proposed development is defined under the act as a Reconfiguration of a Lot under the Planning Act 2016. The extract of definition is provided as follows:

reconfiguring a lot means—

(a) creating lots by subdividing another lot; or

(b) amalgamating 2 or more lots; or

(c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or

(d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other

than by an agreement that is—

(i) a lease for a term, including renewal options, not exceeding 10 years; or

(ii) an agreement for the exclusive use of part of the common property for a

community titles scheme under the Body Corporate and Community Management Act 1997 ; or
(e) creating an easement giving access to a lot from a constructed road.

The proposed reconfiguration of a lot within the low density residential zone is listed as code assessable also referred to as assessable development. Hence the development is deemed to be “Assessable Development” pursuant to Section 44 of PA, which states that “Assessable development is development for which a development approval is required.”

4.2 Assessment Manager

The Assessment Manager for this development application is the Mareeba Shire Council, as determined by Schedule 8 of the Planning Regulations 2017 (PR).

5.0 ASSESSMENT

The proposed development is identified as code assessable in the reconfiguration of a lot table of assessment. There are no other relevant components of the planning scheme or Planning Regulations 2017 which affect the level of assessment for the development. The development application is subject to a bound assessment against the specifically identified assessment benchmarks from the planning instruments. The following assessment benchmarks are identified as being applicable to the assessment of the development application.

5.1 Assessment Benchmarks Pertaining to State Planning Instruments

State Planning Policy

There are no applicable components of the State planning policy.

5.2 Assessment Benchmarks Pertaining to Local Planning Instruments

5.2.1 Planning Scheme (Mareeba Shire Council Planning Scheme 2016)

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

5.2.2 Applicable Codes

It is noted that the tables of assessment for Reconfiguring a Lot applies to all zones and states that all aspect of reconfiguring a lot require a code assessable development application to be submitted.

The development is therefore only subject to assessment against the following codes:

Planning Scheme	
Assessment Benchmarks:	<ul style="list-style-type: none"> • Low Density Residential Zone Code • Reconfiguring a Lot Code • Works, Services & Infrastructure Code • Landscaping Code • Parking and Access Code

Assessment Benchmarks – Planning Scheme

The application has been assessed against each of the applicable components of the planning scheme and found to be:

- consistent with the strategic framework,
- compliant with the applicable codes,
- reflective of the land use intent for the rural residential zone.

Any pertinent issues arising from the assessment against the planning scheme are discussed below. For clarity, any codes or outcomes not discussed below are considered to be objectively satisfied.

5.2.3 Zone Codes

Low Density Residential Zone Code: Complies

- (1) *The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.*
- (2) *Mareeba Shire Council's purpose of the Low density residential zone code is to:*
 - (a) *maintain the integrity of established residential areas, which are characterized primarily by Dwelling houses and Dual occupancy development;*
 - (b) *provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and*
 - (c) *facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.*
- (3) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *The dominant form of development is detached dwelling houses, on a range of lot sizes;*
 - (b) *In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;*
 - (c) *High quality Residential care facilities and Retirement facilities are located on larger sites;*

- (d) Development provides for an efficient land use pattern and is well connected to other developments;*
- (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;*
- (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;*
- (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;*
- (h) Development reflects and enhances the existing low density scale and character of the area;*
- (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;*
- (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;*
- (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;*
- (l) Development takes account of the environmental constraints of the land; and*
- (m) Any unavoidable impacts are minimised through location, design, operation and management requirements.*

In the low density residential zone, it is understood that low density residential development with appropriate building setback areas are accepted, with one (1) dwelling per lot being preferred. Given the location of the existing dwelling and outbuildings located upon proposed lot 3 being compliant with the minimum setback provisions, along with the site areas proposed, it is expected that any future development upon the new lots will ensure compliance with the intent for the current zoning over the site.

Various similar sized low density residential lifestyle allotments exist within the immediate and surrounding area. As such, the development achieves compliance with the strategic framework outcomes for land use patterns, in that the development creates residential allotments compliant with the prescribed minimum lot size for the Low Density Residential Zone.

Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit, based on sound planning grounds that justify and support the creation of the three (3) residential allotments within the low density residential zone. The proposed development achieves compliance with the performance outcomes for 'Low Density Residential Allotments' in which allotments incorporating between 600m² and 800m² are encouraged under the existing planning frameworks that are applicable to the subject site. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

5.2.4 Development Codes

Landscaping code: Complies.

Although landscaping is not proposed as part of this development application, existing landscaping associated with the site will be retained.

It is anticipated that any future development upon proposed Lots 1 & 2 will implement the required amount of landscape treatments in accordance with the provisions of the Landscaping Code.

Parking and access code: Complies.

The existing access crossover connected from Bilwon Road onto proposed Lot 3 will remain unchanged as part of this development. A new access crossover will be required for proposed lots 1 & 2 in accordance with FNQROC Development Manual.

Reconfiguring a Lot Code: Complies.

- (1) *The purpose of the Reconfiguring a lot code is to ensure that land is:*
 - (a) *arranged in a manner which is consistent with the intended scale and intensity of development within the area;*
 - (b) *provided with access to appropriate movement and open space networks; and*
 - (c) *contributes to housing diversity and accommodates a range of land uses.*

- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*
 - (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.*
 - (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*
 - (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*
 - (e) *Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*
 - (f) *Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*
 - (g) *Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*
 - (h) *Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*
 - (i) *Subdivision within the Rural zone maintains rural landholdings in viable parcels;*
 - (j) *Land in historical townships is not reconfigured to be used for urban purposes; and*

- (k) Residential subdivision and greenfield development is designed to consider and respect:
- i. topography;
 - ii. climate responsive design and solar orientation;
 - iii. efficient and sustainable infrastructure provision;
 - iv. environmental values;
 - v. water sensitive urban design;
 - vi. good quality agricultural land; and
 - vii. the character and scale of surrounding development.

Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m ²	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	350m ²	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	600m ²	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m ²	5 metres
	All other lots	800m ²	16 metres
Medium density residential	Rear lot	600m ²	5 metres
	All other lots	400m ²	10 metres
Industry	All lots	1,500m ²	45 metres
Recreation and open space	All lots	Not specified	Not specified
Rural	All lots	60 hectares	400 metres
Rural residential	2 hectare precinct		
	All lots	2 hectares	60 metres
	1 hectare precinct		
	All lots	1 hectare	40 metres
	4,000m ² precinct		
	All lots	4,000m ²	40 metres

It is identified that typically the minimum lot size within the low-density residential zone is between 600-800m², where connection is made to reticulated water and sewerage. The proposed development seeks to create three (3) rural residential allotments with an average lot size of 2,691m², which is compliant with any of the minimum lot size criteria prescribed under the Reconfiguring a Lots Code for Low Density Residential allotments.

It should be noted that any new dwelling on proposed lots 1 and 2 will be serviced by a reliable reticulated water supply such as an underground bore. Alternatively, a suitably sized rainwater tank being around

50,000 litres can be installed as part of the Development Application for Building Works should access to the reticulated network be hindered. Likewise, any future dwelling on proposed lots 1 and 2 will be required to have a suitable on-site septic treatment system installed. Details of which will be provided as part of the Development Application for Building Works or Plumbing Works.

Various similar sized low density residential lifestyle allotments existing within the immediate and surrounding area. As such, the development achieves compliance with the strategic framework outcomes for land use patterns, in that the development creates additional residential allotments compliant with the prescribed minimum lot size for the Low Density Residential Zone.

Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit, based on sound planning grounds that justify and support the creation of the three (3) residential allotments within the low density residential zone. The proposed development achieves compliance with the performance outcomes for 'Low Density Residential Allotments' in which allotments incorporating between 600m² and 800m² are encouraged under the existing planning frameworks that are applicable to the subject site. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

Works, Services and Infrastructure code: No issues, subject to standard conditions of approval relating to the provision of infrastructure to the development.

In terms of the services provided as part of this development, we proposed the development be serviced in the following format:

- **Access:** The existing access crossovers to proposed Lot 3 will remain unchanged as part of this development. A new access crossover will be required for proposed lots 1 & 2 in accordance with FNQROC Development Manual.
- **Water:** In terms of water, it is anticipated that any new dwelling on proposed lots 1 and 2 will be serviced by a reliable reticulated water supply such as an underground bore. Alternatively, a suitably sized rainwater tank being around 50,000 litres can be installed as part of the Development Application for Building Works should access to the reticulated network be hindered.
- **Sewerage:** The existing dwelling on proposed lot 3 is serviced by existing on-site sewerage infrastructure. Any future dwelling on proposed lots 1 and 2 will be required to have a suitable on-site septic treatment system installed. Details of which will be provided as part of the Development Application for Building Works or Plumbing Works.
- **Power:** As conditioned on other residential type developments, we would anticipate a condition of approval to require power to be provided and demonstrated at the time of building approval. Reticulated power is available within the surrounding road network and is anticipated to be connected to each proposed allotment; and

- **Telecommunications:** Not considered applicable to this development as it is within the low density residential zone as there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.

5.2.5 State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The SDAP identifies the matters of interest – where relevant they have been addressed by heading in this section. Where the State is a referral agency for a development application under the provisions, the state code applies.

In this instance, the proposed development triggers referral to SARA and therefore assessment against the SDAP ‘State code 1: Development in a state-controlled road environment’ is required.

6.0 PUBLIC NOTIFICATION

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

7.0 CONCLUSION

This application has been prepared by U&i Town Plan on behalf Michael and Pamela Wagstaff in relation to the proposed reconfiguration of a lot located at 24-26 Bilwon Road, Biboohra for the purposes of obtaining approval to reconfigure the property from one (1) into three (3) allotments.

The subject land is located within the Low Density Residential Zone and the proposed subdivision triggers a reconfiguration of a lot development application to be submitted to Council for assessment and approval. Upon review of the Mareeba Shire Council Planning Scheme 2016 (planning scheme) the relevant tables of assessment confirm the application is subject to Code Assessment. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – One (1) into Three (3) Allotments**

The applicant strongly believes that an assessment of the common material forming part of this development application in accordance with the decision-making rules established under the Planning Act will result in the approval of the development application and the issuing of a development permit subject to conditions.

The proposal is consistent with the “Purpose” of the Low Density Residential Zone, Development Codes for Reconfiguring a Lot and the applicable State level policy. The proposal constitutes works and a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. The conclusion of this report is that all the requirements set by the

assessment benchmarks can be met and that the strategic level policy outcomes sought by the planning scheme for the site and locality can be achieved. The common material provided as part of this development application contains sufficient justification to establish compliance with the assessment benchmarks. It is the applicant's opinion that the development application contains sufficient justification to warrant approval subject to reasonable and relevant conditions.

We request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice for the development. If you have any queries, please do not hesitate to contact our office on 0411 344 110.



Ramon Samanes, MPIA
Director, U&i Town Plan
Bachelor of Applied Science, Majoring in Environmental and Urban Planning

APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS

APPENDIX 2: OWNER'S CONSENT

APPENDIX 3: DEVELOPMENT PLANS

APPENDIX 4: SDAP – STATE CODE 1

Subdivision Plan - 1 into 3 Lots

24-26 Bilwon Road, Bibbohra (Lot 11 on MPH40232) Plan#R5-22, Dated 28.04.22

16°55'11"S 145°25'5"E

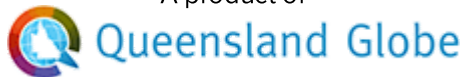
16°55'11"S 145°25'10"E



16°55'16"S 145°25'5"E

16°55'16"S 145°25'10"E

A product of



Legend located on next page



0 10 metres

Scale: 1:710

Printed at: A4

Print date: 28/4/2022

Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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Subdivision Plan - 1 into 3 Lots

24-26 Bilwon Road, Bibbohra (Lot 11 on MPH40232) Plan#R5-22, Dated 28.04.22

Legend

Attribution

Land parcel

 Parcel

Land parcel - gt 1 ha

 Parcel

Land parcel - gt 10 ha

 Parcel

Easement parcel



Land parcel - gt 1000 ha

 Parcel

Land parcel label

Land parcel label - gt 1 ha

Land parcel label - gt 10 ha

Land parcel label - gt 1000 ha

Railway



Road Crossing

 Bridge

 Tunnel

Road

 Highway

 Main

 Local

 Private

Cities and Towns



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