

# DEVELOPMENT APPLICATION

## DEVELOPMENT PERMIT:

## **MATERIAL CHANGE OF USE**

Club

3946 Kennedy Hwy. Mareeba Qld. 4880  
Lot 2 on SP310235

PREPARED BY: SCOPE TOWN PLANNING

APRIL 2024



# PLANNING FOR LOCALS

## CONTENTS

	<b>APPLICATION SUMMARY</b>	<b>3</b>
<b>1</b>	<b>PROPOSAL</b>	<b>4</b>
1.1	Introduction	4
1.2	Proposed Development Summary	4
	Figure 1: Development Site	4
1.3	Site and Locality	5
	Figure 2: Kennedy Hwy. Frontage	5
	Figure 3: Site Improvements	5
	Figure 4: Existing Facilities (external)	6
	Figure 5: Existing Facilities (internal)	6
	Figure 6: Location Map	7
	Figure 7: Site Zoning Map	8
<b>2</b>	<b>PROPOSED DEVELOPMENT DETAIL</b>	<b>9</b>
2.1	Material Change of Use	9
2.2	Amenity	9
2.3	Community Benefits	10
<b>3</b>	<b>PLANNING CONSIDERATIONS</b>	<b>10</b>
3.1	Compliance with the Planning Scheme	10
	Table 2: Relevant Planning Codes	10
3.2	Strategic Framework	11
3.3	State Agency Referral	11
<b>4</b>	<b>PLANNING SUMMARY</b>	<b>12</b>
<b>5</b>	<b>RECOMMENDATION</b>	<b>12</b>
	<b>Appendix 1: Assessment Against the Planning Codes</b>	<b>(attached)</b>
	<b>Appendix 2: Existing Approval</b>	<b>(attached)</b>
	<b>Appendix 3: Survey Plan</b>	<b>(attached)</b>
	<b>Appendix 4: Land Title</b>	<b>(attached)</b>

<b>APPLICATION SUMMARY</b>	
DEVELOPMENT APPLICATION	Material Change of Use
PROPOSED USE	Club
ASSESSMENT LEVEL	Impact
STREET ADDRESS	3946 Kennedy Hwy. Mareeba Qld. 4880
REAL PROPERTY ADDRESS	Lot 2 on SP310235
LAND AREA	21,570m <sup>2</sup>
APPLICANT	Scope Town Planning c/- Land Owner
LAND OWNER	C. and C. Pratt
LOCAL GOVERNMENT AREA	Mareeba Shire Council
PLANNING SCHEME	Mareeba Shire Planning Scheme
ZONE	Rural Zone
PRECINCT	Nil
EASEMENTS	ASP160169, BSP310235, CSP310235
IMPROVEMENTS	Food and Drink Outlet
APPLICABLE PLANNING CODES	Rural Zone Code
	Agricultural Land Overlay Code
	Airport Environs Overlay Code
	Bushfire Hazard Overlay Code
	Environmental Significance Overlay Code
	Community Activities Code
	Landscaping Code
	Parking and Access Code
Works, Services and Infrastructure Code	
APPLICABLE REFERRALS	SARA (Dept. Transport and Main Roads)

# 1 Proposal

## 1.1 Introduction

This application is for a Development Permit for a Material Change of Use for a Club on Rural Zoned land located at 3946 Kennedy Hwy. Mareeba Qld. 4880 formally known as Lot 2 on SP310235. The site is burdened by Easements ASP160169 and BSP310235 and a beneficiary of Easement CSP310235 as listed in the Land Title attached as Appendix 4.

This development application is classified as **Impact Assessable Development** subject to the requirements of the relevant codes of the Mareeba Shire Planning Scheme for a Community Activity as prescribed by Table 5.5.9 – Material Change of Use in a Rural Zone.

## 1.2 Proposed Development Summary

The proposed development is a Material Change of Use for the establishment of a Club in the form of a small community gaming venue within the existing building on Lot 2 on SP310235 currently used as a Food and Drink Outlet for The Emerald Creek Ice Creamery business.

The proposed Club use will conduct business separately to the existing Food and Drink Outlet, operating partially outside the hours of operation of the Ice Creamery. The Club will be used to host gaming events both independently for the community and in cooperation with established community groups.



**Figure 1:** Development site – Lot 2 on SP310235 (Qld. Globe).

### 1.3 Site and Locality

The proposal site is located 11km East of Mareeba at 3946 Kennedy Hwy. Mareeba Qld. 4880 formally known as Lot 2 on SP310235. The site hosts the popular local Food and Drink Outlet, The Emerald Creek Ice Creamery. The generally flatly contoured site is otherwise mostly cleared of native vegetation with retained vegetation along the rear boundary.

The Rural zoned site has a 24m frontage to the Kennedy Highway with a total area of 21,570m<sup>2</sup> and is located amongst several other large Rural lots. The site is mapped with several overlays which are addressed in the Planning Code Assessment attached as Appendix 1. The site is burdened by and a beneficiary of 4 easements as listed in the Land Title attached as Appendix 4.

The site is improved with the Food and Drink Outlet building serviced by an array of photovoltaic electricity panels, an all-weather crushed stone car parking area and a sealed crossover directly accessing the Highway.



**Figure 2:** Development site Kennedy Highway frontage (Google Maps).



**Figure 3:** Development site improvements (Google Maps).



Figure 4: Existing facilities – external (Land Owner).



Figure 5: Existing facilities - internal (Land Owner).

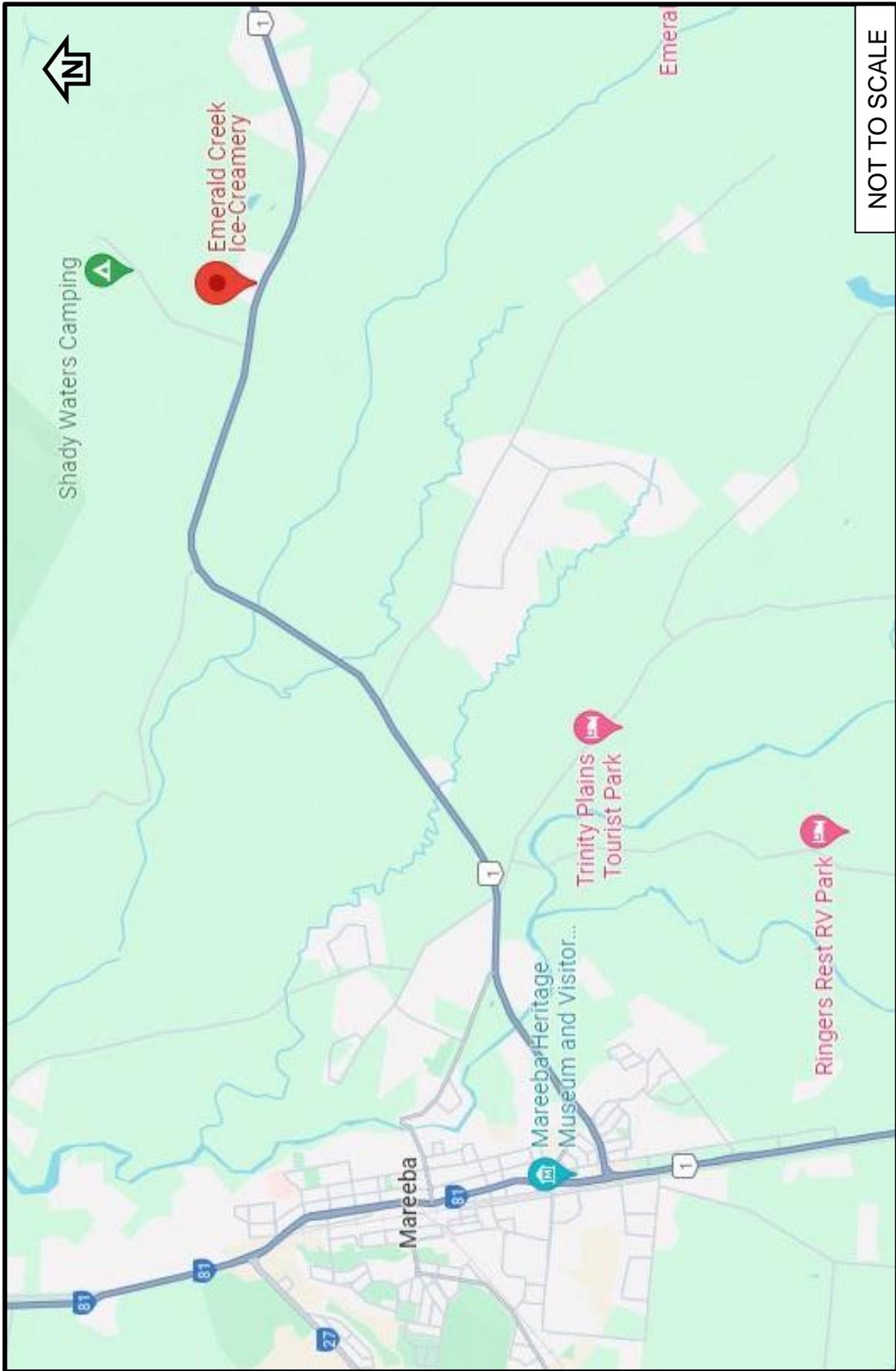
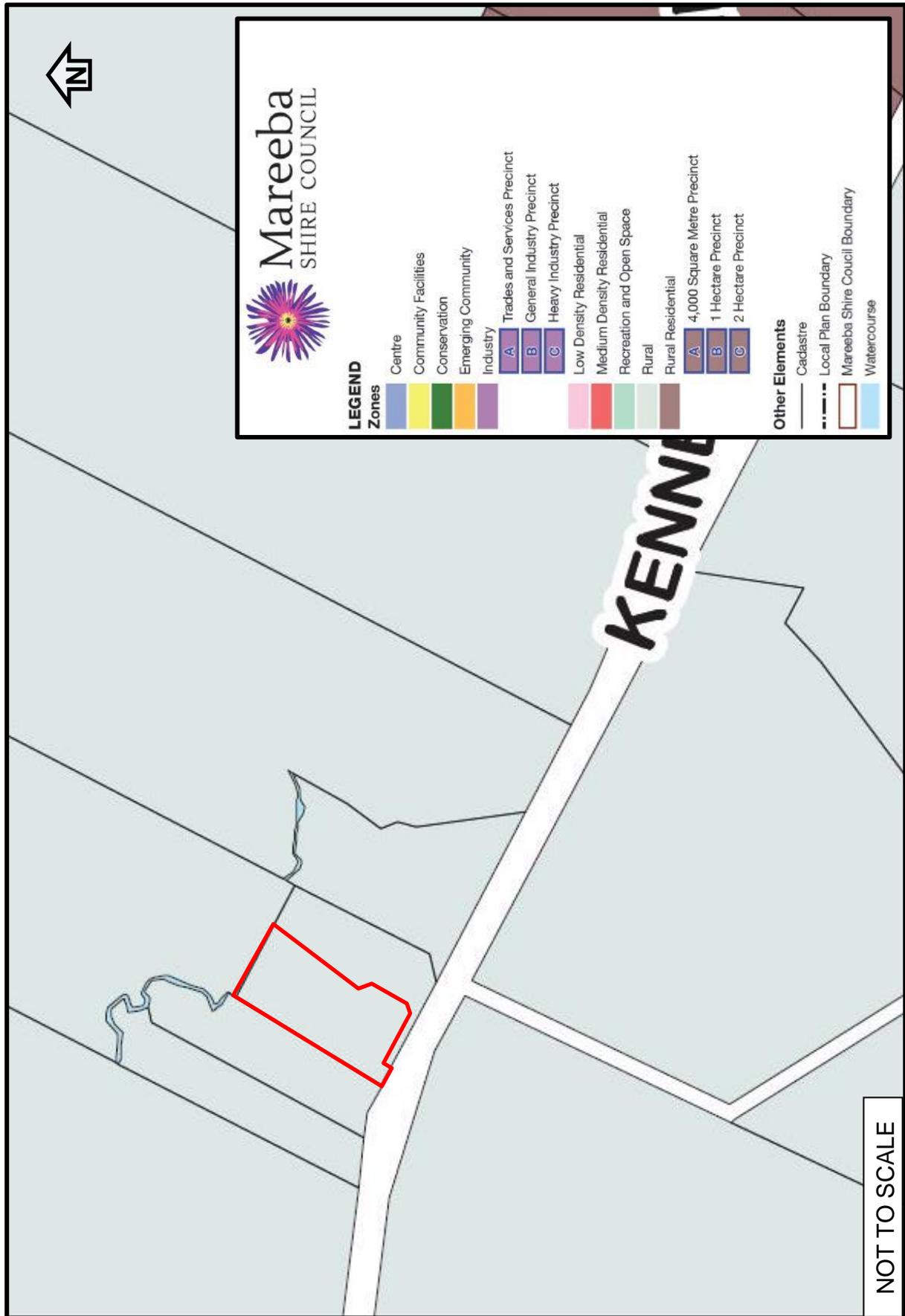


Figure 6: General location of development site. (Google Maps)



**Figure 7:** Development Site Rural Zoning (MSC).

## 2 Proposed Development Detail

The intention of the proposed Club use is to provide a gaming venue for locals and visitors of the region at the popular Emerald Creek Ice Creamery, utilizing the floor space and service facilities of the business to host Club events. The Club venue will not include the installation / operation of pokies, sports betting or live music.

The proposed development is small in scale, is not foreseen to result in security issues and will utilize the existing car parking facilities which, as traffic generation is outside of the existing approved hours of operation, will not intensify and will be less impactful than that generated during current operating hours.

### 2.1. Material Change of Use - Club

The proposed Club is classified as a Community Activity and may utilize the Ice Creamery facilities on Thursday, Friday and Saturday evenings from 5pm to 11pm close. After 5pm on Thursday - Saturday, the public will still have access to the regular Ice Creamery business with doors closing to the public at 10pm.

The Club guests will have access to the existing venue bathroom facilities but will be allowed outside of the shop building within the designated outdoor seating area only. The menu will be expanded to cater for the Club nights serving drinks and nibbles/tapas as well as the regular Ice Creamery menu.

In respect of neighbouring resident amenity, the following mitigation measures will be provided and strictly adhered to;

- Club meetings may occur only on Thursday, Friday and Saturday evenings
- Club meetings will strictly close by 11pm Thursday-Saturday
- Alcohol service will be conducted strictly per the alcohol service license
- The facility doors will be closed during Club meetings
- The outdoor seating area will be open for use during Thursday-Saturday evening with no tolerance for noisy or rowdy behavior by patrons
- Acoustic and Illumination mitigation measures will be applied

### 2.2 Amenity

It is understood that the proposed use will raise concerns regarding the increase of traffic, light and noise pollution. In respect of the amenity and comfort of adjoining property residents, strict mitigation measures will be put in place. The following mitigation measures are proposed options only and any Council Conditions requiring specific mitigation measures will be complied with. The proposed optional mitigation measures are as follows:

#### Acoustic Pollution Mitigation

- Acoustic suppressant devices may be installed along the western boundary adjacent to the car park in the form of dense vegetation planting
- Acoustic suppressant devices may be installed where required including Earth Mounds (retained or non-retained) and/or cost viable fencing
- Club and Ice Creamery patrons visiting after regular business hours (5pm) will be required to comply with the business owners and Council conditions of entry



- Activities and events occurring after regular business hours (5pm) will be conducted within the facilities and outdoor seating area
- The entry doors will be closed after regular business hours (5pm) until Close of business (11pm), Thursdays, Fridays and Saturdays
- No live music or loud music will be allowed at the venue. Should a special event be booked, any related music after hours will gain Council approval

### Light Pollution Mitigation

- Illumination suppressant devices will be installed along the western boundary adjacent to the car park in the form of dense vegetation planting.
- Other illumination suppressant devices may be considered in negotiation with Council requirements including Earth Mounds (retained or non-retained) and/or cost viable fencing.
- All existing outdoor illumination will continue to be operated under the current approval conditions (MCU/09/0005 Condition 7 – Lighting).

## 2.3 Community Benefits

The proposed Community Use (Club) and extended operating hours will serve to increase visitation hour options for locals and visitors and add value to the local economy by supporting local businesses.

The Club venue will attract local and regional visitors to the business, enhancing community networking within the Cairns and Tablelands area as gaming nights for such events as Poker Games and Bingo Games will be operated on a regular basis both as an independent event and in cooperation with regional gaming clubs. These events will also attract local business marketing as some events may include fund raising supported by local businesses for local and regional people or groups in need.

## 3 Planning Considerations

### 3.1 Compliance with Planning Scheme

This development site is located within the Rural Zone. The proposed Club use is classified as a Community Activity and is Impact Assessable under the Mareeba Shire Council Planning Scheme 2016. Compliance with the relevant Codes is demonstrated in **Appendix 1**.

**Table 2:** Relevant codes applicable to the proposed development.

Mareeba Shire Council Planning Scheme		CODE APPLICABILITY
Zone Code	Rural	✓
Local Plan Code	Mareeba Local Plan	n/a
Overlay Codes	Agricultural Land	✓
	Airport Environs	✓
	Bushfire Hazard	✓
	Environmental Significance	✓
Use Code	Community Activities Code	✓
Development Codes	Landscaping	✓
	Parking and Access	✓
	Works, Services and Infrastructure	✓



## **3.2 Strategic Framework**

The proposed development satisfies the MSPS Strategic Framework (Part 3), the most pertinent elements of which are addressed below.

### **3.5 Community identity and diversity**

Strategic Outcome 3.5.1 (5) outlines the purpose of the strategy to achieve a broad range of facilities throughout the Shire which cater for a wide range of events and community activities for a diverse demographic.

#### **3.5.6 Element – Community Facilities**

Specific Outcome 3.5.6.1 (2) is specifically relevant to the proposed development and states the following;

*“Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.”*

The proposed development is consistent with the specific outcomes of the element as it compliments and sensitively integrates with existing community facilities in the local area, does not detract from other such facilities but enhances the community functionality of the existing business in a setting where few such community facilities are located.

In utilizing an established and popular venue, the proposed development enhances its use and encourages community engagement in a known, accessible location without the requirement to build additional infrastructure.

### **3.7 Economic Development**

Strategic Outcome 3.7.1 (9) outlines the purpose of the strategy to achieve a flexible and responsive reaction to support economic diversity and innovation throughout the Shire which generate employment opportunities and meet the changing needs of the community and economy.

The proposed development is consistent with the intent of this outcome as is proposed in response to the economic demand on the existing, established business and adds a community activity which is diverse and innovative in nature. Additionally, the proposed development continues to strengthen the local employment opportunities provided by the existing business and facility.

## **3.3 State Agency Referral**

This development triggers referral to SARA for a Material Change of Use on land within 25m of a State Road (Kennedy Highway). Referral will be undertaken upon receipt of the Confirmation Notice to be provided by Mareeba Shire Council following lodgement of the application.

## 4 Planning Summary

This application is for a Development Permit for a Material Change of Use for a Club on Rural Zoned land located at 3946 Kennedy Hwy. Mareeba Qld. 4880 formally known as Lot 2 on SP310235. The site is burdened by and a beneficiary of the easements listed in the attached Land Title.

This application is classified as **Impact Assessable Development** subject to the requirements of the relevant codes of the Mareeba Shire Planning Scheme for a Material Change of Use in a Rural Zone.

The proposed Club is classified as a Community Activity and will only utilize the facilities on Thursday, Friday and Saturday evenings from 5pm to 11pm close. The proposed Community Use (Club) will serve to increase visitation hour options for locals and visitors and add value to the local economy by supporting local businesses.

This development triggers referral to SARA for a Material Change of Use on land within 25m of a State Road (Kennedy Highway).

The proposed use is able to comply with the desired outcomes of the Strategic Framework and applicable Planning Codes of the Mareeba Shire Council Planning Scheme (2016).

## 5 Recommendation

It is the professional opinion of Scope Town Planning that the proposed Material Change of Use for a Club on land located at 3946 Kennedy Hwy. Mareeba, satisfies the desired outcomes and requirements of the Mareeba Shire Planning Scheme (2016) and is of economic and social benefit to the local community and surrounding area. As such, it is recommended that this application should be fairly assessed and approved by Mareeba Shire Council with reasonable conditions.



**Johnathan Burns**

Senior Town Planner | **Scope** Town Planning

# DA Form 1 – Development application details

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

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	C and C Pratt c/- Scope Town Planning
Contact name <i>(only applicable for companies)</i>	Johnathan Burns, STP
Postal address <i>(P.O. Box or street address)</i>	225 Walsh St
Suburb	Mareeba
State	Qld.
Postcode	4880
Country	Australia
Contact number	0450 781 841
Email address <i>(non-mandatory)</i>	jburns@scopetownplanning.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	24003

### 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
		3946	Kennedy Hwy	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	2	SP310235	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

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

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

Name of airport:

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

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

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

<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 checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Club (Community Activity)
e) Relevant plans <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"/> 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 checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Other Change (Change of operational hours)
e) Relevant plans <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"/> Relevant plans of the proposed development are attached to the development application
<b>6.3) Additional aspects of development</b>
<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
<input checked="" type="checkbox"/> Not required

## Section 2 – Further development details

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

### Division 1 – Material change of use

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

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

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

### Division 2 – Reconfiguring a lot

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

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

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

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

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

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

**12) Boundary realignment****12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

**12.2) What is the reason for the boundary realignment?**

--

**13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)**

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

**Division 3 – Operational work**

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

**14.1) What is the nature of the operational work?**

- |   |                                     |  |
|---|-------------------------------------|--|
| <input type="checkbox"/> Road work  | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work  | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping  | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 300px; height: 20px; vertical-align: middle;"> </table> |                                     |  |

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

Yes – specify number of new lots:

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?**

- Yes – a copy of the decision notice is attached to this development application
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

## 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 checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCU/09/0005	8 July 2009	Mareeba Shire Council
<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

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

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

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

No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

Yes

**Note:** See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

**Note:** This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

Yes

Relevant plans of the development are attached to this development application

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

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

Not applicable

### 25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

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

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

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

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

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

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

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

Date received:  Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

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