

**Our Ref: R8-23**

1 November 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 37 & 50 COBRA ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 30 & 31 ON SP284537**

We act on behalf of our client, WR & R Blundell 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 37 & 50 Cobra Road, Mareeba to facilitate the proposed boundary realignment of the subject allotments.

The subject properties cover a combined total of 98.584 hectares, with frontage onto Cobra Road and Tinaroo Creek Road. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

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 37 & 50 COBRA ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 30 & 31 ON SP284537**

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

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

*Appendix 2: Owner’s Consent*

*Appendix 3: Development Plans*

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<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 30 & 31 ON SP284537
<b>LOCATION:</b>	37 & 50 COBRA ROAD, MAREEBA
<b>ZONE:</b>	RURAL ZONE
<b>APPLICANT:</b>	WR & R BLUNDELL 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 Wilfred Ronald & Rosemary Blundell for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot on land at 30 & 50 Cobra Road, Mareeba (over Lot 30 & 31 on SP284537) 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 37 & 50 Cobra Road, Mareeba to facilitate the realignment of the boundary between Lot 30 & 31 on SP284537. 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 30 & 31 on SP284537, located at 37 & 50 Cobra Road, Mareeba. The subject properties cover a combined total of 98.584 hectares, with both allotments fronting onto Cobra Road. 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>	37 & 50 Cobra Road, Mareeba
<b>Real property description:</b>	Lot 30 & 31 on SP284537
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold
<b>Site area:</b>	Lot 30: 67.664ha Lot 31: 30.92ha
<b>Zone:</b>	Rural zone
<b>Current use:</b>	Lot 30: Limes, Avocadoes and Hay/mulch
<b>Road frontage:</b>	Lot 31: Limes & Avocadoes
<b>Adjacent uses:</b>	Surrounding Rural properties
<b>Topography / Vegetation:</b>	The properties rise as you travel from town along Tinaroo Creek Road onto Cobra Road, following the ridge of the hill
<b>Easements:</b>	Easements across all properties for water exist to benefit sunwater.



**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 37 & 50 Cobra Road, Mareeba to facilitate the realignment of the boundary between Lot 30 & 31. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

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.

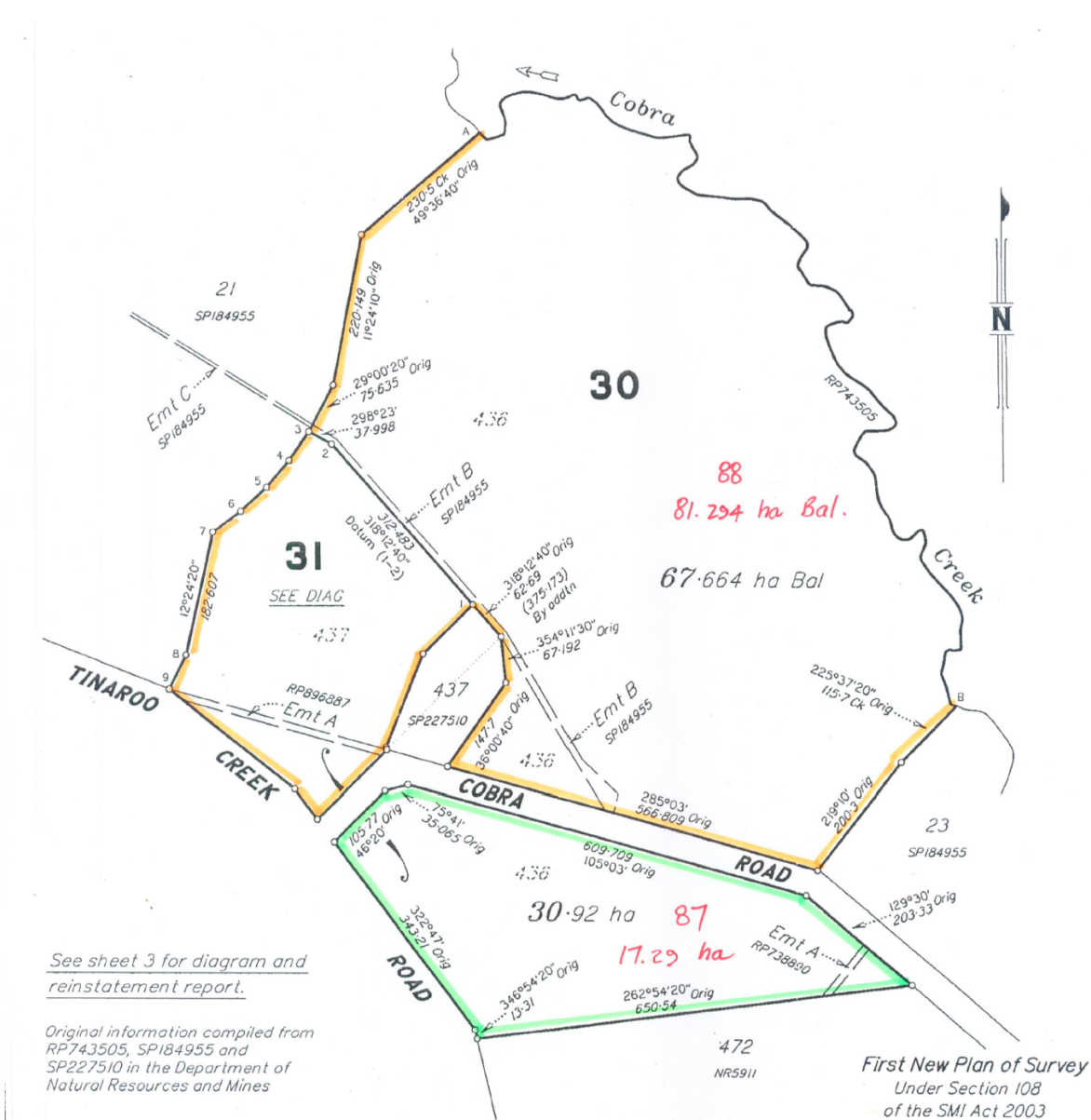


Figure 3: Extract from Development Plans (Prepared by U&i Town Plan.)

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

Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

The proposed reconfiguration will result in the following allotment sizes:

- Proposed Lot 30 – 81.234 hectares; and
- Proposed Lot 31 – 17.29 hectares.

### 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 30 & 31. 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 37 & 50 Cobra Road, Mareeba to facilitate the realignment of the boundary between Lot 30 & 31. 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 2021 – 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
- Agricultural Land Overlay 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, Lot 31 is only 30.92ha and Lot 30 is 67.664ha. The resulting lot sizes being itemised as follows:

- Proposed Lot 30: 81.294 hectares; and
- Proposed Lot 31: 17.29 hectares;

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 30 and 31, is required to a portion from 31 to lot 30. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

### **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, Lot 31 is only 30.92ha and Lot 30 is 67.664ha. The resulting lot sizes being itemised as follows:

- Proposed Lot 30: 81.294 hectares; and

- Proposed Lot 31: 17.29 hectares;

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 30 and 31, is required to a portion from 31 to lot 30. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

## 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, Lot 31 is only 30.92ha and Lot 30 is 67.664ha. The resulting lot sizes being itemised as follows:

- Proposed Lot 30: 81.294 hectares; and
- Proposed Lot 31: 17.29 hectares;

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 30 and 31, is required to a portion from 31 to lot 30. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

**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; <ol style="list-style-type: none"> <li>Able to accommodate all buildings, structures and works associated with the rural use; and</li> <li>Suitable to allow the site to be provided with sufficient access</li> </ol> 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, Lot 31 is only 30.92ha and Lot 30 is 67.664ha. The resulting lot sizes being itemised as follows:

- Proposed Lot 30: 81.294 hectares; and
- Proposed Lot 31: 17.29 hectares;

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 30 and 31, is required to a portion from 31 to lot 30. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.

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 Cobra 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 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 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 Cobra Road into both proposed allotments is considered to be consistent with the rural standards for access.

#### 5.1.4 Works, Service and Infrastructure Code

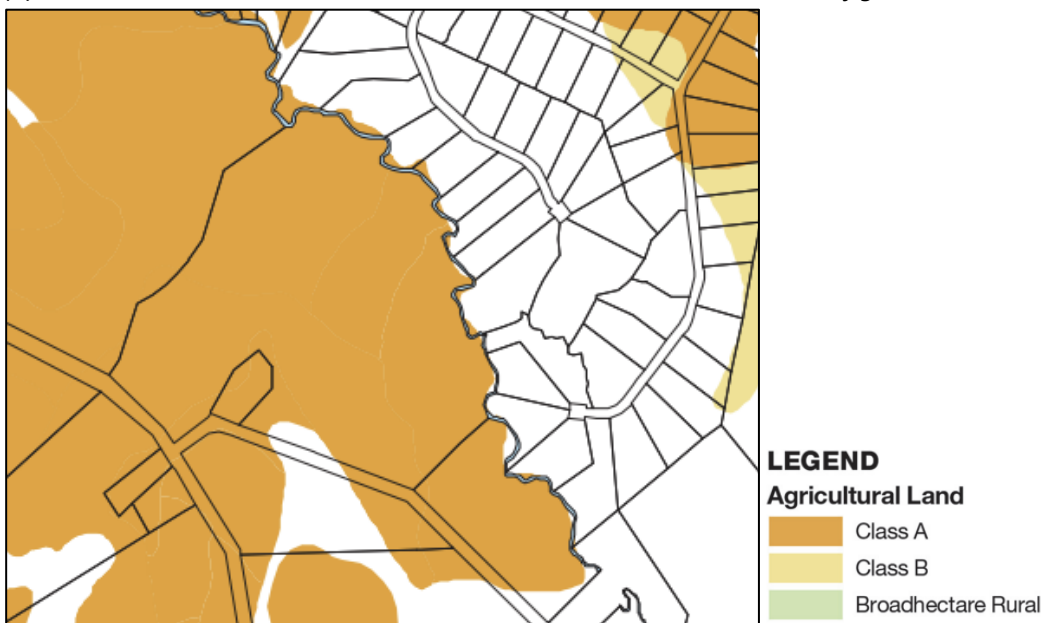
The proposed reconfiguration of a lot which is seeking approval for a boundary realignment located within the Rural Zone, and as such limited services and infrastructure are required to be provided. As such, it is considered that the proposed Reconfiguration of a lot development achieves compliance with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

#### 5.1.5 Agricultural Land Overlay Code

*The purpose of the Agricultural land overlay code is to protect or manage important agricultural areas, resources, and processes which contribute to the shire's capacity for primary production.*

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

- (a) The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:
 
  - (i) an overriding need exists for the development in terms of public benefit,*
  - (ii) no suitable alternative site exists; and*
  - (iii) the fragmentation or reduced production potential of agricultural land is minimised;**
- (b) 'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;*
- (c) Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and*
- (d) Land with the 'Broadhectare rural' area is maintained in its current configuration.*



### **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, Lot 31 is only 30.92ha and Lot 30 is 67.664ha. The resulting lot sizes being itemised as follows:

- Proposed Lot 30: 81.294 hectares; and
- Proposed Lot 31: 17.29 hectares;

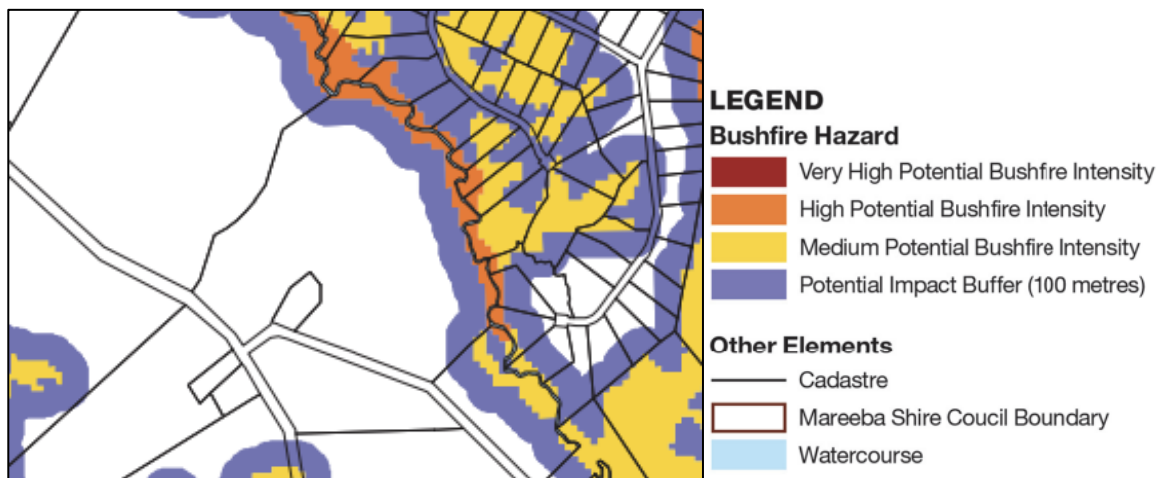
The purpose of this development remains to improve the overall productivity across the two (2) existing properties in accordance with the outcomes sought above in section 1.2.1.1 (1). To achieve this outcome the proposed realignment of the boundaries between existing Lots 30 and 31, is required to a portion from 31 to lot 30. Both allotments contain dwellings and associated outbuildings to service the orchids on each respective property. The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid. No farming land is being lost as a consequence of this development, as both lots are already improved with infrastructure, where the only change is shifting some agricultural land from one lot to another.

### **5.1.6 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:*

- Development in a Bushfire hazard area is compatible with the nature of the hazard;*
- The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;*
- Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and*
- 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), High Bushfire Hazard, which correlate with the areas on the site along Emerald Creek, far away from any infrastructure. 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 the water allocation connected to lot 30 & 31 available at any time for Firefighting Supply and will be provided with the appropriate connections where required. 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.

### 5.1.7 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 around Emerald Creek within the riparian zones. 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.

## 5.2 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 over land described as Lot 30 and Lot 31 on SP284537 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;
- 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) <i>(individual or company full name)</i>	WR & R Bluindell c/- U&i Town Plan
Contact name <i>(only applicable for companies)</i>	Ramon Samanes
Postal address <i>(P.O. Box or street address)</i>	PO Box 426
Suburb	Cooktown
State	QLD
Postcode	4895
Country	Australia
Contact number	0411344110
Email address <i>(non-mandatory)</i>	Ramon@uitownplan.com.au
Mobile number <i>(non-mandatory)</i>	0411344110
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	R8-23

### 2) Owner's consent

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

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		37 & 50	Cobra Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	30 & 31	SP284537	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: <input type="text"/>	

- Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area <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

**6.1) Provide details about the first development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

Boundary Realignment

e) Relevant plans

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

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

**6.2) Provide details about the second development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

**6.3) Additional aspects of development**

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

**Section 2 – Further development details****7) Does the proposed development application involve any of the following?**

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

Reconfiguring a lot  Yes – complete division 2

Operational work  Yes – complete division 3

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

**Division 1 – Material change of use**

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

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

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

**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 30 on SP284537	60.664ha	Lot 30	~81.234ha
Lot 31 on SP284537	30.92ha	Lot 31	~17.29ha
12.2) What is the reason for the boundary realignment?			
The intent of this development is to amalgamate the western portion of Lot 31 which was previously part of Lot 30, back to Lot 30. All of the irrigation and access to the orchids on the portion that is to be amalgamated to Lot 30, provides the most logical outcome, with packing sheds and infrastructure better setup on Lot 30 to service the established orchid.			

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage
<input type="checkbox"/> Other – please specify:	<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 Transport Infrastructure Act 1994:</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> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> <li>• <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i></li> <li>• <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i></li> </ul>
<i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements	
<b>Environmentally relevant activities</b>	
23.1) Is this development application also taken to be an application for an environmental authority for an <b>Environmentally Relevant Activity (ERA)</b> under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at <a href="http://www.qld.gov.au">www.qld.gov.au</a>. An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
<b>Hazardous chemical facilities</b>	
23.2) Is this development application for a <b>hazardous chemical facility</b> ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information about hazardous chemical notifications.</i>	

### **Clearing native vegetation**

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

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

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

### **Environmental offsets**

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

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

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](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>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> 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 <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; 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


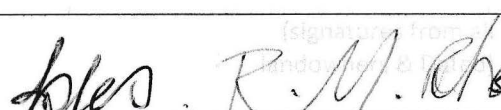
(TO BE COMPLETED AND RETURNED)

<b>PROJECT:</b>	Reconfiguration of a Lot – Boundary Realignment
<b>PROJECT ADDRESS:</b>	37 and 50 Cobra Road, Mareeba (Lot 30 & 31 on SP284537)

### Client Details

Client:	WILFRID RONALD + ROSEMARY BLUNDELL
Invoice Address:	P.O. BOX 1066, MAREEBA 4880.
Phone:	0409346478 (RON) 0487306636 (ROSEMARY)
Email:	rblundell@optusnet.com.au
Accounts Contact:	ROSEMARY BLUNDELL

### Landowner Details (proof of ownership to be supplied by owner's, i.e. rates notices OR current title search supplied)

Landowner Name/s:	WILFRID RONALD BLUNDELL + ROSEMARY BLUNDELL RAYMOND M. PERKES + JULIA R. PERKES
Address:	P.O. BOX 1066 (37 COBRAD) MAREEBA. 4880
All Owners Signatures:	 

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

**Signed:**



**Name:**

ROSEMARY BLUNDELL

**Date:**

26/10/2023

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.

**RATE NOTICE**

PO Box 154, MAREEBA, QLD, 4880  
P 1300 308 461  
E info@msc.qld.gov.au  
W www.msc.qld.gov.au  
ABN 39 114 383 874

**For the period**  
**01/07/2023 to 31/12/2023**



Raymond M Perkes & Julia R Perkes  
PO Box 1857  
MAREEBA QLD 4880

Property No: 60680  
Valuation: \$315,000  
Issue Date: 21/08/2023  
Due Date: 22/09/2023

Payments received after 2/08/2023  
will not appear on this notice



044  
1004550  
R1\_10351

**Property Location & Description**  
50 Cobra Road MAREEBA QLD 4880  
Lot 31 SP 284537

Description	Valuation/Units	Annual Rate/Charge	Amount
<b>Balance brought forward</b>			<b>\$0.00</b>
<b>RATES AND CHARGES</b>			
General Rate Cat F Primary Production	315,000.00	\$0.00846	1,332.45
Waste Management Charge	1.00	\$185.00 per property	92.50
Wheelie Bin - Residential (m)	1.00	\$335.00 per service	167.50
State Govt Emergency Management Levy - B02	1.00	\$193.00 per parcel	96.50
Local State Emergency Services Levy	1.00	\$3.30 per property	1.65
			<b>\$1,690.60</b>




Total amount payable if not received by the due date **\$1,690.60**

Discount will be allowed if payment received by the due date

Due Date	Discount Amount	Payable
22/09/2023	-\$133.25	<b>\$1,557.35</b>

**RETURN THIS PORTION IF PAYING BY MAIL**



**Bill Code: 228171**  
**Ref: 0005606801**

BPAY® this payment via Internet or phone banking.  
BPAY View® - View and pay this bill using internet banking.  
BPAY View Registration No.: **0005606801**

Reference number is unique to Rate Payments only



**Billpay Code: 4068**  
**Ref: 0560 6801**

Gross Amount: **\$1,690.60**  
Due Date: **22/09/2023**  
Net Amount: **\$1,557.35**

See reverse for payment methods and change of address details

Gross Amount



\*4068 05606801

Discounted Amount



\*4068 05606801

Please tick if a receipt is required

**RATE NOTICE**

For the period  
**01/07/2023 to 31/12/2023**



Wilfrid R Blundell & Rosemary Blundell  
PO Box 1066  
MAREEBA QLD 4880

Property No: 37593  
Valuation: \$690,000  
Issue Date: 21/08/2023  
**Due Date: 22/09/2023**

Payments received after 2/08/2023  
will not appear on this notice



044  
I005309  
R1\_12073

**Property Location & Description**

341 Mulligan Highway MAREEBA QLD 4880  
Lot 19 SP 227509

Description	Valuation/Units	Annual Rate/Charge	Amount
Balance brought forward			\$0.00
<b>RATES AND CHARGES</b>			
General Rate Cat F Primary Production	690,000.00	\$0.00846	2,918.70
Wheelie Bin - Residential (m)	5.00	\$335.00 per service	837.50
Waste Management Charge	1.00	\$185.00 per property	92.50
State Govt Emergency Management Levy - E02	1.00	\$119.00 per parcel	59.50
Local State Emergency Services Levy	1.00	\$3.30 per property	1.65
			<b>\$3,909.85</b>


PAID  
19/9/23

Total amount payable if not received by the due date **\$3,909.85**

Discount will be allowed if payment received by the due date

Due Date	Discount Amount	Payable
22/09/2023	-\$291.87	<b>\$3,617.98</b> ✓

RETURN THIS PORTION IF PAYING BY MAIL



**Bill Code: 228171**  
**Ref: 0005375787**

BPAY® this payment via Internet or phone banking.  
BPAY View® - View and pay this bill using internet banking.  
BPAY View Registration No.: **0005375787**



**Billpay Code: 4068**  
**Ref: 0537 5787**

Gross Amount: **\$3,909.85**  
Due Date: **22/09/2023**  
Net Amount: **\$3,617.98**

See reverse for payment methods and change of address details

Gross Amount



\*4068 05375787

Discounted Amount



\*4068 05375787

## **APPENDIX 3: DEVELOPMENT PLANS**

Land Title Act 1994 ; Land Act 1994  
Form 21 Version 4

SURVEY PLAN

Sheet 1 of 3

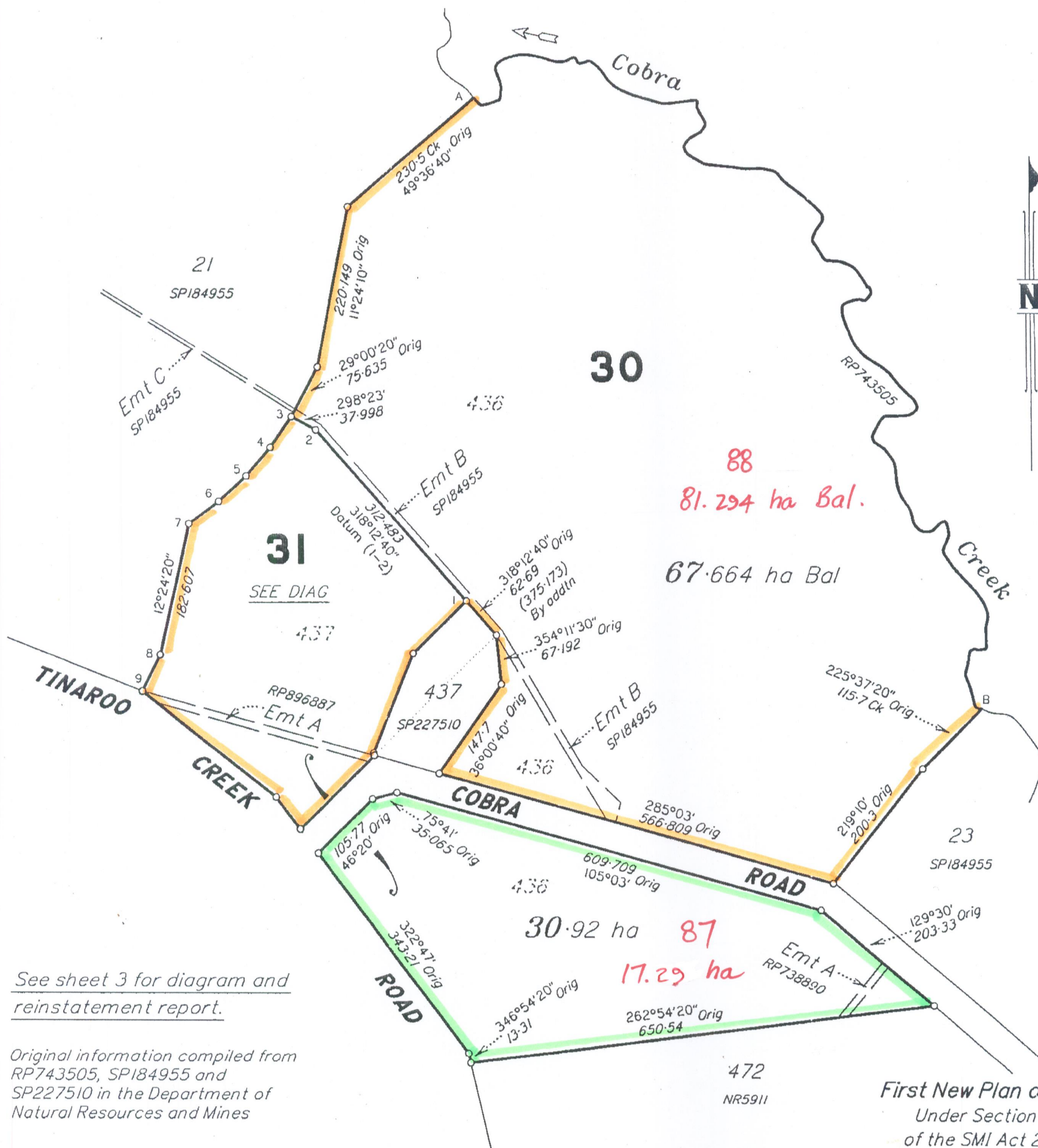
Reference Marks

Stn	To	Origin	Bearing	Dist
1	OIP	SP227510	39°52'	1.246
2	OIP	NR4962	138°12'40"	1.006
3	OIP	RP896887	156°35'30"	1.258
4	OIP	RP896887	151°49'	1.281
5	OIP	RP896887	133°41'	1.265
6	OIP	RP896887	185°01'30"	1.71
7	OIP	RP896887	167°50'20"	0.859
8	OIP	RP749630	26°26'20"	1.0
9	Pin		301°07'	2.143

Permanent Marks

PM	Origin	Bearing	Dist	No	Type
9-OPM distbd	RP749630	133°23'	0.906	181965	Steel post in conc bent over

New ref



See sheet 3 for diagram and reinstatement report.

Original information compiled from RP743505, SPI84955 and SP227510 in the Department of Natural Resources and Mines

First New Plan of Survey Under Section 108 of the SMI Act 2003

I, Robin Douglas Trotter hereby certify that the land comprised in this plan was surveyed by me personally and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 27-07-2016

Robin Trotter  
Cadastral Surveyor  
5.8.2016  
Date

0 300m 600m 900m State copyright reserved.

Plan of Lots 30 & 31

Cancelling Lot 20 on SPI84955 and Lot 22 on SP227510

Scale: 1:6000

Format: STANDARD



SP284537

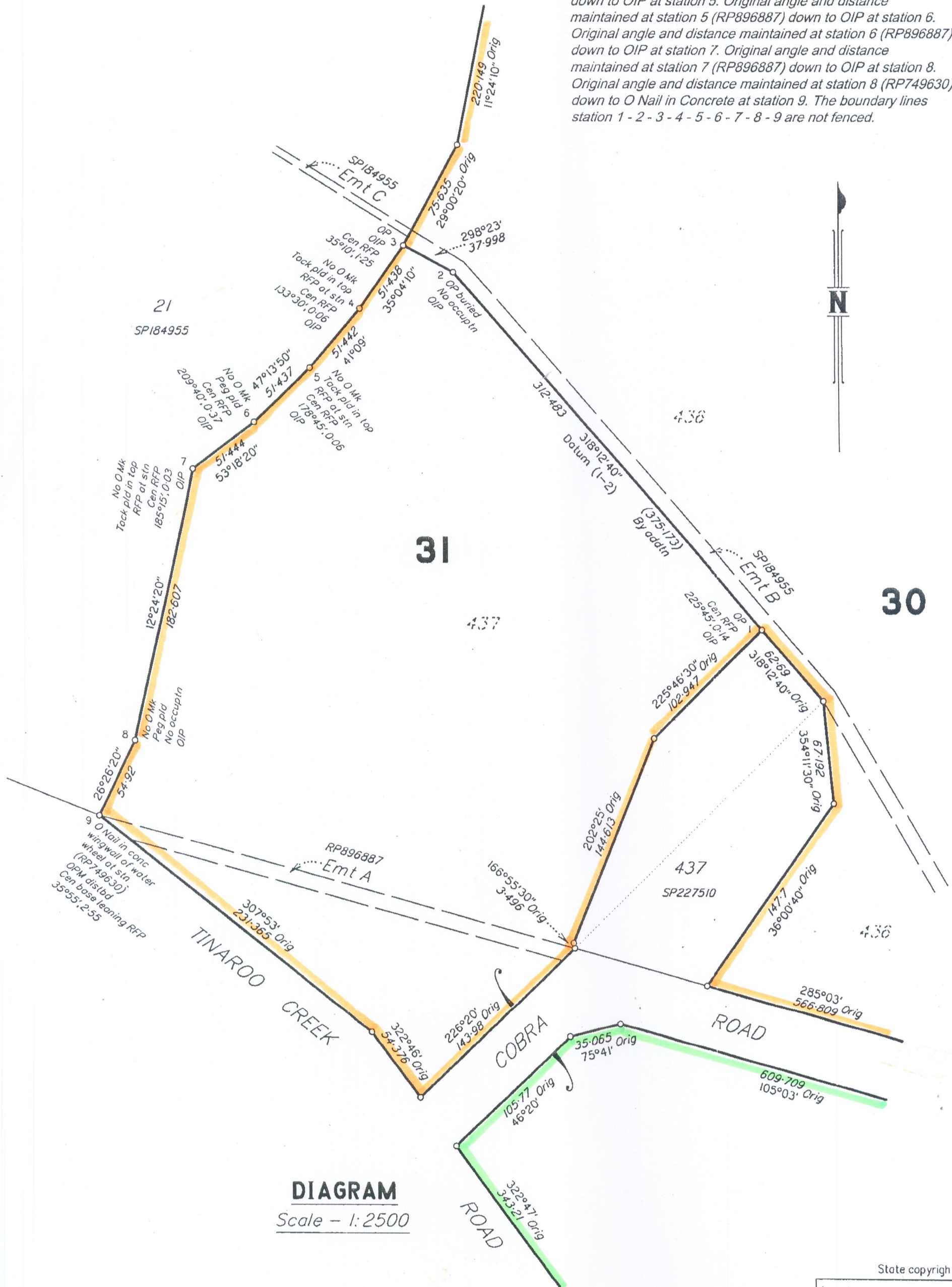
LOCAL: Mareeba  
GOVERNMENT: Shire Council LOCALITY: Mareeba

Meridian: Of SP227510

Survey Records Yes

REINSTATEMENT REPORT

Datum established between original marks and reference marks at stations 1 and 2. Linear agreement is noted between stations 1 and 2 (against SP227510). Original angle and distance (RP896887) maintained at station 2 down to OP and OIP in agreement at station 3. Original angle and distance maintained at station 3 (RP896887) down to OIP at station 4. Original angle and distance maintained at station 4 (RP896887) down to OIP at station 5. Original angle and distance maintained at station 5 (RP896887) down to OIP at station 6. Original angle and distance maintained at station 6 (RP896887) down to OIP at station 7. Original angle and distance maintained at station 7 (RP896887) down to OIP at station 8. Original angle and distance maintained at station 8 (RP749630) down to O Nail in Concrete at station 9. The boundary lines station 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 are not fenced.



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Insert Plan Number SP284537