Your Ref:

Our Ref: F21/42

22 May, 2022

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



Attention: Regional Planning Group

Dear Sir,

RE: APPLICATION FOR RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT LOTS 17 – 19 AND 21 ON SP195707, 43 MALONE ROAD AND 4283 KENNEDY HIGHWAY, MAREBA.

This application is for a Reconfiguration of a Lot – Boundary Realignment over land described as Lots 17 - 19 and 21 on SP195707, situated at 4283 Kennedy Highway and 43 Malone Road, Mareeba.

The application comprises of Application Forms, SmartMaps, Twine Surveys Sketch Plan and this Town Planning Submission. It is understood that the proponent will provide payment of the Application Fee with the Mareeba Shire Council.

#### The Site

The subject land is described as Lots 17 – 19 and 21 on SP195707 and is situated at 4283 Kennedy Highway and 43 Malone Road, Mareeba. The site is owned by Costanzo and Carla l'Acutone (Lots 17, 18 and 21) and Adriano and Anna Parisotto (Lot 19) with Costanzo and Carla l'Acutone the applicants for the proposed Reconfiguration. The site is FreeHold, comprises of four allotments, is irregular in shape, has an area of 37.6157 hectares, contains frontage to the Kennedy Highway and Malone Road, and encompasses existing dwellings and associated structures and Rural Activities. The site abuts Emerald Creek to the north and is intersected by Levison Creek.

The site is accessed from the Kennedy Highway and Malone Road via existing crossovers with the proposed Reconfiguration not changing any of these existing crossovers. The site is provided with all available services, being reticulated Electricity and Telecommunications and is provided with the necessary services of a domestic Water Supply and an effective Effluent Disposal System with no changes to the existing infrastructure proposed. The site contains an existing easement, being Easement A on SP195707, which is to be surrendered with this Reconfiguration.

In relation to the current State Governmental Mapping the site is Mapped as containing Remnant Vegetation and is Not Mapped as containing a Referable Wetland. The site is additionally located within 25 metres of a State Controlled Road being, the Kennedy Highway and is not located within 25 metres of a Railway Corridor.

#### **Referral Agencies**

The site is located within 25 metres of a State Controlled Road, being the Kennedy Highway. The proposal is for a Boundary Realignment and does not create any additional allotment nor any additional allotment fronting the Kennedy Highway. The proposal *does not* require Referral to the Department of State Development, Manufacturing, Infrastructure, Local Government and Planning for Transport and Main Roads concerns.

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The site is Mapped as containing Remnant 'least concerns' Vegetation along the northern boundary of the site and Emerald Creek. No change to this Boundary nor does the proposal result in the creation of any new exemptions as the proposed new boundaries do not affect the Mapped Remnant Vegetation and the proposed allotment that encompasses the balance of the Remnant Vegetation contains existing Dwelling Houses, associated structures and existing exemptions. No clearing of the Mapped Remnant Vegetation is proposed, and no additional or new exemptions are created with the proposed Reconfiguration, therefore it is considered that the Development Application *does not* require Referral to the Department of State Development, Manufacturing, Local Government, Infrastructure and Planning for Vegetation Purposes.

### **The Proposed Development**

The proposed development is for a Boundary Realignment between four (4) allotments in the Rural and Rural Residential Zones within the Mareeba Shire Planning Scheme. The site is located at 4283 Kennedy Highway and 43 Malone Road, Mareeba and is more particularly described as Lots 17 – 19 and 21 on SP195707. A Development Permit for a Boundary Realignment is sought to realign the common boundaries to separate the Rural Lands from the Rural Residential Lands surrendering the existing Easement and encompassing the handle within the Rural Residential Allotments. This will also resolve the Land Tenure issues of the Rural Activities (Lot 21) being intersected by the existing natural feature, being Levison Creek. No change to the existing Rural Activities provided over the site are envisaged, and the Reconfiguration is considered to result in a more appropriate layout while ensuring that the existing nature, character and amenity of the immediate and surrounding environs is protected.

The existing areas of the allotments are:

Lot 17 on SP195707	2.531 hectares
Lot 18 on SP195707	1.77 hectares
Lot 19 on SP195707	1.199 hectares
Lot 21 on SP195707	32.1157 hectares.

The Boundary Realignment proposes new allotments, described as Lots 7, 8, 9 and 10. The proposed areas of these allotments are:

Proposed Lot 7	2.251 hectares
Proposed Lot 8	2.071 hectares
Proposed Lot 9	1.697 hectares
Proposed Lot 10	31.60 hectares.

The proposed Realignment results in the increased allotment size for the smaller Rural Residential Allotments providing additional area without removing any productive lands from the Rural Allotment.

The site contains existing dwellings, associated structures, and Rural Activities with the proposal not changing any of the improvements, services or Activities over the site. The proposed Realignment of the common boundaries will ensure that no significant change to the existing Rural nature of the site and surrounding area is envisaged while providing a more appropriate configuration. The site gains access via the existing crossovers with the proposal not altering any existing crossovers. The site contains an existing easement, being Easement A on SP195707, which is to be surrendered with this Boundary Realignment as per noted on the Twine Surveys Page Pty Ltd Sketch Plan.

Existing Lot 21 and proposed Rural Allotment 10 do not meet the minimum allotment size within the Mareeba Shire Council's Planning Scheme's Reconfiguration of a Lot Code for allotments in the Rural Zone. However, the proposed Boundary Realignment results in the separation of the Rural Lands from the Rural Residential Lands whilst removing the Land Tenure issue of the site being intersected by Levison Creek. The Boundary Realignment will ensure that Rural or existing Activities can be provided over the site now and within the future. No additional fragmentation of the Rural Land is provided as no additional allotment is created and it is not considered that the proposed Boundary Realignment will be detrimental to the adjacent sites or adversely impact on the surrounding area. No change to the nature and character of the Rural Residential Allotments is envisaged with the Reconfiguration. The proposal will result in a more appropriate layout ensuring that each Rural Residential Allotment contains more appropriate areas. It is considered that the Objectives and Performance Outcomes of the Rural and Rural Residential Zone Codes and the Reconfiguring a Lot Code can be met in this instance.

The site is located in the Rural and Rural Residential Zones of the Mareeba Shire Council's Planning Scheme. It is understood that the Boundary Realignment is an Impact Assessable Use within these Rural Zones. The Application is understood to be Impact Assessable.

### Far North Queensland Regional Plan 2009-2031

Lots 17 – 19 and 21 on SP195707 are identified as being in the Regional Landscape and Rural Production Area designation of the FNQ Regional Plan Mapping.

The Regional Plan introduces controls on subdivision of Rural Zoned land in the Regional Landscape and Rural Production Area. These controls serve two purposes – To maintain larger lots sizes to ensure the economic viability or rural land holdings and to protect important agricultural lands and areas of ecological significance from encroachment by urban and rural residential development.

It is noted that the FNQ Regional Plan has no mention of a Minimum Area for this type of Subdivision. With the Repeal of the Regulatory Provisions, the Regional Plan is now silent on any allotment size within the Regional Landscape and Rural Production Area. Hence, it is understood that there is no minimum allotment size and the proposal is considered to reflect the Intent of the FNQ Regional Plan, Local Governments Planning Schemes and is considered appropriate.

The proposed Boundary Realignment does not reduce any cultivated area within the Regional Landscape and Rural Production Area, instead separates the existing Uses over the site from the Rural Residential Land while removing the Land Tenure Issues of the site being intersected by Levison Creek. The proposal does not fragment the existing Regional Landscape and Rural Production Area and provides for similar areas to those existing allotments and allotments within the immediate and surrounding vicinity.

This proposal results in the provision of a more practical resolution to the owner's circumstances ensuring no significant affects to the existing Activities. The Realignment does not result in additional fragmentation of the Rural Production Area providing similar sizes to that of the immediate and surrounding vicinity while not affecting the Rural Activities or Environmental Outcomes of the site nor within the surrounding environs.

It is additionally noted that a separate assessment against the Regional Plan is not required due to the fact that the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the Planning Scheme area. However, the Objective of Rural Subdivisions within the FNQ Regional Plan is for 'the region's Rural Production Areas and Natural Resources are protected by limiting land fragmentation'. The proposed development is not in conflict with this Objective as it does not further fragment the existing Regional Landscape and Rural Productions Area.

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It is considered that the proposed Reconfiguration is not in conflict with the Intent and Objectives for Regional Landscape and Rural Production Area in the FNQ Regional Plan 2009-2031.

#### **Rural Zone Code**

The site is partially located within the Rural Zone of the Mareeba Shire Council's Planning Scheme. The proposal is for a Boundary Realignment and will not significantly affect the existing and Rural Activities over the site. The proposal resolves the Land Tenure issue by removing the intersection of the Levison Creek within the Rural Allotment. The Realignment also results in the more appropriate configuration separating the existing Zonings of the area over the site. No change to the existing Rural Activities is envisaged with the proposal and no change to the existing Rural nature, character or amenity is proposed as the proposal formalises the existing Uses without removing any significantly productive lands from the existing Rural Activities.

It is considered that no change to the Rural nature of the area is envisaged from the proposed Realignment. The proposed Reconfiguration will maintain the existing Rural amenity, nature and functioning of the site and surrounds area and is acceptable. The proposal is not in conflict with the Purposes and Outcomes of the Rural Zone.

#### **Rural Residential Zone Code**

The proposal is for a Boundary Realignment partially within the Rural Residential Zone of the Mareeba Shire Council's Planning Scheme. The proposed Reconfiguration will realign the three Rural Residential Allotments on the southern side of Levison Creek to contain more appropriate areas, removing the Easement and Rural handle that was the Rural Lot 21. No change to the existing Rural Residential Zone is proposed with the Realignment.

The proposed Realignment results in the increased allotment size for the smaller Rural Residential Allotments providing additional area without removing any productive lands from the Rural Allotment.

The site is surrounded by Rural Residential Allotments to the west, east and south with no change to the existing is envisaged. The proposal is considered to comply with the purpose of the Rural Residential Zone as the provision of Rural Residential Allotments will ensure that the existing Uses and Residential Uses will be provided over the site now and within the future. The proposal will provide for more appropriate Allotments while maintaining the existing amenities and aesthetics of the site. No new buildings are proposed with this Reconfiguration.

It is not considered that the proposal is in conflict with the relevant aspects of the Rural Residential Zone Code. The proposal offers similar character and nature to what is existing whilst enhancing the existing character. The proposed Realignment is considered acceptable and appropriate.

#### Airports Environs Overlay Code

The site is located within of the 8km – 13km Bird and Bat Zone of the Bird and Bat Strike Zones and outside the 6km Light Intensity - Mareeba Overlay Mapping. No new buildings or structures are proposed with the Reconfiguration nor is a waste disposal site proposed. The proposal is not considered to contribute to the potentially serious hazard from wildlife (bird or bat) strike and will ensure that potential food and waste sources are covered and collected so that they are not accessible to wildlife. It is considered that the Airports Environs Overlay Code is Not Applicable to the proposed Boundary Realignment as the proposed Realignment will not affect the Bird and Bat Strike Zone.

#### Bushfire Hazard Overlay Code

The site is Mapped as containing areas of Potential Impact Buffer (100 metres) over the site, in particularly buffering the adjacent vegetated areas and along the Emerald Creek northern boundary of the site. The proposal is for a Boundary Realignment and no additional allotment is proposed. No change to the existing Dwelling Houses and structures are provided over the site which contain the Bushfire Overlay Mapping. No new buildings or structures are proposed with the Reconfiguration and the site already contains existing structures. Any future structures are able to be provided with appropriate setbacks and firebreaks if located within the Mapped Hazard. The proponents will ensure that maintenance and upkeep of the site will be maintained to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. It is not considered that the proposal will affect the Bushfire Hazard of the property as the site will ensure to remove any piling of fuel loads, contains existing firebreaks, and is provided with appropriate water sources. Any appropriate water source will contain sufficient storage of water for Firefighting Supply and will be provided with the appropriate connections where required.

#### Environment Significance Overlay Code

The site is Mapped as containing a Waterway, Waterway Buffer and Regulated Vegetation along the Emerald and Levison Creeks on the Environment Significance Map. No buildings or structures are proposed with the Reconfiguration. Each proposed allotment will be provided with all available services including the provision of appropriate Stormwater to the legal point of discharge. The proposal will not significantly affect the areas of MSES Regulated Vegetation provided over the site. It is not considered that the proposal will affect the areas of Environmental Significance over the site and can be conditioned to ensure its protection, if required however, the proposal has been designed for the provision of larger allotments providing more appropriate Environmental Outcomes for the site. It is considered that the proposed development is not in conflict with the Purpose of the Environment Significance Overlay Code and is acceptable.

#### **Reconfiguration of a Lot Code**

The proposed development is for a Boundary Realignment between four (4) allotments in the Rural and Rural Residential Zones of the Mareeba Shire Council's Planning Scheme. A Development Permit for a Boundary Realignment is sought to realign the common boundaries to separate the Rural Lands from the Rural Residential Lands whilst removing the Land Tenure issue of the site being intersected by Levison Creek. No change to the existing Rural Activities provided over the site are envisaged, and the Reconfiguration is considered to result in a more appropriate layout while ensuring that the existing nature, character and amenity of the immediate and surrounding environs is protected.

The minimum lot size in the Rural Zone is 60.0 hectares requiring a minimum frontage of 400 metres with the Rural Residential Zone not containing any Precincts. Existing Lots 17 – 19 and 21 on SP195707 have an area of 31.6157 hectares. The existing and proposed Lots, areas are as follows:

The existing areas of the allotments are:

Lot 17 on SP195707	2.531 hectares
Lot 18 on SP195707	1.77 hectares
Lot 19 on SP195707	1.199 hectares
Lot 21 on SP195707	32.1157 hectares.

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The Boundary Realignment proposes new allotments, described as Lots 7, 8, 9 and 10. The proposed areas of these allotments are:

Proposed Lot 7	2.251 hectares
Proposed Lot 8	2.071 hectares
Proposed Lot 9	1.697 hectares
Proposed Lot 10	31.60 hectares.

The proposed Realignment results in the increased allotment size for the smaller Rural Residential Allotments providing additional area without removing any productive lands from the Rural Allotment.

The site gains access via the existing crossovers with no change to the existing accesses proposed with the Reconfiguration. Each Rural Residential Allotment has a frontage of 70 metres or greater. It is considered that the proposal provides each allotment with the safe and practical access to the existing Road Network, being the Malone Road or the Kennedy Highway as per existing. The site contains existing dwellings, associated structures, and Rural Activities with the proposal not changing any of the improvements or services over the site. The proposed Realignment of the common boundaries will ensure that no change to the existing Rural and Rural Residential nature of the site and surrounding area is envisaged while providing a more appropriate configuration.

Existing Lot 21 and proposed Rural Allotment 10 do not meet the minimum allotment size within the Mareeba Shire Council's Planning Scheme's Reconfiguration of a Lot Code for allotments in the Rural Zone. However, the proposed Boundary Realignment results in the separation of the Rural Lands from the Rural Residential Lands whilst removing the Land Tenure issue of the site being intersected by Levison Creek. The Boundary Realignment will ensure that Rural or existing Activities can be provided over the site now and within the future. No additional fragmentation of the Rural Land is provided as no additional allotment is created and it is not considered that the proposed Boundary Realignment will be detrimental to the adjacent sites or adversely impact on the surrounding area. No change to the nature and character of the Rural Residential Allotments is envisaged with the Reconfiguration. The proposal will result in a more appropriate layout ensuring that each Rural Residential Allotment contains more appropriate areas. It is considered that the Objectives and Performance Outcomes of the Reconfiguring a Lot Code can be met in this instance.

#### Works, Services and Infrastructure Code

The proposal is for a Boundary Realignment with the Rural and Rural Residential Zones. Each proposed allotment will be connected to all available services and no change to the existing services for the existing Improvements are envisaged. Each Rural Residential Allotment will be provided with a domestic water supply, an appropriate level of effluent disposal and an appropriate level of Stormwater disposal at the time of construction of any dwelling associated with that Rural Residential Allotment.

The site gains access from the existing Road Network, being the Kennedy Highway and Malone Road. No change to the existing access from the Kennedy Highway is proposed and the site contains existing access from Malone Road. If any new accesses are proposed to Malone Road, then these will be provided at the time of construction

of any dwelling associated with the Rural Residential Allotments of Malone Road. It is considered that each proposed allotment can be provided with appropriate access via the existing Road Networks.

The site contains an existing easement, being Easement A on SP195707, which is to be surrendered with this Reconfiguration as per noted on the Twine Surveys Pty Ltd Sketch Plan.

Any significant Excavation and Filling, other than site preparation, can be outlined within an Operational Works Permit for the proposed Reconfiguration if required.

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It is considered that the proposed Reconfiguration complies with the Intent of the Works, Services and Infrastructure Code.

#### Conclusion

It is considered that the proposed development being a Reconfiguration of a Lot - Boundary Realignment over land described as Lots 17 - 19 and 21 on SP195707 is appropriate. In particular, the proposed development:

- Can meet the Performance Outcomes relating to minimum allotment size and dimension as the proposal provides a more appropriate configuration separating the Rural Lands from the Rural Residential Lands whilst resolving Land Tenure issues of the site being intersected by Levison Creek;
- No change to the existing Rural or Rural Residential nature or character of the area is envisaged, and the Realignment will ensure that the Realigned Allotments will remain to be used for Rural and Rural Residential Uses or as Existing;
- Can meet the Performance Outcomes, Purposes and the Intent of the Reconfiguring a Lot Code for land included in the Rural and Rural Residential Zones;
- Ensures that the existing Rural Activities are maintained without further fragmenting the site nor reducing the existing productive lands;
- Is not in conflict with the Airports Environs, Bushfire Hazard, and Environmental Significance Overlays;
- Can meet the Intent and Objectives and Intent for the Rural Residential and Rural Zones; and
- ♣ Meets the Objectives of the Land Use Policies and is not in conflict with the Intent in relation to Reconfiguration within the Regional Landscape and Rural Production Area Designation of the FNQ Regional Plan 2009-2031.

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions/Recommendation with sufficient time for review prior to Tabulating the Item on the Agenda or a Decision is provided. If you have any queries, please do not hesitate to contact Freshwater Planning Pty Ltd.

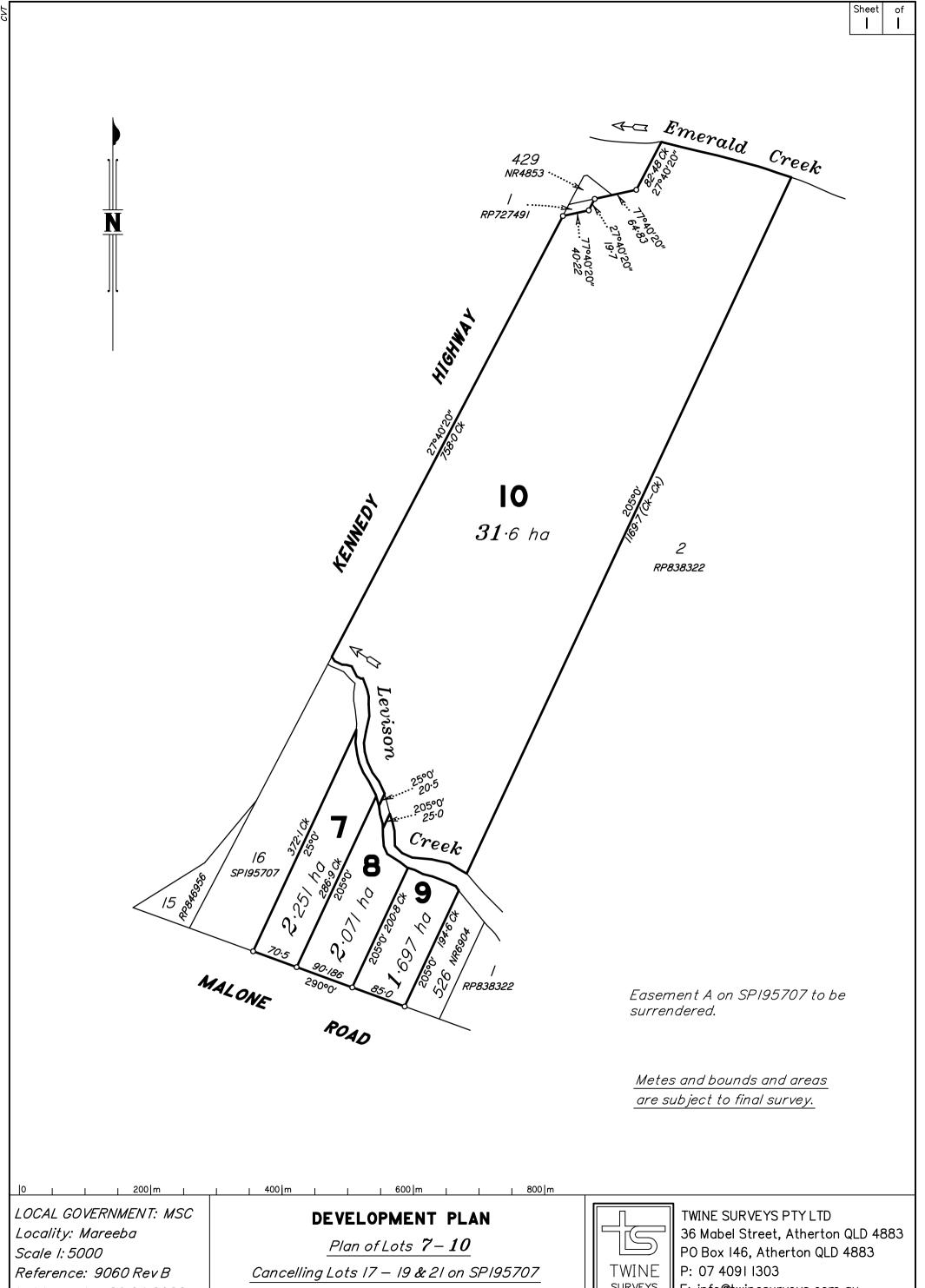
Yours faithfully,

MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

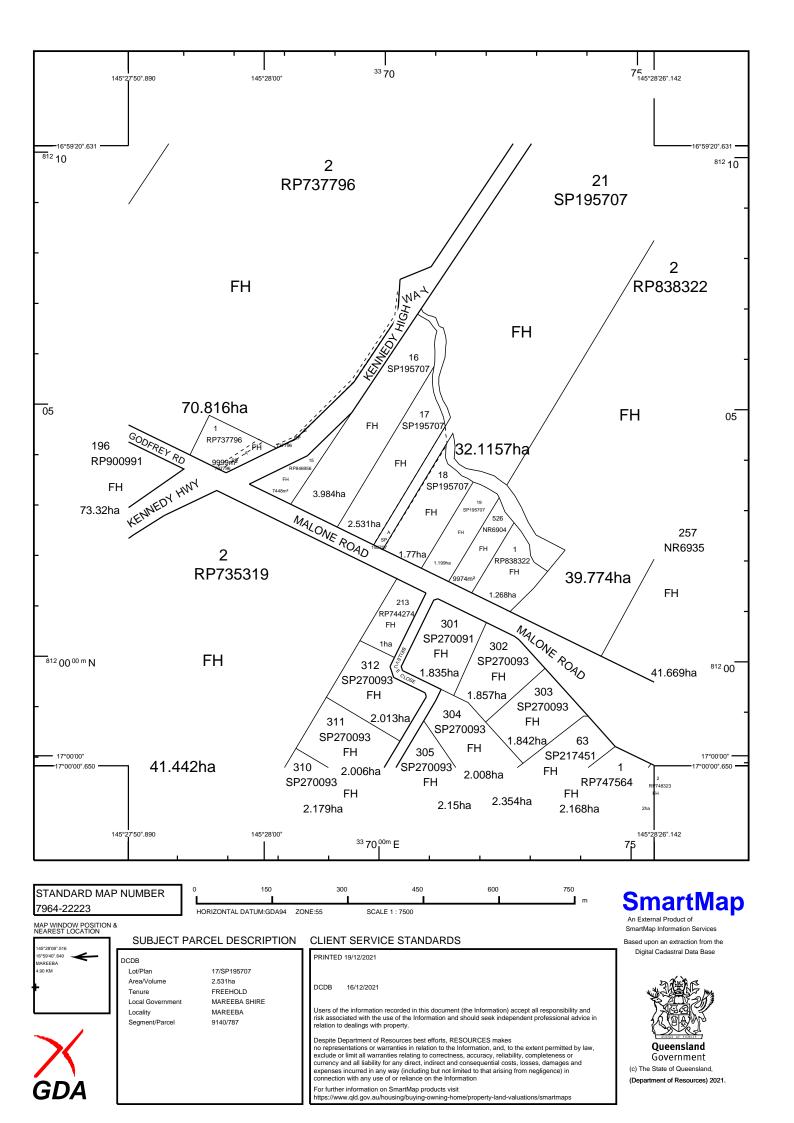
E: FreshwaterPlanning@outlook.com 17 Barron View Drive, FRESHWATER QLD 4870

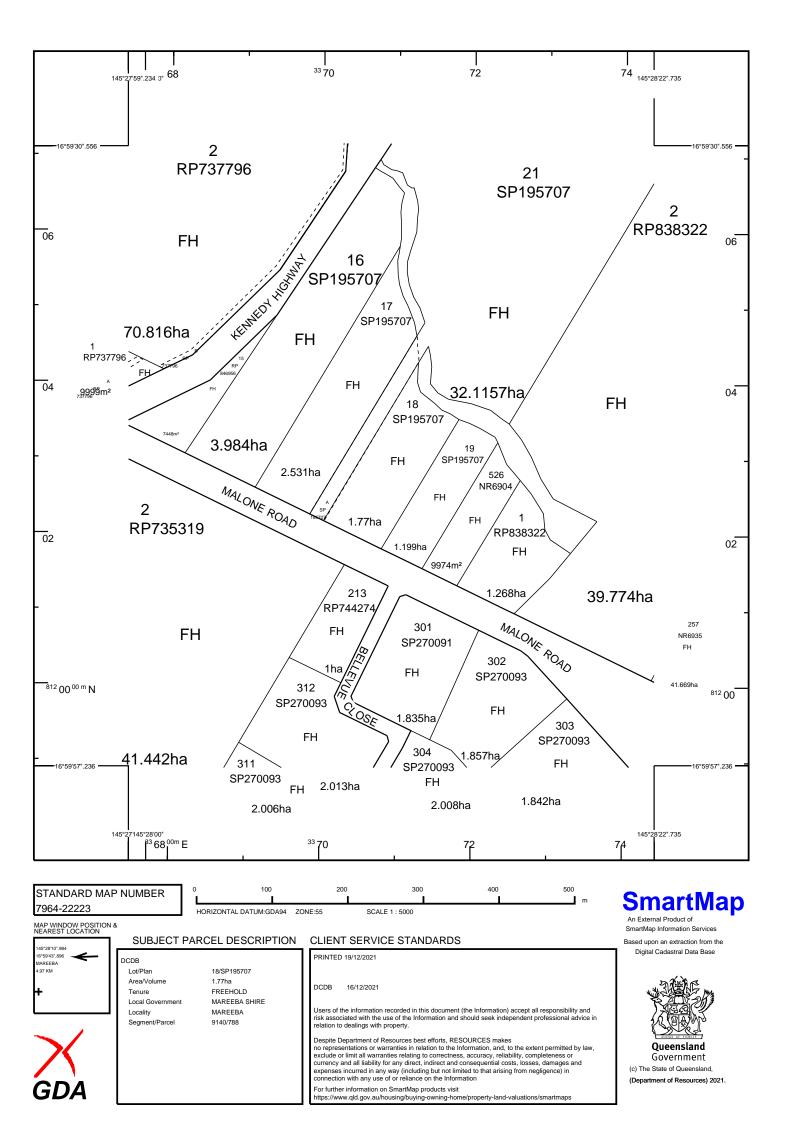


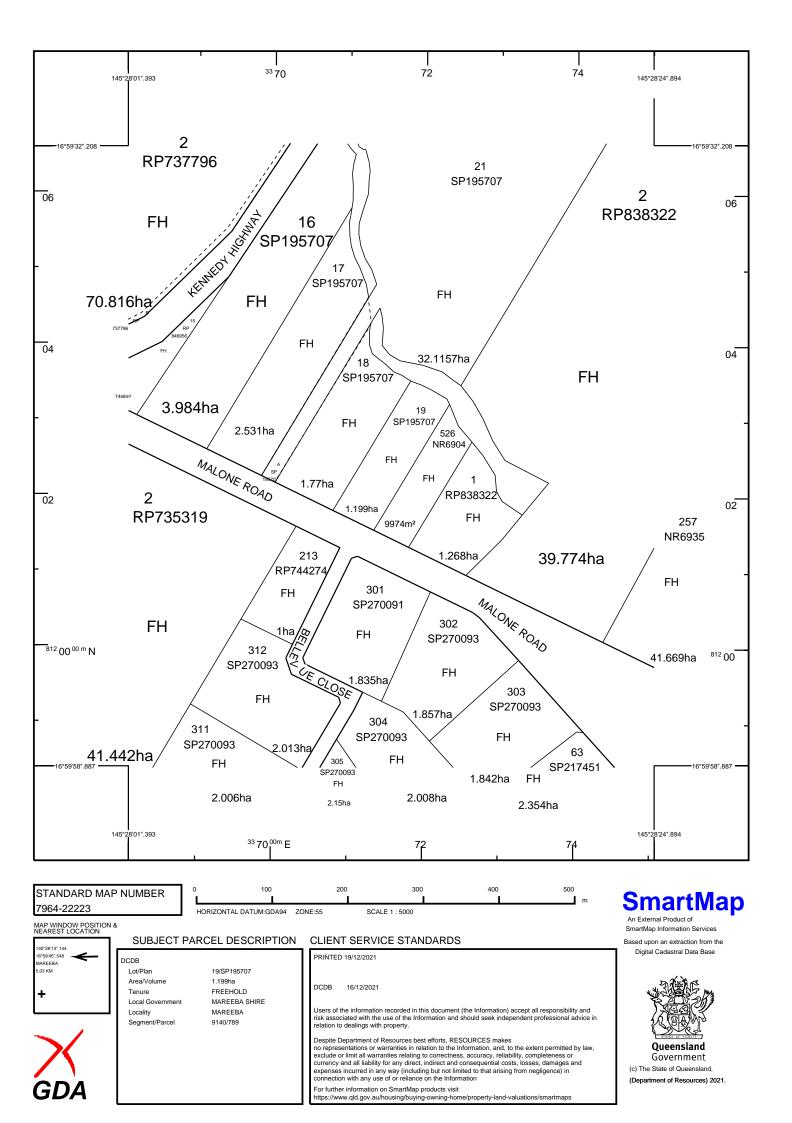
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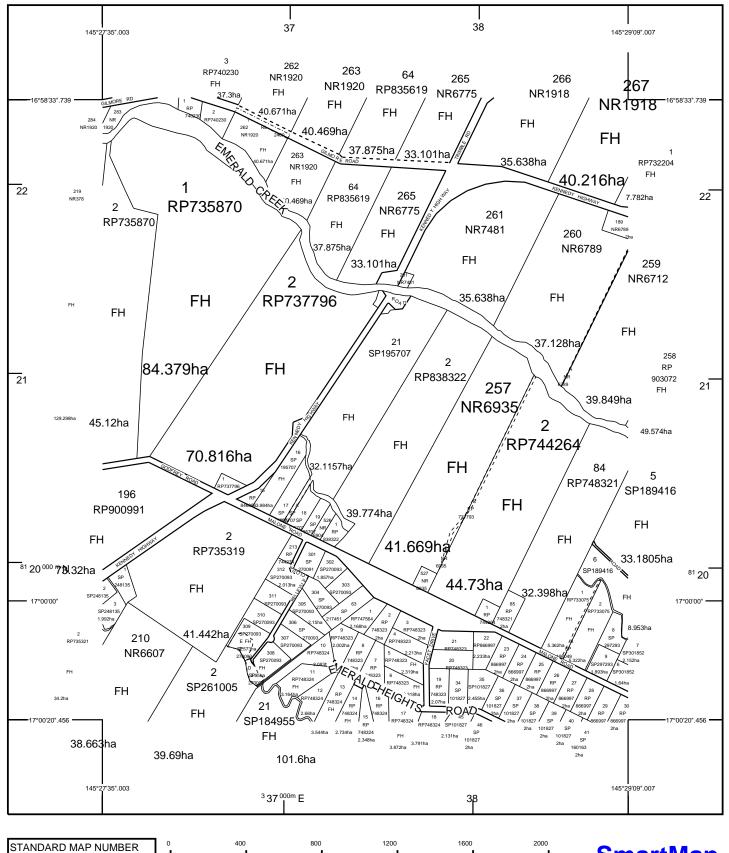


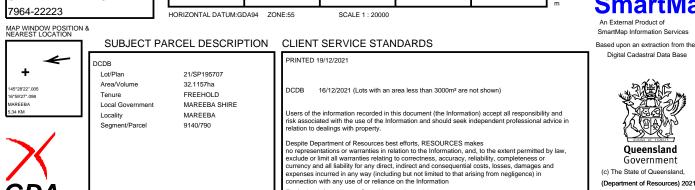
E: info@twinesurveys.com.au









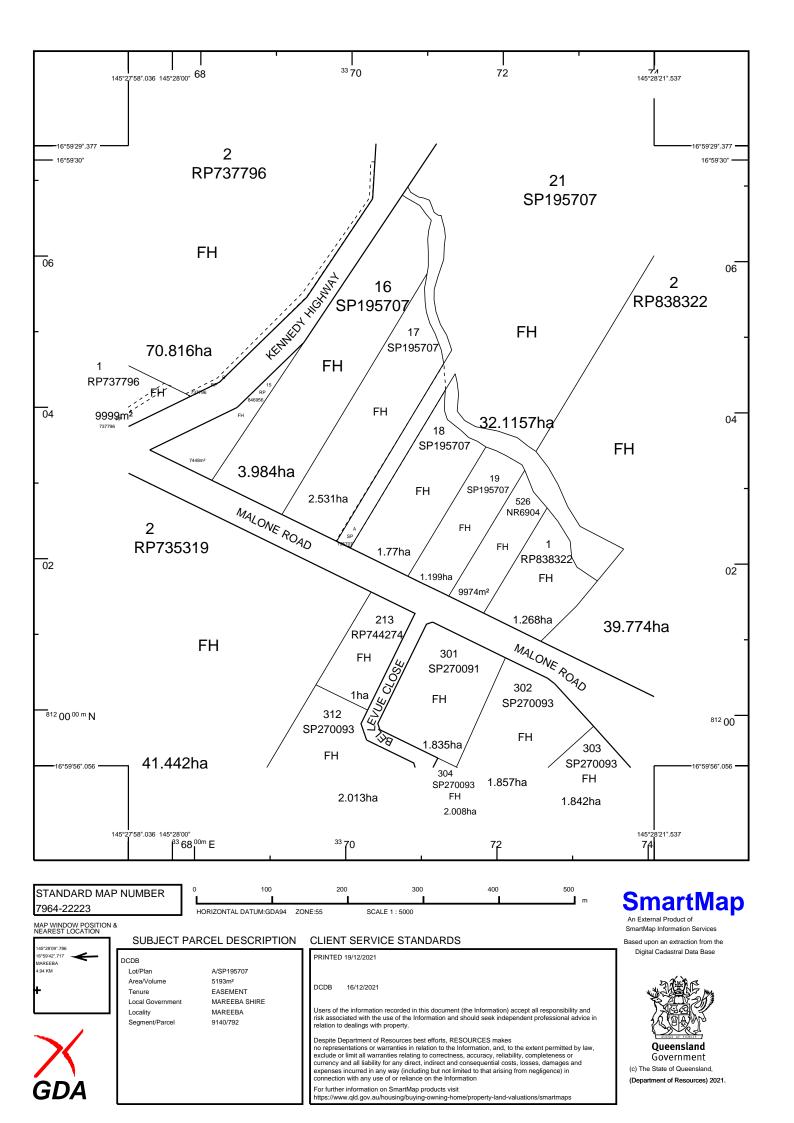


For further information on SmartMap products visit https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps



Queensland Government

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10 May, 2022

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

Dear Sir,

RE: APPLICATION FOR A RECONFIGURATION OF A LOT LOTS 17 - 19 AND 21 ON SP195707, 4283 KENNEDY HIGHWAY AND 43 MALONE ROAD, MAREEBA.

Under Section 51 of the *Planning Act, 2016* it is mandatory for the owner of the land to which a Development Application relates to consent to the making of the Application.

We, COSTANZO AND CARLA IACUTONE and ADRIANO AND ANNA PARISOTTO, as the registered owners of 4283 Kennedy Highway and 43 Malone Road, Mareeba and more particularly described as Lots 17 – 19 and 21 on SP195707, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on our behalf.

**COSTANZO IACUTONE** 

**CARLA IACUTONE** 

ÁNNA PARISOTTO

**ADRIANO PARISOTTO** 

### DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

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

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

For a development application involving **building work associated with any other type of assessable development** (i.e. material change of use, operational work or reconfiguring a lot), use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

### PART 1 - APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Costanzo and Carla l'Acutone
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	C/ Freshwater Planning Pty Ltd
	17 Barronview Drive
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	0402729004
Email address (non-mandatory)	FreshwaterPlanning@outlook.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	F21/42

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 <u>DA Forms Guide: Relevant plans.</u>								
3.1) Street address and lot on plan								
⊠ Stre	eet address	AND I	ot on pla	an (all lo	ots must be liste	ed), <b>or</b>		
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).								
	Unit No.	Stree	t No.	Street Name and Type Suburb				
2)		43	3 Malone Road				Mareeba	
a)	Postcode	Lot N	0.	. Plan Type and Number (e.g. RP, SP)			Local Government Area(s)	
	4880	17		SP19	SP195707 Mareeba Shire Council			Mareeba Shire Council
	Unit No.	Stree	t No.	Stree	t Name and	Туре		Suburb
L١		43		Malor	ne Road			Mareeba
b)	Postcode	Lot N	0.	Plan	Type and Nu	mber (e.g. RI	P, SP)	Local Government Area(s)
	4880	18		SP19	5707			Mareeba Shire Council
	Unit No.	Stree	t No.	Stree	t Name and	Туре		Suburb
,		43		Malor	ne Road			Mareeba
c)	Postcode	Lot N	0.	Plan	Type and Nu	mber (e.g. RI	P, SP)	Local Government Area(s)
	4880	19		SP19	5707			Mareeba Shire Council
	Unit No.	Stree	t No.	Stree				Suburb
		4283		Kenn	Kennedy Highway Mareeba			
d)	Postcode	Lot N	0.	Plan	Plan Type and Number (e.g. RP, SP) Local Government Area(s)			
	4880	21		SP19		<u> </u>	· ·	Mareeba Shire Council
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.								
					e and latitud	0		
		premis			e and latitud	Datum		Local Covernment Area(s) (# applicable)
Longiti	uue(s)		Latitud	ue(s)		_		Local Government Area(s) (if applicable)
						☐ WGS84		
						Other:		
	ordinates of	nremis	es hy e	astina	and northing			
Easting		Ī	ning(s)	asting	Zone Ref.	Datum		Local Government Area(s) (if applicable)
Lastin	9(3)	IVOIT	iii ig(3)		□ 54	☐ WGS84		Local Government Area(3) (II applicable)
					☐ 5 <del>4</del>	☐ GDA94		
		☐ 56	Other:					
3 3) Ad	dditional pre	mises						
Add	ditional prem	nises a					ion and the de	etails of these premises have been
	ached in a so t required	chedule	e to this	develo	ppment appli	cation		
4) Ider	ntify any of tl	he follo	wing th	at appl	y to the pren	nises and pro	vide any rele	vant details
☑ In or adjacent to a water body or watercourse or in or above an aquifer								
Name	of water boo	dy, wat	ercours	e or ac	quifer:	Eme	rald and Levis	son Creeks

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 2	2008
Name of airport:	
Listed on the Environmental Management Register (EMR) under the Envir	onmental Protection Act 1994
EMR site identification:	
Listed on the Contaminated Land Register (CLR) under the Environmental	Protection Act 1994
CLR site identification:	
5) Are there any existing easements over the premises?	
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurate how they may affect the proposed development, see <u>DA Forms Guide.</u>	ly. For further information on easements and
	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 wo	rk Building work
b) What is the approval type? (tick only one box)	
	proval that includes a variation approval
c) What is the level of assessment?	7,
☐ Code assessment ☐ Impact assessment (requires public notification)	
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as lots):	multi-unit dwelling, reconfiguration of 1 lot into 3
Boundary Realignment	
e) Relevant plans	
<b>Note</b> : Relevant plans are required to be submitted for all aspects of this development application Relevant plans.	For further information, see <u>DA Forms guide:</u>
$oxed{\boxtimes}$ Relevant plans of the proposed development are attached to the development	ent application
6.2) Provide details about the second development aspect	om approation
a) What is the type of development? (tick only one box)	
☐ Material change of use ☐ Reconfiguring a lot ☐ Operational wo	от арриомот
b) What is the approval type? (tick only one box)	
	rk Building work
☐ Development permit ☐ Preliminary approval ☐ Preliminary ap	rk Building work

lots):

e) Relevant plans  Note: Relevant plans are required to be Relevant plans.	submitted t	for all aspects	s of this development a	application. For fu	urther inforn	nation, see <u>DA Fo</u>	orms Guide:
Relevant plans of the propos	sed devel	opment are	e attached to the	development a	applicatio	n	
6.3) Additional aspects of devel	opment	•					
<ul><li>☐ Additional aspects of develo that would be required unde</li><li>☒ Not required</li></ul>							
Section 2 – Further develop	ment de	etails					
7) Does the proposed developm			olve any of the follo	owing?			
Material change of use	☐ Yes -	- complete	division 1 if asses	ssable agains	t a local p	olanning instru	ıment
Reconfiguring a lot	⊠ Yes -	- complete	division 2	-			
Operational work	Yes -	- complete	division 3				
Building work	☐ Yes -	- complete	DA Form 2 – Buil	lding work det	tails		
Division 1 – Material change of Note: This division is only required to be of local planning instrument. 8.1) Describe the proposed mate	completed if		he development applic	cation involves a i	material cha	ange of use asses	ssable against a
Provide a general description of proposed use		Provide t	he planning scher ch definition in a new i			r of dwelling applicable)	Gross floor area (m²) (if applicable)
8.2) Does the proposed use inv	oive the L	ise of exist	ting buildings on ti	ne premises?			
☐ Yes							
No							
Division 2 – Reconfiguring a lo		any part of th	he development applic	ration involves red	configurina	a lot	
9.1) What is the total number of					comiganing	<i>a 10t.</i>	
4							
9.2) What is the nature of the lo	t reconfig	uration? (ti	ick all applicable boxe	s)			
Subdivision (complete 10))			☐ Dividing land	d into parts by	agreeme	ent (complete 11	1))
⊠ Boundary realignment (compl	lete 12))			changing an e ructed road (d		giving access	s to a lot
10) Subdivision							
10.1) For this development, how	v many lo	ts are bein		at is the inten	ded use	of those lots:	
Intended use of lots created	Reside	ntial	Commercial	Industrial	_	Other, please	specify:
Number of lots created							
10.2) Will the subdivision be sta	iged?						
☐ Yes – provide additional deta		1					

□ No							
How many stages v	vill the wo	rks	include?				
What stage(s) will this development application apply to?							
11) Dividing land int	n narts h	v an	reement – hov	v many nart	s are being o	reated and wha	at is the intended use of the
parts?	o parto b	y ug	reement nev	villarly part	o are being t	Siculou and wife	at 15 the interlace ase of the
Intended use of par	ts created	d	Residential	Com	mercial	Industrial	Other, please specify:
·							
Number of parts cre	eated						
			L	l		1	
12) Boundary realig	nment						
12.1) What are the	current a	nd p	proposed areas	for each lo	t comprising	the premises?	
	Curre	ent lo	ot			Pro	posed lot
Lot on plan descript	tion	Are	ea (m²)		Lot on plan	description	Area (m²)
Lot 17 on SP19570	7	2.5	531 Ha		Proposed L	∟ot 7	2.251 Ha
Lot 18 on SP19570	7	1.7	77 Ha		Proposed L	_ot 8	2.071 Ha
Lot 19 on SP19570	7	1.1	199 Ha		Proposed Lot 9		1.697 Ha
Lot 21 on SP19570	P195707 32.1157 Ha			Proposed L	_ot 10	31.60 Ha	
12.2) What is the re	12.2) What is the reason for the boundary realignment?						
The proposal result	s in a mo	re a	ppropriate con	figuration s	eparating ex	isting Lands and	d resolving Land Tenure
Issues							
40) \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\							
(attach schedule if there	mensions are more th	and San t	d nature of any wo easements)	existing ea	isements be	ing changed and	d/or any proposed easement?
Existing or	Width (r		Length (m)	Purpose o	f the easement? (e.g.		Identify the land/lot(s)
proposed?	,	,	J ( )	pedestrian a			benefitted by the easement
D							
Division 3 – Operati				of the alexade		: :	and made
<b>Note</b> : This division is only to 14.1) What is the na					рртепт аррисат	ion involves operation	onai work.
Road work	aturo or tr	.0 0		Stormwate	<u>ə</u> r	☐ Water in	nfrastructure
☐ Drainage work ☐ Earthwork			_				
☐ Landscaping ☐ Signage		☐ Clearing vegetation					
Other – please s	specify:						
14.2) Is the operation	onal work	nec	cessary to facil	itate the cre	ation of new	lots? (e.g. subdiv	ision)
Yes – specify nu							
□ No							
14.3) What is the m	onetary v	/alue	e of the propos	ed operatio	nal work? (in	nclude GST, mate <u>ria</u>	ls and labour)
\$							

# PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Mareeba Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
Yes – a copy of the decision notice is attached to this development application  The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
No 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.
<ul> <li>No, there are no referral requirements relevant to any development aspects identified in this development application − proceed to Part 6</li> </ul>
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

Erosion prone area in a coastal management district			
_	☐ Urban design		
☐ Water-related development – taking or interfering with			
Water-related development – removing quarry material	(from a watercourse or lake)		
Water-related development – referable dams			
Water-related development –levees (category 3 levees only	<i>'</i> )		
Wetland protection area			
Matters requiring referral to the <b>local government</b> :			
Airport land			
Environmentally relevant activities (ERA) (only if the ERA	has been devolved to local government)		
Heritage places – Local heritage places			
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:  Infrastructure-related referrals – Electricity infrastructure			
Matters requiring referral to:			
The Chief Executive of the holder of the licence, if	not an individual		
• The holder of the licence, if the holder of the licence	is an individual		
☐ Infrastructure-related referrals – Oil and gas infrastructure	ure		
Matters requiring referral to the Brisbane City Council:			
☐ Ports – Brisbane core port land			
Matters requiring referral to the Minister responsible for	administering the <i>Transport li</i>	nfrastructure Act 1994:	
Ports – Brisbane core port land (where inconsistent with the	Brisbane port LUP for transport reasons	)	
Ports – Strategic port land			
Matters requiring referral to the <b>relevant port operator</b> , if  Ports – Land within Port of Brisbane's port limits (below			
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b> Description:  Description:  Description:			
Matters requiring referral to the Gold Coast Waterways A	_		
☐ Tidal works or work in a coastal management district (in	n Gold Coast waters)		
Matters requiring referral to the Queensland Fire and Em	ergency Service:		
☐ Tidal works or work in a coastal management district (in	nvolving a marina (more than six vessel	berths))	
18) Has any referral agency provided a referral response f	or this development application?	?	
Yes – referral response(s) received and listed below ar			
No No			
Referral requirement	Referral agency	Date of referral response	
<u> </u>	3 ,	1	
Identify and describe any sharper made to the prepared		a tha auticat of the	
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (if applicable).			
PART 6 – INFORMATION REQUEST			
19) Information request under Part 3 of the DA Rules			
	necessary for this development	application	
I agree to receive an information request if determined necessary for this development application			

 $\ \ \square$  Reconfiguring a lot in a coastal management district or for a canal

<ul> <li>I do not agree to accept an information request for this development application</li> <li>Note: By not agreeing to accept an information request I, the applicant, acknowledge:         <ul> <li>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> </li> <li>Further advice about information requests is contained in the DA Forms Guide.</li> </ul>				
PART 7 – FURTHER D	ETAILS			
20) Are there any associated de	evelopment applications or currer	t approvals? (e.g. a preliminary ap	proval)	
	or include details in a schedule to		,,	
No	of include details in a scriedule to	tilis development application		
	Deference number	Data	Agggement	
List of approval/development application references	Reference number	Date	Assessment manager	
<u> </u>			manager	
Approval				
Development application				
Approval				
Development application				
	ce leave levy been paid? (only appl	icable to development applications inv	rolving building work or	
operational work)		In the second of Profession		
	ed QLeave form is attached to this	• • • • • • • • • • • • • • • • • • • •		
	vide evidence that the portable lo			
	es the development application. I al only if I provide evidence that th			
	and construction work is less that	•	ovy nao boon para	
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (	Λ R or E)	
·	Date paid (dd/IIIII/yy)	QLeave levy Humber (	1, D 01 L)	
\$				
	tion in response to a show cause	notice or required as a result of	of an enforcement	
notice?				
Pes – show cause or enforce	ement notice is attached			
⊠ No				
23) Further legislative requirem	ents			
Environmentally relevant act	ivities			
23.1) Is this development applic	cation also taken to be an applica	tion for an environmental author	ority for an	
	tivity (ERA) under section 115 of			
	· · · · · · · · · · · · · · · · · · ·			
Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below				
⊠ No				
	authority can be found by searching "ESF operate. See <u>www.business.gld.gov.au</u> fo		<u>ı.qld.gov.au</u> . An ERA	
Proposed ERA number:	Prop	osed ERA threshold:		
Proposed ERA name:	1			
	e to this development application	and the details have been atta	ched in a schedule to	
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?

<ul> <li>Yes − Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application</li> <li>No</li> <li>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</li> </ul>
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?
<ul> <li>Yes – this development application includes written confirmation from the chief executive of the Vegetation Management Act 1999 (s22A determination)</li> <li>No</li> </ul>
<ul> <li>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.</li> <li>2. See <a href="https://www.qld.gov.au/environment/land/vegetation/applying">https://www.qld.gov.au/environment/land/vegetation/applying</a> for further information on how to obtain a s22A determination.</li> </ul>
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?
<ul> <li>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</li> <li>No</li> </ul>
<b>Note</b> : The environmental offset section of the Queensland Government's website can be accessed at <a href="https://www.qld.gov.au">www.qld.gov.au</a> 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?
<ul> <li>☐ Yes – the development application involves premises in the koala habitat area in the koala priority area</li> <li>☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area</li> <li>☒ No</li> </ul>
<b>Note</b> : 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 <a href="https://www.des.qld.gov.au">www.des.qld.gov.au</a> 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 <i>Water Act 2000</i> ?
<ul> <li>Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development</li> <li>No</li> </ul>
<b>Note</b> : Contact the Department of Natural Resources, Mines and Energy at <a href="https://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.
DA templates are available from <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . If the development application involves:
<ul> <li>Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1</li> <li>Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2</li> <li>Taking overland flow water: complete DA Form 1 Template 3.</li> </ul>
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 <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . 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 <i>resource</i> allocation authority is attached to this development application, if required under the <i>Fisheries Act 1994</i>		
No  Note: See guidance materials at www.daf.gld.gov.au for further information.		
Quarry materials from a watercourse or lake		
23.9) Does this development application involve the <b>removal of quarry materials from a watercourse or lake</b> under the <i>Water Act 2000?</i>		
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No	t	
<b>Note</b> : Contact the Department of Natural Resources, Mines and Energy at <a href="www.dnrme.qld.gov.au">www.business.qld.gov.au</a> for further information.		
Quarry materials from land under tidal waters		
23.10) Does this development application involve the <b>removal of quarry materials from land under tidal water</b> under the <i>Coastal Protection and Management Act 1995?</i>		
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No	t	
<b>Note</b> : Contact the Department of Environment and Science at <a href="www.des.qld.gov.au">www.des.qld.gov.au</a> 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 <a href="https://www.dnrme.gld.gov.au">www.dnrme.gld.gov.au</a> 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 require if application involves prescribed tidal work)	d	
A certificate of title		
No  Note: See guidance materials at www.des.gld.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 <b>Queensland</b> heritage register or on a place entered in a local government's <b>Local Heritage Register</b> ?		
<ul><li>☐ Yes – details of the heritage place are provided in the table below</li><li>☒ No</li></ul>		
Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.		
Name of the heritage place: Place ID:		
Brothels 23.14) Does this development application involve a material change of use for a brothel?		
Yes – this development application demonstrates how the proposal meets the code for a development		
application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> ⊠ No		
Decision under section 62 of the <i>Transport Infrastructure Act 1994</i>		
23.15) Does this development application involve new or changed access to a state-controlled road?		

<ul> <li>Yes – this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied)</li> <li>No</li> </ul>	
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?	
<ul> <li>Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered</li> <li>No</li> <li>Note: See guidance materials at www.planning.dsdmip.gld.gov.au for further information.</li> </ul>	
16. Coo galdano matemate di <u>svivi pianimi gladarnip que govida</u> 16. Tatulo mornation.	

### 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  Note: See the Planning Regulation 2017 for referral requirements	⊠ Yes
If building work is associated with the proposed development, Parts 4 to 6 of <u>DA Form 2 – Building work details</u> have been completed and attached to this development application	<ul><li>☐ Yes</li><li>☒ Not applicable</li></ul>
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	⊠ Yes
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 <u>DA Forms Guide: Planning Report Template</u> .	∠ res
Relevant plans of the development are attached to this development application <b>Note</b> : Relevant plans are required to be submitted for all aspects of this development application. For further information, see <u>DA Forms Guide</u> : Relevant plans.	⊠ Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a	Yes
development permit is issued (see 21)	Not applicable
25) Applicant declaration	
By making this development application, I declare that all information in this development application is true and	

==,	
By making this development application, I	declare that all information in this development app

correct

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

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

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

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

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

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

# PART 9 - FOR COMPLETION OF THE ASSESSMENT MANAGER - FOR OFFICE **USE ONLY** Date received: Reference number(s): Notification of engagement of alternative assessment manager Prescribed assessment manager Name of chosen assessment manager Date chosen assessment manager engaged Contact number of chosen assessment manager Relevant licence number(s) of chosen assessment manager QLeave notification and payment Note: For completion by assessment manager if applicable Description of the work QLeave project number Amount paid (\$) Date paid (dd/mm/yy) Date receipted form sighted by assessment manager

Name of officer who sighted the form