

**Our Ref: R6-23**

16 October 2023

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

**Attention: Planning Department**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT  
RECONFIGURE A LOT – BOUNDARY REALIGNMENT  
SITUATED AT 538 CHEWKO ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 44 & 47 ON SP217444**

We act on behalf of our client, N. Menniti in preparing and submitting the following development application which seeks a Development Permit to Reconfigure the subject allotment under the *Planning Act 2016* located at 538 Chewko Road, Mareeba to facilitate the proposed boundary realignment of the subject allotments.

The subject properties cover a combined total of 67.13 hectares, with both allotments fronting onto Chewko Road for approximately 530 metres. Currently lot 44 contains all of the improvements on the site, with the existing dwelling and all the associated outbuildings that are utilised as part of the very small farming operations conducted lot 44. Lot 47 on the other hand is void of any structures, where the intent of this proposal being to secure buffers avoid any impacts from potential spray drift if lot 44 was to plant trees in the southern pocket.

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 reconfiguration is **\$1,148.00**. 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. We also ask if possible that a copy of all correspondence be 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

## **PLANNING REPORT**

### **DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT**

#### **PROJECT LOCATION:**

**SITUATED AT 538 CHEWKO ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 44 & 47 ON SP217444**

**Prepared by Ramon Samanes**  
DIRECTOR, U&I TOWN PLAN

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## APPENDICIES

*Appendix 1: DA Form 1 – Development Application Details*

*Appendix 2: Owner's Consent*

*Appendix 3: Development Plans*

<b>ASSESSMENT MANAGER:</b>	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
<b>DEVELOPMENT TYPE:</b>	DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
<b>PROPOSED WORKS:</b>	BOUNDARY REALIGNMENT
<b>REAL PROPERTY DESCRIPTION:</b>	LOT 44 & 47 ON SP217444
<b>LOCATION:</b>	538 CHEWKO ROAD, MAREEBA
<b>ZONE:</b>	RURAL ZONE
<b>APPLICANT:</b>	N. MENNITI C/- U&I TOWN PLAN
<b>ASSESSMENT CRITERIA:</b>	RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
<b>REFERRAL AGENCIES:</b>	NO REFERRAL AGENCY.
<b>STATE PLANNING:</b>	THE PROPOSAL DOES NOT TRIGGER ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS.

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## **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 N. Menniti for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot on land at 538 Chewko Road, Mareeba (over Lot 44 & 47 on SP217444) for the purpose of a boundary realignment. 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.*



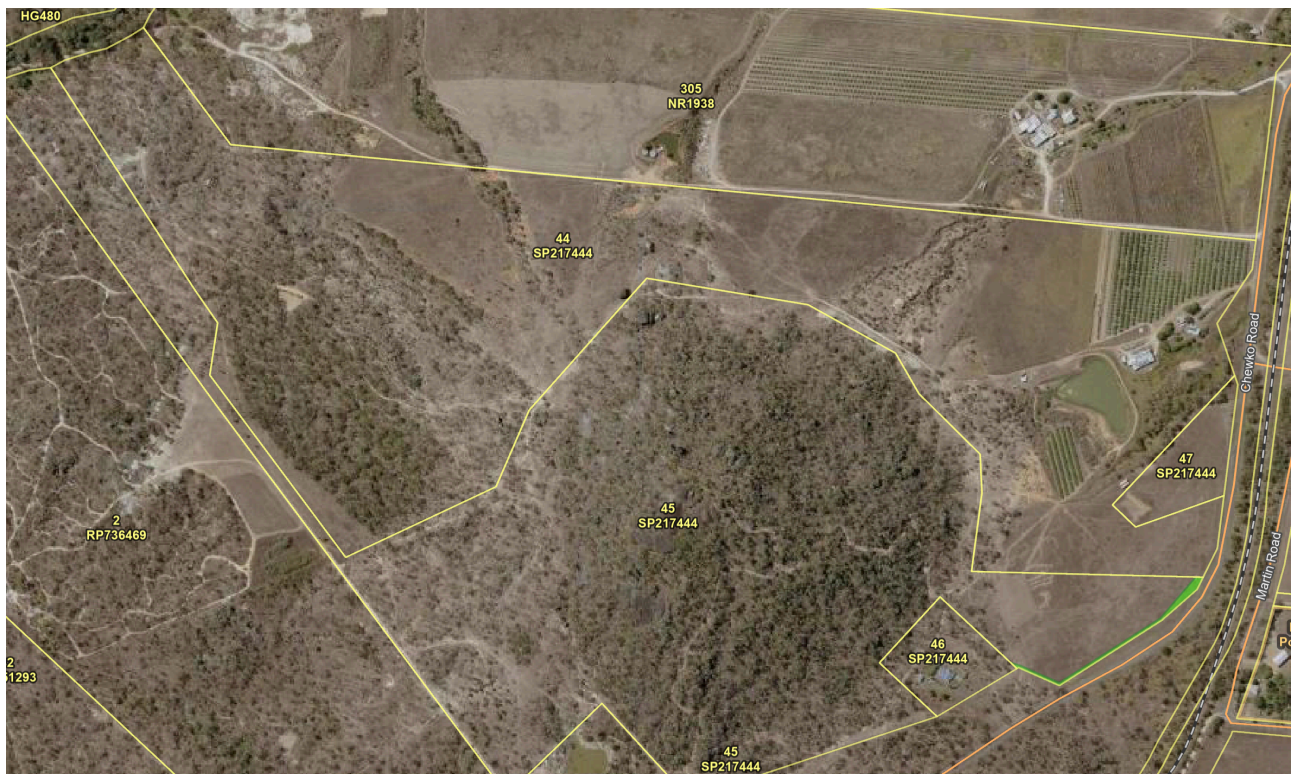
## 1.0 EXECUTIVE SUMMARY

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 538 Chewko Road, Mareeba to facilitate the realignment of the boundary between Lot 44 & Lot 47 on SP217444. By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

The conclusion of this report is that all the requirements set by the assessment criteria can be met and that the strategic level policy outcomes sought by the planning scheme and any applicable State planning instruments can be achieved. It is the opinion of the applicant that once all the policy requirements have been considered by assessing authorities and equitably balanced with the site constraints and benefits of the proposal; the assessment process established under the Planning Act will result in the approval of this development application and the issuing of a development permit subject to conditions. This opinion is based on the level of strategic and analytical justification provided in support of the proposal and the decision-making requirements imposed on regulatory authorities under the Planning Act.

## 2.0 SITE DESCRIPTION

The subject land is described as Lot 44 & Lot 47 on SP217444, located at 538 Chewko Road, Mareeba. The subject properties cover a combined total of 67.13 hectares, with both allotments fronting onto Chewko Road for approximately 530 metres. The property is located approximately 6km from the CBD of Mareeba and is surrounded by mix of lot sizes within the rural zone.



**Figure 1: Aerial View of the Subject Land** (© The State of Queensland, all rights reserved, 2019.)

A site summary is provided below:

**Table 2.0: Site summary**

<b>Street address:</b>	538 Chewko Road, Mareeba
<b>Real property description:</b>	Lot 44 & 47 on SP217444
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold
<b>Site area:</b>	Lot 44: 65.13 hectares Lot 47: 2 hectares
<b>Zone:</b>	Rural zone
<b>Current use:</b>	Lot 44: Lychees Orchid & vegetable farm, limited by access to water Lot 47: Vacant
<b>Road frontage:</b>	Chewko Road
<b>Adjacent uses:</b>	Surrounding Rural properties
<b>Topography / Vegetation:</b>	The site appears to fall from Turkey Hill away towards the Granite Creek & Chewko Road. The site is predominantly cleared, with riparian vegetation along creek, with sections of the foothills for Turkey hill still slightly vegetated.
<b>Easements:</b>	No easements relevant to either lot 44 or 47.



**Figure 2: Site Locality** (© The State of Queensland, all rights reserved, 2023.)



### 3.0 DEVELOPMENT PROPOSAL

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 538 Chewko Road, Mareeba to facilitate the realignment of the boundary between Lot 44 & Lot 47. Currently lot 44 contains all of the improvements on the site, with the existing dwelling and all the associated outbuildings that are utilised as part of the very small farming operations conducted lot 44. Lot 47 on the other hand is void of any structures, where the intent of this proposal being to secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.



**Figure 3:** Extract from Development Plans (Prepared by U&I Town Plan.)

See Appendix 3: Development Plans for further detail.

### 3.1 Development Definition

The proposal is described as a “Reconfiguration of a Lot” under the Planning Act and planning scheme. The proposal is defined under the Planning Act 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.*

### 3.2 Boundary Realignment

Currently lot 44 contains all of the improvements on the site, with the existing dwelling and all the associated outbuildings that are utilised as part of the very small farming operations conducted lot 44. Lot 47 on the other hand is void of any structures, where the intent of this proposal being to secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

The proposed reconfiguration will result in the following allotment sizes:

- Proposed Lot 44 – 63.53 hectares; and
- Proposed Lot 47 – 3.6ha

## 4.0 DEVELOPMENT APPLICATION DETAILS

This code assessable development application seeks a development permit to Reconfigure the Lots under the *Planning Act 2016* to facilitate the realignment of the boundary between Lot 44 and Lot 47. By way of this development application, the applicant is seeking specific approval of the following development permit to authorise the subdivision of the allotments as detailed in this planning report.

## 5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for the Reconfiguration of the lot at 538 Chewko Road, Mareeba to facilitate the realignment of the boundary between Lot 44 & Lot 47. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Temporary Local Planning Instrument (TLPI) No.01 of 2019 – Subdivision in Rural Zone, Rural Zone Code and Reconfiguring a Lot Code.

### 5.1 Mareeba Shire Planning Scheme 2016

Given that the application is code assessable, the application is required to be assessed against only the relevant codes within the planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Temporary Local Planning Instrument (TLPI) No.01 of 2021 – Subdivision in Rural Zone.
- Rural Zone Code
- Reconfiguration of a Lot Code
- Landscape Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- Flood Hazard Overlay Code

Accordingly, an assessment of the proposed development against the above listed codes has been completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the planning scheme. In terms of the assessment documented in this report, should any part of the development not comply with any sections of the codes, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

#### 5.1.1 Temporary Local Planning Instrument (TLPI) No.01 of 2021 – Subdivision in Rural Zone.

3.1 *The purpose of this TLPI is to regulate:*

- (a) *minimum lot size for land in the Rural zone in the planning scheme.*

3.2 *To achieve this purpose, the TLPI—*

- (a) *amends the level of assessment for a development application for reconfiguring a lot that seeks to create a lot less than 60ha in the Rural zone from code to impact assessment; and*

- (b) includes assessment benchmarks (Strategic Framework, Rural zone code, Reconfiguring a Lot code) for subdivision within the Rural zone.

#### **Comments:**

Regardless of the type of subdivision, the trigger applies to any lot less than 60ha whether you are creating additional lots or simply realigning the boundaries of existing allotments. In light of this, the application is required to be assessed against *TLPI No. 01 of 2021 (Subdivision in Rural Zone)*. Accordingly, an assessment of the proposed development against the relevant TLPI is completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the planning scheme. In terms of the assessment provided, should any part of the development not comply with any sections of the TLPI, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

### **Strategic Framework**

The Strategic Intent, and the Strategic Framework (SF) as a whole is a set of high order strategic outcomes and land use strategies which set the overarching policy intent for the lower order, more detailed components of the planning scheme i.e. zones, codes and policies. The Framework is split into various themes which cover the main aspects of land use planning and development governance. Given the level the Framework operates at, it is difficult to provide a direct, site specific assessment of the proposal against its many components. However, a proposal that satisfies the lower order components of the planning scheme, i.e. zone codes, development codes, overlay codes, planning scheme policies, etc; inherently satisfies the intent of the Framework.

The SF sets the policy direction for the Shire for the life of the Planning Scheme. Regarding this development the relevant provisions of the SF are:

- Settlement Pattern and built environment – Protection of Rural Zones; and
- Transport and Infrastructure – protection from urban encroachment.

#### **1.2.1 Settlement pattern and built environment**

##### **1.2.1.1 Strategic outcomes**

This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.

- (1) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural-character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.
- (2) New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.



### **Statement of Compliance:**

No new allotments are created as a result of this development. These provisions apply to new subdivisions to avoid any new or additional lots being created within the Rural Zone below 60ha. In this instance, the two (2) existing allotments that are the subject of this application result in lot 44 being over 60ha and lot 47 only 2ha in size. The shift in 2ha from 44 to 47 is to provide a better planning outcome to remove any impacts from spray drift and dust. The resulting lot sizes being itemised as follows:

- Proposed Lot 44 – 63.53 hectares; and
- Proposed Lot 47 – 3.6ha.

The purpose of this development remains to improve the overall productivity across the two (2) existing properties in accordance with the outcomes sought above in section 1.2.1.1 (1). To achieve this outcome the proposed realignment of the boundaries between existing Lots 44 and 47, is required secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

## **1.2.4 Element—Rural areas**

### **1.2.4.1 Specific outcomes**

This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.
- (2) Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.
- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (4) Tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.

### **Statement of Compliance:**

No new allotments are created as a result of this development. These provisions apply to new subdivisions to avoid any new or additional lots being created within the Rural Zone below 60ha. In this instance, the two (2) existing allotments that are the subject of this application result in lot 44 being over 60ha and lot 47 only 2ha in size. The shift in 2ha from 44 to 47 is to provide a better planning outcome to remove any impacts from spray drift and dust. The resulting lot sizes being itemised as follows:

- Proposed Lot 44 – 63.53 hectares; and
- Proposed Lot 47 – 3.6ha.

The purpose of this development remains to improve the overall productivity across the two (2) existing properties in accordance with the outcomes sought above in section 1.2.1.1 (1). To achieve this outcome the proposed realignment of the boundaries between existing Lots 44 and 47, is required secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

### 1.2.5 Transport and infrastructure

#### 1.2.5.1 Strategic outcomes

This provision of the TLPI replaces Strategic Framework, Strategic Outcome 3.6.1(6) of the planning scheme for the nominated development.

- (1) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.

#### **Statement of Compliance:**

This provision is applied to protect rural zoned land from inappropriate and out of sequenced urban development and how the relevant infrastructure must be provided. This does not apply to this development and is not assessable as part of this development.

### 1.3 Rural zone code

This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.

#### 1.3.1 Purpose

- (1) Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities.
- (2) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.
- (3) Residential and other uses are appropriate only where directly associated with the rural nature of the zone.

#### **Statement of Compliance:**

No new allotments are created as a result of this development. These provisions apply to new subdivisions to avoid any new or additional lots being created within the Rural Zone below 60ha. In this instance, the two (2)



existing allotments that are the subject of this application result in lot 44 being over 60ha and lot 47 only 2ha in size. The shift in 2ha from 44 to 47 is to provide a better planning outcome to remove any impacts from spray drift and dust. The resulting lot sizes being itemised as follows:

- Proposed Lot 44 – 63.53 hectares; and
- Proposed Lot 47 – 3.6ha.

The purpose of this development remains to improve the overall productivity across the two (2) existing properties in accordance with the outcomes sought above in section 1.2.1.1 (1). To achieve this outcome the proposed realignment of the boundaries between existing Lots 44 and 47, is required secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

#### 1.4 Reconfiguring a lot code

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.

##### 1.4.1 Purpose

- (1) Subdivision within the Rural zone maintains lots equal to or larger than 60ha.

##### 1.4.2 Assessment Criteria

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.

##### 1.4.2 Criteria for assessable development – Rural Zone

Performance outcomes	Acceptable outcomes
<b>Area and frontage of lots – Rural Zone</b>	
<b>PO1.1</b> No lots are created with an area of less than 60ha  Note: This also applies to applications for boundary realignment.	<b>AO1.1</b> No acceptable outcome is provided
<b>PO1.2</b> No lots are created with a frontage less than 400m  Note: This also applies to applications for boundary realignment.	<b>AO1.2</b> No acceptable outcome is provided
<b>PO1.3</b> Proposed lots are; <ul style="list-style-type: none"> <li>a. Able to accommodate all buildings, structures and works associated with the rural use; and</li> <li>b. Suitable to allow the site to be provided with sufficient access</li> </ul> Note: This also applies to applications for boundary realignment.	<b>AO1.3</b> No acceptable outcome is provided

*Note – The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI.*

### **Statement of Compliance:**

No new allotments are created as a result of this development. These provisions apply to new subdivisions to avoid any new or additional lots being created within the Rural Zone below 60ha. In this instance, the two (2) existing allotments that are the subject of this application result in lot 44 being over 60ha and lot 47 only 2ha in size. The shift in 2ha from 44 to 47 is to provide a better planning outcome to remove any impacts from spray drift and dust. The resulting lot sizes being itemised as follows:

- Proposed Lot 44 – 63.53 hectares; and
- Proposed Lot 47 – 3.6ha.

The purpose of this development remains to improve the overall productivity across the two (2) existing properties in accordance with the outcomes sought above in section 1.2.1.1 (1). To achieve this outcome the proposed realignment of the boundaries between existing Lots 44 and 47, is required secure buffers to avoid any potential impacts from spray drift if lot 44 was to plant trees in the southern pocket. With the south-easterly trade winds securing this section of land south of lot 47, provides a better outcome for lots 44 and 47 in the future in managing and avoiding any impacts from dust, spray drift or noise.

In concluding the proposed development has two (2) existing rural zone lots with existing infrastructure in place, which demonstrates that the proposed lots have been already able to accommodate all buildings and structures and works associated with the existing established rural uses across both sites, whilst containing suitable access from Chewko Road. By doing so, this development achieves the rural zone purpose outcomes (1) below, and by default achieved compliance with the overall strategic framework outcome (1) below in that the existing primary industry activities are protected and maintained as a result of this development. There will be no loss or direct impact in relation to production across properties as a result of this development.

- (1) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural-character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.
- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.

### **5.1.2 Landscaping Code**

The proposed reconfiguration of a lot which is seeking approval for a boundary realignment and easement for water is located within the Rural Zone. As such this code is not considered applicable to this development.

### **5.1.3 Parking and Access Code**

The proposed reconfiguration of a lot which is seeking approval for a boundary realignment and easement for water is located within the Rural Zone. As such, this code is not considered applicable to this development in terms of controlling parking demands and requirements as part of a reconfiguration of a lot. However, it is

noted that the existing access crossovers from Chewko Road into both proposed allotments is considered to be consistent with the rural standards for access.

#### 5.1.4 Works, Service and Infrastructure Code

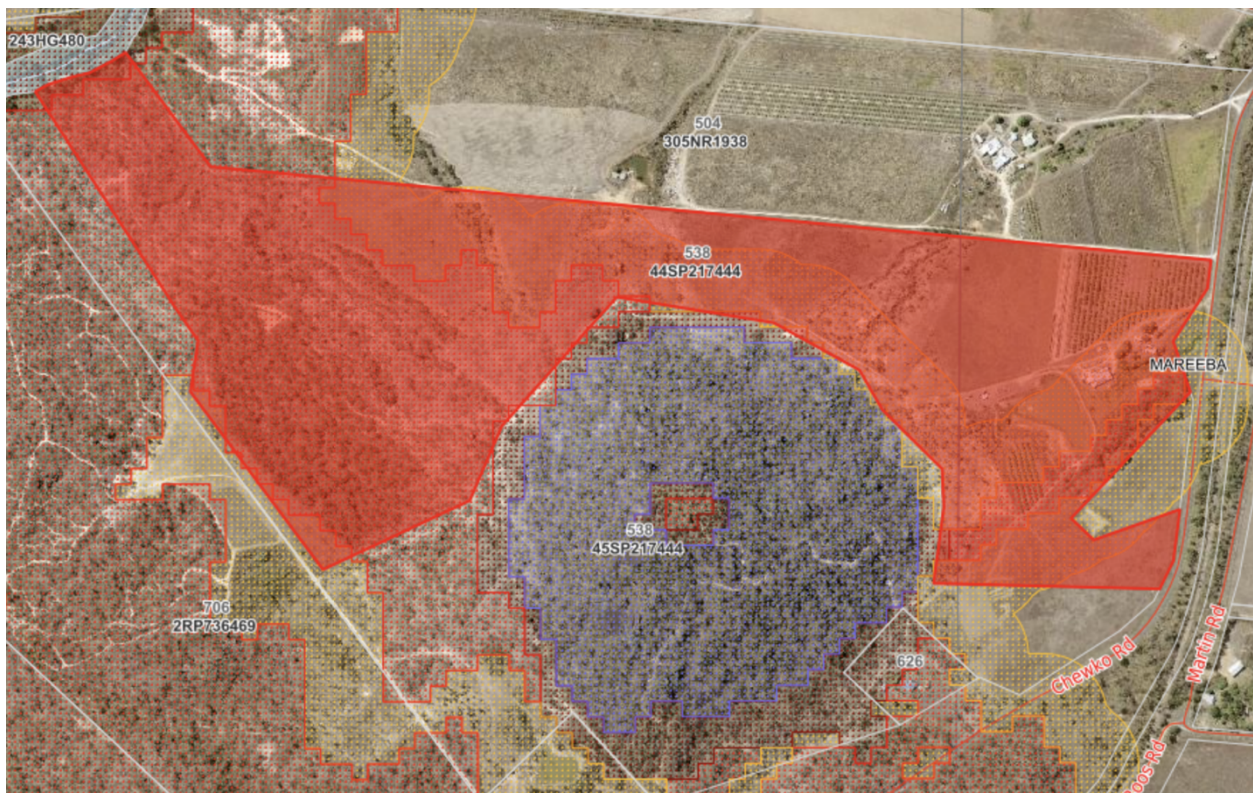
The proposed reconfiguration of a lot which is seeking approval for a boundary realignment and easement for water is located within the Rural Zone, and as such limited services and infrastructure are required to be provided. As such, it is considered that the proposed Reconfiguration of a lot development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

#### 5.1.5 Bushfire Hazard Overlay Code

*The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.*

*The purpose of the code will be achieved through the following overall outcomes:*

- (a) *Development in a Bushfire hazard area is compatible with the nature of the hazard;*
- (b) *The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;*
- (c) *Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and*
- (d) *Appropriate infrastructure is available to emergency services in the event of a bushfire.*



The site is mapped as containing areas of Potential Impact Buffer (100 metres), Medium and High Bushfire Hazard, which correlate with the areas on the site covered by natural bushland. Given the proposal simply



involves the creation of realignment of the boundaries of two (2) properties in which the infrastructure is already established, renders any controls regarding fire hazard to be not applicable. The site has existing access to water that is currently available to be used for fire-fighting purposes. The appropriate water source contains sufficient access to water via an existing bore on both lots 44 & 47 available at any time for Firefighting Supply and will be provided with the appropriate connections where required. Lot 47 which is predominantly where the changes are occurring is only within the 'potential' bushfire zone. Lastly, the properties are regularly maintained by the landowners to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. Accordingly, it is considered that this development achieves compliance with the outcomes sought under the Bushfire Hazard Overlay Code.

### 5.1.6 Environmental Significance Overlay Code

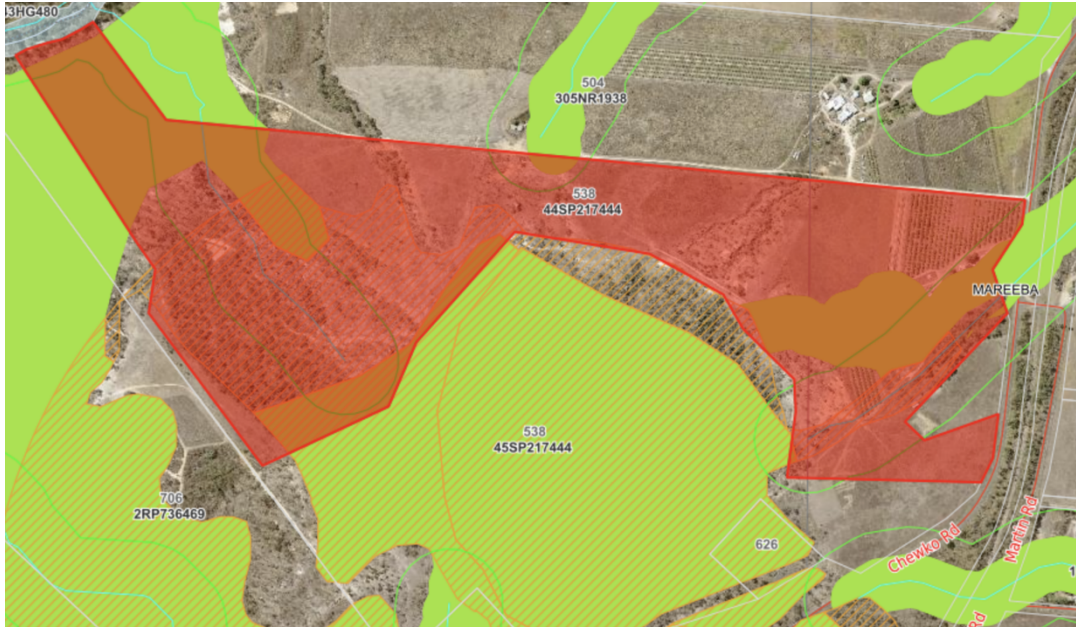
*The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.*

*The Environmental significance overlay code ensures that:*

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.*

*The purpose of the code will be achieved through the following overall outcomes:*

- (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;*
- (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;*
- (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;*
- (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;*
- (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;*
- (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and*
- (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.*



The site is Mapped as containing areas of land considered regulated vegetation. The proposed changes fall well outside of these areas, and therefore no referral or further assessment is required. The areas of importance correlate with the areas on the property that are covered by natural bushland, which are not impacted in anyway with the realignment of the boundaries. Accordingly, the outcomes sought within this code are considered to be achieved as a consequence and no further assessment of this development is required against the Environmental Significance Overlay Code.

### 5.1.7 Flood Hazard Overlay Code

*The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas identified on the Flood hazard overlay maps (OM-006ao) so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.*

*The purpose of the code will be achieved through the following overall outcomes:*

- (a) *Development in the 'Extreme flood hazard area':*
  - i. *maintains and enhances the hydrological function of the land;*
  - ii. *does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
  - iii. *is limited to:*
    - A. *flood proofed Sport and recreation activities;*
    - B. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
    - C. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
    - D. *conservation and natural area management; and*

- E. *replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined flood level and include freeboard;*

*Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*

(b) *Development in the 'High flood hazard area':*

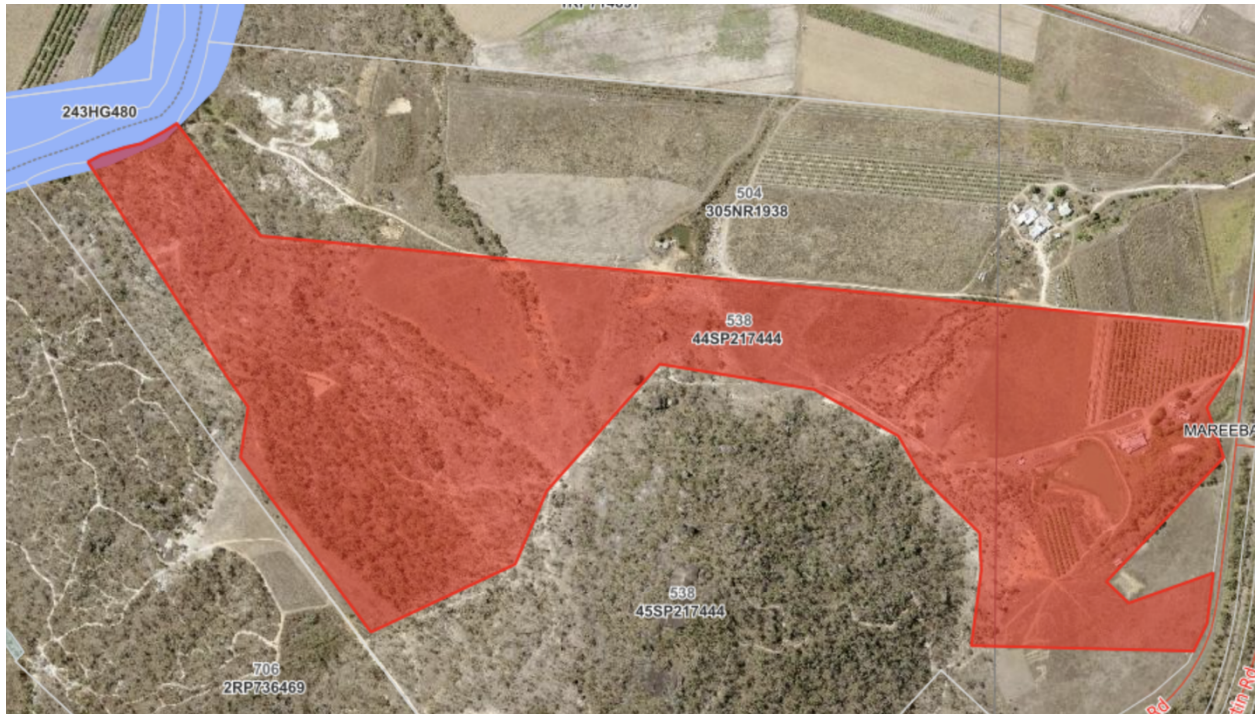
- i. *maintains the hydrological function of the land;*
- ii. *does not involve filling (earthworks) or changes to the existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
- iii. *is limited to:*
  - A. *flood proofed Sport and recreation activities and Club uses;*
  - B. *Non-resident workforce accommodation, Relocatable home park, Resort complex, Rooming accommodation, Short term accommodation and Tourist park uses where these uses comprise permanent on-site management and a flood evacuation management plan ensures the health and safety of persons during a flood event;*
  - C. *a Dwelling house only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone or where for minor intensification of existing Dwelling houses;*
  - D. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
  - E. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
  - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
  - G. *conservation and natural area management; and*
  - H. *replacement of existing lawful development; Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*
- iv. *protects surrounding land and land uses from increased flood hazard impacts;*
- v. *elevates habitable rooms for all accommodation activities (including where for minor building work) above the defined flood level, including freeboard.*

(c) *Development in the 'Significant flood hazard area':*

- i. *minimises risk to life and property from flood events;*
- ii. *involves changes to the existing landform and drainage lines in this area only where detrimental impacts to the flood hazard risk of surrounding areas is avoided;*
- iii. *is limited to:*
  - A. *Sport and recreation activities;*

- B. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
  - C. *Rural activities;*
  - D. *Accommodation activities, excluding Residential care facility and Retirement facility;*
  - E. *flood proofed Community activities, excluding Child care centre, Hospital and Community use where a flood emergency evacuation plan ensures the safety of people during a flood event;*
  - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
  - G. *conservation and natural area management;*
- iv. *locates habitable rooms for all accommodation activities above the defined flood level, including freeboard; and*
- v. *locates the minimum floor level for all buildings other than accommodation activities, industrial activities and business activities above the defined flood level.*
- (d) *Development in the 'Low flood hazard area':*
- i. *minimises risk to life and property from flood events;*
  - ii. *locates habitable rooms for all Accommodation activities above the defined flood level, including freeboard; and*
  - iii. *locates the minimum floor level for all buildings other than Accommodation activities above the defined flood level, including freeboard.*
- (e) *Development in the 'Potential flood hazard area':*
- i. *maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property;*
  - ii. *does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain;*
  - iii. *locates habitable rooms for all Accommodation activities above a 1% Annual Exceedance Probability (AEP), including freeboard; and*
  - iv. *locates the minimum floor level for all building work other than Accommodation activities above the 1% AEP flood level, including freeboard.*





The site is mapped within the Potential Flood Level Hazard Area along Granite Creek. As noted previously, the proposal simply involves the creation of realignment of the boundaries of two (2) properties in which the infrastructure is already established, of which all sit outside the flood hazard area. Nevertheless, in terms of any potential impacts on proposed lot 44 and lot 47, it is anticipated that any future structures proposed to be built on these properties will be adequately positioned to ensure they immune from flooding and will be subject to any requirements for immunity at the time of building works applications and approvals. It is considered that the proposed creation of new access easements complies with the Flood Hazard Overlay Code requirements and no further assessment is required.

## 5.2 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 does not trigger referral and therefore assessment against the SDAP codes is not required.

## 5.3 Far North Regional Plan 2009-2031

The site is located within the 'Regional Landscape and Rural Production Area Regional Land Use Category of the Far North Queensland 2009-2031. The Minister has identified that the planning scheme, specifically the



Strategic Framework, appropriately advances the FNQRP 2009- 2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

## 6.0 CONCLUSION

It is considered that the proposed development being a Reconfiguration of a Lot – Boundary Realignment and Easement (water) over land described as Lot 44 and Lot 47 on SP217444 is appropriately designed to comply with the planning scheme requirements. In particular, the proposed development:

- Achieves compliance with the Temporary Local Planning Instrument Temporary Local Planning Instrument (TLPI) No.01 of 2021 – Subdivision in Rural Zone;
- Achieves compliance with the relevant sections of the Strategic Framework;
- Achieves compliance with the Performance Outcomes relating to the realignment of the boundary and easement creation;
- Achieves compliance with the Performance Outcomes, Purposes and the Intent of the Reconfiguring a Lot Code for land included in the Rural Zone;
- Satisfies compliance with the relevant applicable mapped Overlays;
- Does not conflict with the Far North Queensland Regional Plan 2009 – 2031, in particular the Rural Production Area Regional Land Use Category.

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 Rural Zone & Reconfiguring a Lot Code 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**

Director, U&I Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

## **APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS**

# DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 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)	N. Menniti c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes
Postal address (P.O. Box or street address)	PO Box 524
Suburb	Mareeba
State	QLD
Postcode	4880
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	Ramon@uitownplan.com.au
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	R6-23

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

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		538	Chewko Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	44 & 47 on	SP217444	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)
c)	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:	

☐ 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:	

#### 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 <i>(if applicable)</i> :	
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
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

<b>6.1) Provide details about the first development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)</i> :
Boundary Realignment
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.2) Provide details about the second development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)</i> :
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

### 6.3) Additional aspects of development

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

## Section 2 – Further development details

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

Material change of use ☐ Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot ☒ Yes – complete division 2

Operational work ☐ Yes – complete division 3

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

### Division 1 – Material change of use

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

#### 8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)

#### 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?

Two (2) Allotments

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

☐ Subdivision (complete 10))

☐ Dividing land into parts by agreement (complete 11))

☒ Boundary realignment (complete 12))

☐ Creating or changing an easement giving access to a lot from a constructed road (complete 13))

### 10) Subdivision

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

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

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

☐ Yes – provide additional details below

☐ No

How many stages will the works include?

What stage(s) will this development application apply to?

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 47 on SP217444	2ha	Lot 47	~3.6ha
Lot 44 on SP217444	65.13ha	Lot 44	~63.53ha
12.2) What is the reason for the boundary realignment?			
To separate the two (2) dwellings on site so that each allotment has its own dwelling and shed on each allotment.			

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Mareeba Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

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

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

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

#### Matters requiring referral to the **Chief Executive of the Planning Act 2016**:

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

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

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)



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

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

- ☐ Yes – provide details below or include details in a schedule to this development application  
☒ No

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

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

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
☒ Not applicable (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?

- ☐ Yes – show cause or enforcement notice is attached  
☒ No

### 23) Further legislative requirements

#### **Environmentally relevant activities**

#### 23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

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

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

#### **Hazardous chemical facilities**

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

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

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

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

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

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

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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

## 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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>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 <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – 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.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> <li>• such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

## PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

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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			

## **APPENDIX 2: OWNER'S CONSENT**



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

<b>PROJECT:</b>	Reconfiguring a Lot – Boundary Realignment
<b>PROJECT ADDRESS:</b>	538 Chewko Rd, Mareeba (Lot 44 & 47 on SP217444)

## **Client Details**

<b>Client:</b>	NATALE MENNITI	(enter client name) (primary contact)
<b>Invoice Address:</b>	P.O BOX 524 MAREEBA 4880	(enter invoice address)
<b>Phone:</b>	0417790598	(enter client phone)
<b>Email:</b>	NAT.MENNITI@GMAIL.COM	(enter client email)

## **Landowner Details**

<b>Landowner Name/s:</b>	MENNITI ENTERPRISES (LOT 44) & ROSS MENNITI	(enter landowner name/s) (shown on title plan)
<b>Address:</b>	538 CHEWKO RD MAREEBA	(enter address)
<b>All Owners Signatures:</b>	<i>N. Meniti</i> <i>R. Meniti</i>	(signatures from all landowners & date) NATALE MENNITI LOT 47

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:** *N. Meniti*

**Name:** NATALE MENNITI  
**Date:** 20-9-23

Please complete, sign and return to: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au). Along with a copy of the receipt of payment of selected fees.



## **APPENDIX 3: DEVELOPMENT PLANS**

# Proposed Subdivision - Boundary Realignment

538 Chewko Road, Mareeba (LOT 44 & 47 ON SP217444) Plan#1.0, dated 16.10.23, prepared by U...

17°1'53"S 145°22'44"E

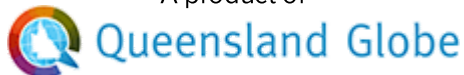
17°1'53"S 145°23'6"E



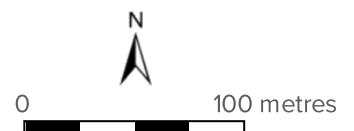
17°2'13"S 145°22'44"E

17°2'13"S 145°23'6"E

A product of



Legend located on next page



Printed at: A4

Print date: 16/10/2023

Not suitable for accurate measurement.  
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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