

**Our Ref: M8-24**

12 December 2024

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

**Attention: Planning Department**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT  
MATERIAL CHANGE OF USE – MULTIPLE DWELLING (3 x 3 BEDROOM UNITS)  
LOCATED AT 10 KOWA STREET, MAREEBA  
FORMALLY DESCRIBED AS LOT LOT 12 ON M356127**

We act on behalf of our client, Fettercairn Ventures Pty Ltd in preparing and submitting the following development application which seeks a Development Permit for a Material Change of Use over the subject allotment under the *Planning Act 2016* located at 10 Kowa Street, Mareeba to facilitate a Multiple Dwelling development over the subject site.

The subject site covers an area of 1,012m<sup>2</sup>, with a frontage of approximately 16.2m along Kowa Street. The subject site is suitably located within close proximity to services and facilities within the CBD, service stations and parkland in the surrounding area. This development provides a suitable development solution for the site given the low density of the units proposed across the site which allows it to remain consistent within the Low Density Residential Zone.

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 development is **\$3,110.00**. 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 A MATERIAL CHANGE OF USE – MULTIPLE DWELLING (THREE (3) X THREE (3) BEDROOM UNITS)**

#### **PROJECT LOCATION:**

**SITUATED AT 10 KOWA, MAREEBA  
FORMALLY DESCRIBED AS LOT 12 ON M356127**

## TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	3
2.0	SITE DESCRIPTION	3
3.0	DEVELOPMENT PROPOSAL	5
4.0	DEVELOPMENT APPLICATION DETAILS	7
5.0	PLANNING JUSTIFICATION	7
5.1	Assessment Benchmarks	7
5.1.1	Strategic Framework	8
5.1.2	Low Density Residential Zone Code	10
5.1.3	Accommodation Activities Code	13
5.1.4	Landscape Code	16
5.1.5	Parking and Access Code	18
5.1.6	Works, Services and Infrastructure Code	19
5.1.7	Airport Environs Overlay Code	20
5.1.8	Bushfire Hazard Overlay Code	20
5.2	State Development Assessment Provisions	21
5.3	Far North Regional Plan 2009-2031	21
6.0	CONCLUSION	22

## APPENDICIES

Appendix 1: DA Form 1 – Development Application Details

Appendix 2: Owner's Consent

Appendix 3: Development Plans

---

<b>ASSESSMENT MANAGER:</b>	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
<b>DEVELOPMENT TYPE:</b>	DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE (IMPACT ASSESSABLE)
<b>PROPOSED WORKS:</b>	MULTIPLE DWELLING UNITS (THREE (3) X THREE (3) BEDROOM UNITS)
<b>REAL PROPERTY DESCRIPTION:</b>	LOT 12 ON M356127
<b>LOCATION:</b>	10 KOWA STREET, MAREEBA
<b>ZONE:</b>	LOW DENSITY RESIDENTIAL ZONE
<b>APPLICANT:</b>	FETTERCAIRN VENTURES PTY LTD C/- U&I TOWN PLAN
<b>OWNERS:</b>	FETTERCAIRN VENTURES PTY LTD
<b>ASSESSMENT CRITERIA:</b>	MATERIAL CHANGE OF USE (IMPACT ASSESSABLE)
<b>REFERRAL AGENCIES:</b>	NO REFERRALS APPLY TO THIS DEVELOPMENT.
<b>STATE PLANNING:</b>	THE PROPOSAL DOES NOT TRIGGER ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS.

---

### **IMPORTANT NOTE**

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

*This Report has been prepared for Fettercain Pty Ltd for the sole purpose of making a Development Application seeking a Development Permit for a Material Change of Use on land at 10 Kowa Street, Mareeba (over Lot 12 on M356127) for the purpose of obtaining approval for Multiple Dwellings (3x3 bedroom units). 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 for a Material Change of Use under the *Planning Act 2016* at 10 Kowa Street, Mareeba to facilitate the proposal for Three (3) x Three (3) Bedroom Multiple Dwelling development. 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 site covers an area of 1,012m<sup>2</sup>, with a frontage of approximately 16.2m along Kowa Street. The subject site is suitably located within close proximity to services and facilities within the CBD, service stations parkland in the surrounding area. This development provides a suitable development solution for the site given the low density of the units proposed across the site which allows it to remain consistent within the Low Density Residential Zone.



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

**Table 2.0: Site summary**

<b>Street address:</b>	10 Kowa Street, Mareeba
<b>Real property description:</b>	Lot 12 on M356127
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold title
<b>Site area:</b>	1,012m <sup>2</sup>
<b>Zone:</b>	Low Density Residential Zone
<b>Current use:</b>	Vacant Allotment
<b>Road frontage:</b>	Kowa Street
<b>Adjacent uses:</b>	Surrounding Residential properties
<b>Topography / Vegetation:</b>	<p>The site falls towards the south-eastern boundary to Kowa Street. All trees (3 existing) to be removed as part of this development.</p> 
<b>Easements:</b>	n/a



**Figure 2: Site Locality** (© The State of Queensland, all rights reserved, 2019.)



### 3.0 DEVELOPMENT PROPOSAL

This development application is seeking a development permit for a Material Change of Use under the *Planning Act 2016* at 10 Kowa Street, Mareeba to facilitate the proposal for three (3) x three (3) Bedroom Multiple Dwelling development. 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.

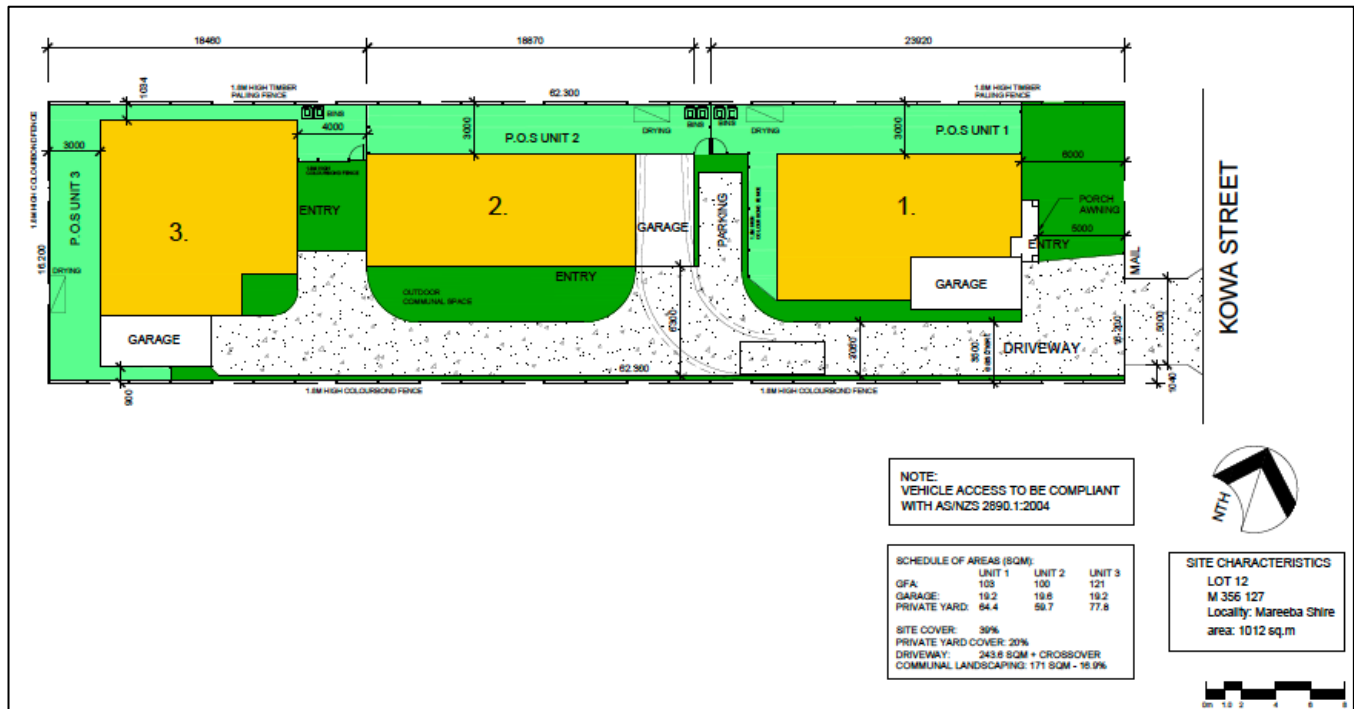


Figure 3: Extract from Site Plan (Prepared by Residential Experts)

See Appendix 3: Development Plans for further detail.

### 3.1 Development Definition

The proposal is described as a “Material Change of Use” under the Planning Act and planning scheme, more specifically described as creating an easement for access to a lot from a constructed road. The proposal is defined under the Planning Act as follows:

**material change of use, of premises, means any of the following that a regulation made under [section 284\(2\)\(a\)](#) does not prescribe to be minor change of use—**

- (a) the start of a new use of the premises;
- (b) the re-establishment on the premises of a use that has been abandoned;
- (c) a material increase in the intensity or scale of the use of the premises.

### 3.2 Multiple Dwelling

The proposed use that you are seeking to establish for the site is either defined under the Mareeba Shire Planning Scheme 2016 as the following:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Multiple dwelling	Premises containing three or more dwellings for separate households.	Apartments, flats, units, townhouses, row housing, triplex	Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility

The proposed development is seeking approval for a Multiple Dwelling which comprises of three (3) x three (3) bedroom units on the site. The units have been orientated to make use of the north facing aspect as well as to capture the prevailing breezes from the south-east. The layout for each of the units vary slightly to fit the site and provide a mix of housing types for the future residents. The insert below illustrates the layout of each of the proposed units. The layout and orientation of the units to be developed on the site achieve compliance overall with the relevant codes.



Figure 4: Extract from Floor Plans (Prepared by Residential Experts)

## 4.0 DEVELOPMENT APPLICATION DETAILS

This impact assessable development application seeks a development permit for a Material Change of Use under the *Planning Act 2016* to facilitate the development of three (3) x three (3) bedroom multiple dwelling units. By way of this development application, the applicant is seeking specific approval of the following development permit to authorise the multiple dwelling approval 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 a Material Change of Use at 10 Kowa Street, Mareeba to facilitate the development of three (3) x three (3) bedroom multiple dwelling units. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Low Density Residential Zone Code and Accommodation Activities 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:

- Low Density Residential Zone Code
- Accommodation Activities Code
- Landscape Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Airport Environs Overlay Code
- Bushfire 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 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 – Diversity of housing choices.

## 3.3 Settlement pattern and built environment

### 3.3.1 Strategic outcomes

- (3) *Residential areas and urban expansion areas* support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and *activity centres* while protecting the character of the shire.

#### Comments:

The proposed development is seeking approval for a Multiple Dwelling which comprises of three (3) x three (3) bedroom units on the site. The units have been orientated to make use of the north facing aspect as well as to capture the prevailing breezes from the south-east. The layout for each of the units vary slightly to fit the site and provide a mix of housing choices within proximity to services. The proposed development represents a residential infill development in an area of town which has been around and vacant for some time, and now represents a positive outcome for the site which with the development of low density multiple dwellings. The proposed infill development has been sensitively integrated into the existing character of the Kowa Street area, by proposing a low density unit development. Infill development is envisaged within the specific outcomes as accounting for 20 percent of the new dwellings constructed in Mareeba by 2031.

The subject site covers an area of 1,012m<sup>2</sup>, with a frontage of approximately 16.2m along Kowa Street. The subject site is suitably located within close proximity to services and facilities within the CBD, service stations parkland in the surrounding area. This development provides a suitable development solution for the site given the low density of the units proposed across the site which allows it to remain consistent with the Low Density Residential Zone and character of the area.

### 3.3.7 Element—Residential areas and development

#### 3.3.7.1 Specific outcomes

- (1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.
- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.
- (5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in *residential areas* in a manner consistent with the character and amenity of the shire's *activity centres*.

#### Comments:

The proposed development is seeking approval for a Multiple Dwelling which comprises of three (3) x three (3) bedroom units on the site. The units have been orientated to make use of the north facing aspect as well as to capture the prevailing breezes from the south-east. The layout for each of the units vary slightly to fit the site and provide a mix of housing choices within proximity to services. The proposed development represents a residential infill development in an area of town which has been around and vacant for some time, and now represents a positive outcome for the site which with the development of low density multiple dwellings. The proposed infill development has been sensitively integrated into the existing character of the Kowa Street area, by proposing a low density unit development. Infill development is envisaged within the specific outcomes as accounting for 20 percent of the new dwellings constructed in Mareeba by 2031.

The subject site covers an area of 1,012m<sup>2</sup>, with a frontage of approximately 16.2m along Kowa Street. The subject site is suitably located within close proximity to services and facilities within the CBD, service stations parkland in the surrounding area. This development provides a suitable development solution for the site given the low density of the units proposed across the site which allows it to remain consistent with the Low Density Residential Zone and character of the area.

## 5.1.2 Low Density Residential Zone Code

### 6.2.6.2 Purpose

- (1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.
- (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
  - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
  - (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
  - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The dominant form of development is detached dwelling houses, on a range of lot sizes;
  - (b) In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;
  - (c) High quality Residential care facilities and Retirement facilities are located on larger sites;
  - (d) Development provides for an efficient land use pattern and is well connected to other developments;
  - (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;
  - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
  - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
  - (h) Development reflects and enhances the existing low density scale and character of the area;
  - (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
  - (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;
  - (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
  - (l) Development takes account of the environmental constraints of the land; and
  - (m) Any unavoidable impacts are minimised through location, design, operation and management requirements.



### **Comments:**

The proposed development is seeking approval for a Multiple Dwelling which comprises of three (3) x three (3) bedroom units on the site. The units have been orientated to make use of the north facing aspect as well as to capture the prevailing breezes from the south-east. The layout for each of the units vary slightly to fit the site and provide a mix of housing choices within proximity to services. The proposed development represents a residential infill development in an area of town which has been around and vacant for some time, and now represents a positive outcome for the site which with the development of low density multiple dwellings. The proposed infill development has been sensitively integrated into the existing character of the Kowa Street area, by proposing a low density unit development. Infill development is envisaged within the specific outcomes as accounting for 20 percent of the new dwellings constructed in Mareeba by 2031.

The subject site covers an area of 1,012m<sup>2</sup>, with a frontage of approximately 16.2m along Kowa Street. The subject site is suitably located within close proximity to services and facilities within the CBD, service stations parkland in the surrounding area. This development provides a suitable development solution for the site given the low density of the units proposed across the site which allows it to remain consistent with the Low Density Residential Zone and character of the area.

### **ASSESSMENT BENCHMARKS**

<i>Performance Outcomes</i>	<i>Acceptable Outcomes</i>	<i>Proposal Justification</i>
<b><i>For accepted development subject to requirements and assessable development</i></b>		
<b><i>Height</i></b>		
PO1	AO1	<i>Complies as the building is a single storeys, well below the maximum heights prescribed.</i>  <b><i>Satisfied.</i></b>
<b><i>Outbuildings and residential scale</i></b>		
PO2	AO2	<i>No particular outbuildings are proposed as part of this development.</i>  <b><i>Satisfied.</i></b>
<b><i>Siting</i></b>		
PO3	AO3.1 & AO3.2	<i>The buildings and structures associated with this development are setback 6m from the front of the building, with a small front open portico extending out ~1m from the front. The proposed encroachment will improve the design and amenity whilst providing protection from weather before entering the front unit.</i>  <i>The other encroachment is to the garage on unit 3 at the rear being 900mm from the southern boundary, and 1.034m to the northern boundary. The unit has been turned 90 degrees to ensure there is a larger private open space area at the rear of the unit on the western side, and also to allow parking to function in terms of turning circles.</i>

		<b>Satisfied.</b>
<b>Accommodation Density</b>		
PO4	AO4	<p>The proposed development is proposing 1 unit per 337m<sup>2</sup>, which is slightly over the 1 unit per 400m<sup>2</sup>.</p> <p>The density of the multiple dwelling contributes to area by providing a housing choice and affordability. Although there are three (3) units they have been efficiently designed to have a suitable private outdoor open space area for the residents and does not represent and overdevelopment in terms of density over the site. The layout of the units and size in commensurate to the subject site and represents a reasonable expectation of the accommodation density for the zone.</p> <p><b>Satisfied.</b></p>
<b>For assessable development</b>		
<b>Building Design</b>		
PO6 & PO7	AO6 & AO7	<p>The development is appropriately designed to provide visual interest and architectural variation, whilst maintaining the character of the surround. Overall the development positively contributes to the area and is well designed to provide a suitable outcome for the site.</p> <p><b>Satisfied.</b></p>
<b>Non-residential development</b>		
PO8	AO8	<p>Not applicable as the use is a residential development.</p> <p><b>Satisfied.</b></p>
<b>Amenity</b>		
PO9 & PO10	N/A	<p>The development is appropriately designed to provide visual interest and architectural variation, whilst maintaining the character of the surround. Overall the development positively contributes to the area and is well designed to provide a suitable outcome for the site.</p> <p><b>Satisfied.</b></p>


### 5.1.3 Accommodation Activities Code

#### 9.3.1.2 Purpose

- (1) The purpose of the Accommodation activities code is to facilitate the provision of Accommodation activities in appropriate locations throughout the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (n) Accommodation activities are designed, located and operated to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - (o) Accommodation activities in the Centre zone are facilitated where they can integrate and enhance the fabric of the centre and are located behind or above commercial development;
  - (p) Accommodation activities provide a high level of amenity and are reflective of the surrounding character of the area;
  - (q) Accommodation activities are generally established in accessible, well-connected locations with access or future access to public transport, cycling and pedestrian networks;
  - (r) Accommodation activities do not compromise the viability of the hierarchy and network of centres, namely:
    - (i) Mareeba as a major regional activity centre, which accommodates the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire;
    - (ii) Kuranda as a village activity centre, which accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities;
    - (iii) Chillagoe and Dimbulah as Rural activity centres, which provide commercial and community services to their rural catchments; and
    - (iv) Bibbohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah as rural villages, that have limited centre activities and other non-residential activities; and
  - (s) Accommodation activities are responsive to site characteristics and employ best practice industry standards.

### ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
<b>For accepted development subject to requirements and assessable development</b>		
<b>All Accommodation activities, apart from Dwelling House</b>		
PO1	AO1	<p>Complies with 800m<sup>2</sup> minimum site area.</p> <p>The site is 1,012m<sup>2</sup> in area and has a frontage of 16.2m along Kowa Street which is three (3) metres short, however the proposed layout of the units ensures all buildings have been adequately separated from the adjoining residences to avoid any adverse impacts on the amenity and privacy of the adjoining residential land uses.</p> <p><b>Satisfied.</b></p>

<b>All Accommodation activities, apart from Tourist Park and Dwelling House</b>		
PO2	AO2.1	The refuse area has been provided on-site to cater for the development within the fenced backyards for each unit complex. <b>Satisfied.</b>
<b>All Accommodation activities, apart from Dwelling House</b>		
PO3	AO3	The units are effectively designed in accordance with the acceptable outcome to avoid overlooking and privacy issues for adjoining uses to the north of the site. This is achieved by way a 1.8m high Colourbond fence along the northern boundary and suitable setback to the relevant boundary. <b>Satisfied.</b>
PO4	AO4.1, AO4.2, AO4.3 & AO4.4	The units are provided with sufficient private open space which is easily accessible to each unit. The each have their own private courtyard at the rear where the cloth drying areas are provided (not visible from the street). Communal open space area is not warranted for a small unit development, when there are public parks, facilities within the surrounding area. <b>Satisfied.</b>
<b>If for Caretaker's Accommodation</b>		
PO5	AO5.1 & AO5.2	Not applicable as the use does not involve caretaker's accommodation facility. <b>Satisfied.</b>
<b>If for a Dwelling House</b>		
PO6	AO6	Not applicable as the use does not involve dwelling house. <b>Satisfied.</b>
<b>If for a Dual Occupancy</b>		
PO7	N/A	Not applicable as the use does not involve dual occupancy. <b>Satisfied.</b>
<b>If for Multiple Dwelling, Residential care facility or Retirement Facility</b>		
PO8	AO8	Complies within 450m of a land within the centre zone.  <b>Satisfied.</b>

PO9	AO9.1 – AO9.2	Complies with the front unit 1 provide articulation and presenting to Kowa Street as a modern dwelling with suitable design features and architectural elements.  <b>Satisfied.</b>
<b>If for Residential Care Facility or Retirement Facility</b>		
PO10	N/A	Not applicable as the use does not involve a residential care facility of retirement facility.  <b>Satisfied.</b>
<b>If for Home Based Business</b>		
PO11 & PO12	All listed outcomes.	Not applicable as the use does not involve a Home Based Business.  <b>Satisfied.</b>
<b>If for Rural Worker's Accommodation</b>		
PO13 & PO14	All listed outcomes.	Not applicable as the use does not involve rural workers' accommodation.  <b>Satisfied.</b>
<b>For Assessable development</b>		
<b>If for Caretaker's Accommodation</b>		
PO15	N/A	Not applicable as the use does not involve caretaker's accommodation facility.  <b>Satisfied.</b>
<b>If for Residential Care Facility or Retirement Facility</b>		
PO16	N/A	Not applicable as the use does not involve a residential care facility of retirement facility.  <b>Satisfied.</b>
<b>If for Tourist Park</b>		
PO17, PO18, PO19 & PO20	N/A	Not applicable as the use does not involve a tourist park.  <b>Satisfied.</b>

## 5.1.4 Landscaping Code

### 9.4.2.2 Purpose

- (1) The purpose of the Landscaping code is to ensure all development is landscaped to a standard that:
  - (a) complements the scale and appearance of the development;
  - (b) protects and enhances the amenity and environmental values of the site;
  - (c) complements and enhances the streetscape and local landscape character; and
  - (d) ensures effective buffering of incompatible land uses to protect local amenity.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Landscaping is a functional part of development design and is commensurate with the intended use;
  - (b) Landscaping accommodates the retention of existing significant on site vegetation where appropriate and practical;
  - (c) Landscaping treatments complement the scale, appearance and function of the development;
  - (d) Landscaping contributes to an attractive streetscape;
  - (e) Landscaping enhances the amenity and character of the local area;
  - (f) Landscaping enhances natural environmental values of the site and the locality;
  - (g) Landscaping provides effective screening both on site, if required, and between incompatible land uses;
  - (h) Landscaping provides shade in appropriate circumstances;
  - (i) Landscape design enhances personal safety and reduces the potential for crime and vandalism; and
  - (j) Intensive land uses incorporate vegetated buffers to provide effective screening of buildings, structures and machinery associated with the use.

## ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
<b>For accepted development subject to requirements and assessable development</b>		
PO1	AO1	<p>The development provides ample landscaped areas across the site that exceed the code requirements, therefore achieving compliance with the code requirements.</p> <p><b>Satisfied.</b></p>
PO2	AO2.1	<p>The proposed development complies in providing a suitable landscape strip and garden beds along the front of the site, excluding the access driveway into the site.</p> <p><b>Satisfied.</b></p>
PO3	AO3.1 & AO3.2	<p>The development includes suitable landscaping and fencing treatments along the side and rear boundaries that provides suitable screens to adjoining properties, and preserves the amenity of the area.</p>

		<b>Satisfied.</b>
PO4	AO4.1 & AO4.2,	<i>Landscaping is provided where there is any space available on-site.</i>  <b>Satisfied.</b>
PO5	AO5.1 & AO5.2	<i>The development complies and will be provided in accordance with the relevant landscaping policy.</i>  <b>Satisfied.</b>
PO6	AO6.1, AO6.2 & AO6.3	<i>The landscaping will not impact on the ongoing provision of infrastructure and services to the shire.</i>  <b>Satisfied.</b>
PO7	AO7	<i>The landscaped areas will be easily maintained moving forward and will thrive with generous access to sunlight and water for health plant grown. As such, these landscaped areas will look attractive and healthy into the future.</i>  <b>Satisfied.</b>



## 5.1.5 Parking and Access Code

### 9.4.3.2 Purpose

- (1) The purpose of the Parking and access code is to ensure:
  - (a) parking areas are appropriately designed, constructed and maintained;
  - (b) the efficient functioning of the development and the local road network; and
  - (c) all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Land uses have a sufficient number of parking and bicycle spaces designed in a manner to meet the requirements of the user;
  - (b) Parking spaces and associated manoeuvring areas are safe, functional and provide equitable access;
  - (c) Suitable access for all types of vehicles likely to utilise a parking area is provided in a way that does not compromise the safety and efficiency of the surrounding road network;
  - (d) Premises are adequately serviced to meet the reasonable requirements of the development; and
  - (e) End of trip facilities are provided by new major developments to facilitate alternative travel modes.

Definition	Minimum number of Car parking spaces	Minimum Service Vehicle Space Provision
<b>Multiple dwelling</b>	<p>One covered space per dwelling.</p> <p>One dedicated vehicle wash-down bay for premises containing 5 or more dwellings.</p> <p>A minimum of 0.25 spaces per dwelling is to remain in common property for visitor use.</p>	Nil.

The proposed unit development provides the required parking for each unit, with one (1) covered space per dwelling and one (1) visitor space for the site.

The three (3) covered garage spaces provided for the units as well as one (1) visitor parking space, ensures the development complies with the car parking requirements specified within the code and the parking demands required for this multiple dwelling development.



## 5.1.6 Works, Service and Infrastructure Code

### 9.4.5.2 Purpose

- (1) The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development provides an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (b) Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (c) Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (d) Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
  - (e) Development provides electricity and telecommunications services that meet its desired requirements;
  - (f) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - (g) Development does not affect the efficient functioning of public utility mains, services or installations;
  - (h) Infrastructure dedicated to Council is cost effective over its life cycle;
  - (i) Work associated with development does not cause adverse impacts on the surrounding area; and
  - (j) Development prevents the spread of weeds, seeds or other pests.

In terms of the services provided as part of this development, we have proposed the following to be provided as part of this development:

#### **Water and Sewerage:**

The proposed development will be connected and serviced by council's reticulated water and sewerage available to the site. As such, it is anticipated that a condition of approval relating to this aspect of the development may be applied to require relevant connections to be provided.

#### **Stormwater:**

In terms of stormwater, the on-site drainage systems have been designed - as illustrated on the site plan - to ensure the stormwater is captured on-site and directed to Kowa Street (lawful point of discharge), which complies with the relevant code requirements. As such, it is anticipated that a condition of approval relating to this aspect of the development may be applied.

#### **Electricity:**

The premises will be connected to the electrical supply network available from Kowa Street. As such, it is anticipated that a condition of approval relating to this aspect of the development may be applied.

### Telecommunications:

The premises will be connected to the national broadband network. As such, it is anticipated that a condition of approval relating to this aspect of the development may be applied.

It is considered that the proposed material change of use development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

## 5.1.7 Airport Environs Overlay Code

### 8.2.2.2 Purpose

- (1) The purpose of the Airport environs overlay code is to protect the current and ongoing operations of established airports, aerodromes and aviation infrastructure in Mareeba Shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The ongoing operation of Mareeba Airport and its associated infrastructure are protected from incompatible development;
  - (b) Aerodromes in Chillagoe and Dimbulah are maintained to support recreation, mining and rural uses;
  - (c) Operational airspace is protected;
  - (d) Threats to aviation safety such as bird and bat strike and distraction or blinding of pilots are avoided or minimised;
  - (e) State significant aviation facilities associated with the Mareeba Airport are protected from encroachment by sensitive land uses; and
  - (f) Development in the vicinity of airports, aerodromes and aviation infrastructure does not compromise public safety.

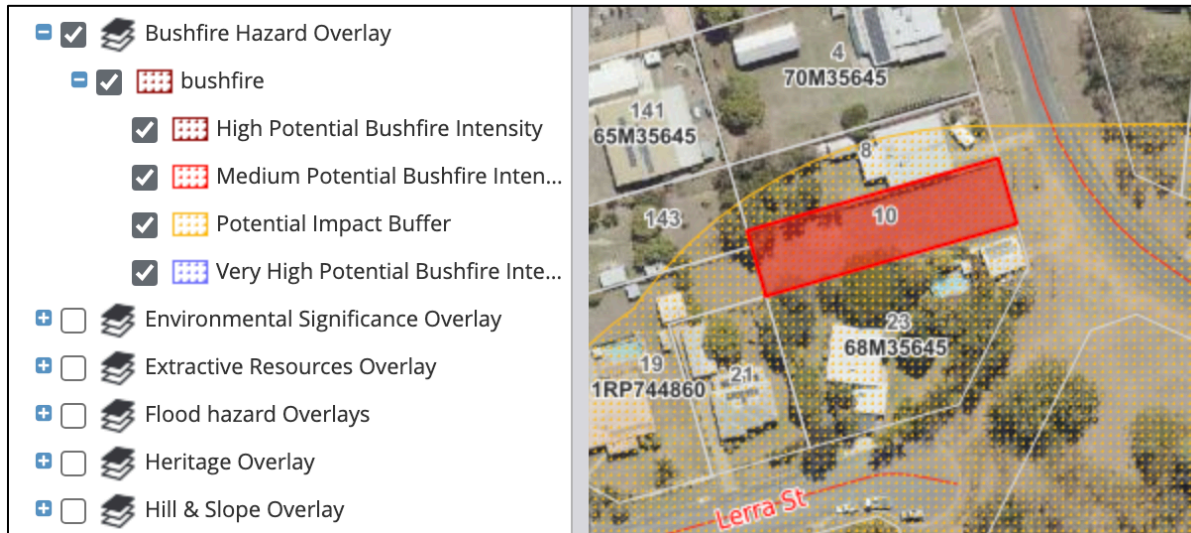
The site is within the 8kms buffer of the Mareeba Airport, on the Bird and Bat Strike Zones overlay mapping. The height of the existing buildings and structures on-site will not impact or interfere with the safe movement of aircraft. It is considered that the proposed development achieves the outcomes sought under Airports Environs Overlay Code and will in no way impact on the current and ongoing operations of the established airport infrastructure in Mareeba.

## 5.1.8 Bushfire Hazard Overlay Code

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

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

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



The site is mapped as containing areas of Potential Impact Buffer (100 metres), due to its proximity to the surrounding vegetation and bushland in the area. The site is service by reticulated water in an urban area where no further controls in terms of planning outcomes is necessary. Accordingly, it is considered that this development achieves compliance with the outcomes sought under the Bushfire Hazard 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 particular instance, the proposed development does not trigger referral or assessment against any of the relevant state development assessment provisions.

## 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 (see also Attachment 3). 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

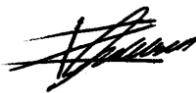
It is considered that the proposed development being a Material Change of Use situated at 10 Kowa Street, Mareeba over land described as Lot 12 on M356127 is appropriately designed to comply with the planning scheme requirements. In particular, the proposed development:

- Achieves compliance with the Performance Outcomes, Purposes and the Intent of the Low Density Residential Zone Code;
- Achieves compliance with the Performance Outcomes, Purposes and the Intent of the Accommodation Activities Code;
- Satisfies compliance with the relevant applicable mapped Overlay, with particular regard to the Airport Environs Overlay;
- 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 Low Density Residential Zone and Accommodation Activities 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 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Fettercairn Ventures Pty Ltd
Contact name (only applicable for companies)	Ramon Samanes, Director
Postal address (P.O. Box or street address)	35 Sutherland St
Suburb	Mareeba
State	Qld
Postcode	4880
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	ramon@uitownplan.com.au
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M8-24
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		10	Kowa Street	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	12	M356127	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:	

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)



<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<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>
Multiple Dwelling (3 x 3 Bedroom Units)
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.2) Provide details about the second development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application



**6.3) Additional aspects of development**

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

**6.4) Is the application for State facilitated development?**

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

**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 (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
3 x 3 bedroom units	Multiple Dwelling	Three (3) units	n/a

**8.2) Does the proposed use involve the use of existing buildings on the premises?**

- ☐ Yes
- ☒ No

**8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?**

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

**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? (tick all applicable boxes)**

- |   |  |
|---|--|
| <input type="checkbox"/> Subdivision (complete 10)          | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)   |
| <input type="checkbox"/> Boundary realignment (complete 12) | <input type="checkbox"/> 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?	
<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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:		
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?

- ☐ 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
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity
- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity

- ☐ SEQ northern inter-urban break – 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)*
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the Transport Infrastructure Act 1994**:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ 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 *(if applicable)*.

## PART 6 – INFORMATION REQUEST

### 19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- 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
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

## PART 7 – FURTHER DETAILS

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

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

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

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

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

### 22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

☐ Yes – show cause or enforcement notice is attached

☒ No

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

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

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

#### **Hazardous chemical facilities**

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

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

#### **Clearing native vegetation**

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

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

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

#### **Environmental offsets**

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

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

**Note:** The environmental offset section of the Queensland Government’s website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

#### **Koala habitat in SEQ Region**

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

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.desi.qld.gov.au](http://www.desi.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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 Resources at [www.resources.qld.gov.au](http://www.resources.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, Science and Innovation at [www.desi.qld.gov.au](http://www.desi.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.resources.qld.gov.au](http://www.resources.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.desi.qld.gov.au](http://www.desi.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.desi.qld.gov.au](http://www.desi.qld.gov.au) for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.14) 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**

23.15) 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.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.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



**Queensland  
Government**



## 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

**Note:** For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

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

## CLIENT ACCEPTANCE FORM / OWNER'S CONSENT

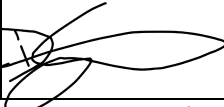
(TO BE COMPLETED AND RETURNED)

<b>PROJECT:</b>	Material Change of Use – Multiple Dwelling
<b>PROJECT ADDRESS:</b>	10 Kowa St, Mareeba (Lot 12 on M356127)

### Client Details

Client:	Fettercairn Ventures Pty Ltd	(enter client name) (primary contact)
Invoice Address:	11 Eleanor Avenue, Underwood QLD 4119	(enter invoice address)
Phone:	0402472293	(enter client phone)
Email:	david@fettercairn.com.au	(enter client email)
Accounts Contact:	as above	(enter accounts email & phone)

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

Landowner Name/s:	as above	(enter landowner name/s) As shown on rates notice
Address:	as above	(enter address)
All Owners Signatures:		(signatures from all landowners & Dated)

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:** David Gow, Director, Fettercairn Ventures Pty Ltd

**Date:** 2 December 2024

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.

## STANDARD TERMS OF ENGAGEMENT

### 1. Definitions

**"Client"** means the person noted in the Proposal Letter as the Client.

**"Fees"** means the Fees set out in the Proposal Letter.

**"Proposal Letter"** means the Fee Proposal letter from U&i Town Plan to the Client.

**"Services"** means the services performed by U&i Town Plan as specified in the Proposal Letter including the Scope of Works.

**"Scope of Works"** means Scope of Works as defined in the Proposal Letter.

### 2. Validation

The Fees proposal set out in the Proposal Letter is valid for 30 days from the dated on the Proposal Letter.

### 3. Acceptance

**3.1** The Client acknowledges having received the Proposal Letter and the Standard Terms of Engagement from U&i Town Plan prior to U&i Town Plan commencing Services.

**3.2** By signing the acceptance clause on the Client Acceptance form, the Client acknowledges that the Client has received, read, understood and accepts the terms of the Proposal Letter and these Standard Terms of Engagement and agrees to be bound by them.

**3.3** The Client warrants that the person signing the Proposal Letter is duly authorised to sign the Proposal Letter and engage the Services of U&i Town Plan on behalf of the Client.

**3.4** The Client expressly accepts the Fees and authorises U&i Town Plan to proceed with the Scope of Works.

**3.5** Where the Client is a company, the person signing this acceptance also agrees to act as guarantor for all monies owing or found to be owing and indemnifies and keeps indemnified U&i Town Plan against any liability, claim for damages and all costs provided they do not result from the negligent acts of U&i Town Plan, its servants or agents.

**3.6** The guarantee contained herein is a continuing guarantee and shall remain in force until all monies have been repaid in full and is provided in consideration of U&i Town Plan entering into these terms and conditions on behalf of the Client.

### 4. Entire Agreement

The Standard Terms of Engagement and the Proposal Letter from the entire Agreement between U&i Town Plan and the Client supersedes all prior communications between U&i Town Plan and the Client.

### 5. Fees

The Fees specified in the Proposal Letter are not subject to rise and fall during the Validation Period unless otherwise specified in the Proposal Letter. The Fees will be reviewed annually and may be adjusted in accordance with CPI increases. The current, standard rates of charge applied are \$150/hour + GST.

Where work is required outside 8am to 6pm Monday to Friday will be charged at a rate of 1.5 times the rate indicated and 2 times for Sundays and Public Holidays. While all care has been taken in providing this estimate, U&i Town Plan is not responsible for any errors or omissions, and outstanding payments will be required to be made prior to the application proceeding.

### 6. Services

**6.1** U&i Town Plan will perform Services in a professional manner with due diligence. It is the express responsibility of the Client to determine that the Services when completed are adequate for the purpose intended by the Client.

**6.2** Where the quotation indicates a time period to complete the scope of works, this time period commences when:

- a) an executed "Client Acceptance Form" is received by U&i Town Plan; and

- b) all information necessary for the completion of the scope of work contained in the quotation have been supplied by the Client.
- 6.3 The Client agrees the completion times quoted do not allow for delays outside U&i Town Plans control including adverse weather. Where the work is required to be completed on or before a specific date, the Client must advise U&i Town Plan in writing at the time of executing the "Client Acceptance Form".
- 6.4 Costs of all materials and information provided by, or requested from, the client including plans, background information, etc. shall be borne by the client.
- 7. **Access / Meetings**
  - 7.1 The Client hereby grants U&i Town Plan the right of access to the site as required to perform the Services. Any delay in access to the site may result, at U&i Town Plan's discretion, in an increase in the fees.
  - 7.2 Except where agreed in this quote, all site inspections, meetings with Council, clients and consultants / design team are charged on a time and expenses basis. A meeting is assumed to be a minimum of 2 hours, excluding travel time. For all meetings, site inspections or the like the Client is responsible for advising U&i Town Plan of the requirement to attend such meetings, inspections and shall provide a minimum of 3 business days notice, where 3 days notice is not required, meetings will be charged at a rate of 1.5 times the rate indicated.
- 8. **Disbursements**
  - 8.1 Disbursements are expenses incurred on behalf of the Client and are not included in the Fees unless otherwise specified in the Proposal Letter. Disbursements will be payable by the Client.
  - 8.2 Disbursements may include but are not limited to travel fares, airfreight, courier services, materials, accommodation and searches at Government Departments.
- 9. **Invoicing / Payments**
  - 9.1 The Client agrees to pay U&i Town Plan the Fees set out in the Proposal Letter and the Disbursements incurred by U&i Town Plan in performing the Services.
  - 9.2 Invoices under the Agreement will be presented monthly, with payment to U&i Town Plan to be made in full by direct deposit into the nominated bank account or other approved method within 7 days from the date of the invoice unless otherwise specified in the Proposal Letter.
  - 9.3 At the discretion of U&i Town Plan, interest on overdue invoices will be charged on the amount outstanding until payment has been received by U&i Town Plan. Interest charges, if applied by U&i Town Plan, will be charged at 10% per annum calculated daily, with an admin fee of \$150.00 per week applied to every reminder issued.
  - 9.4 Payment of U&i Town Plan invoices by the Client is an express and fundamental obligation of the Client under the Agreement.
  - 9.5 The Client is responsible for the payment of U&i Town Plan's invoices issued under the Agreement whether or not:
    - a) The Client instructed U&i Town Plan to perform services on behalf of a third party; and/or
    - b) The Services performed by U&i Town Plan under the Agreement benefit a third party.
  - 9.6 U&i Town Plan retains the right to withhold release of plans, data and reports in the event that invoices remain outstanding beyond the standard terms of payment as specified in clause 9.2.
  - 9.7 The Client agrees to pay any costs and expenses incurred by U&i Town Plan to recover debts exceeding 7 days from the date shown on any invoice, including the cost of employing a debt recovery agency, legal expenses or a reasonable estimate of time and disbursements incurred internally by U&i Town Plan calculated using the "Standard Rates of Charge" in this agreement. The Client will be invoiced this amount, plus interest incurred up to the invoice date, and the Contract Sum will increase to include the amount invoiced.

- 9.8** U&i Town Plan's invoices will be tax invoices for the purposes of any applicable law relating to Goods and Services Tax and the total amount for payment will include any such tax which is payable.
- 10. Dispute**  
If the Client disputes and charge made by U&i Town Plan invoices under the Agreement, the Client must inform U&i Town Plan of the grounds upon which the Client disputes the charge within 21 (twenty-one) days from the date of the invoice. If the Client does not do so, the Client may not rely on such grounds in any litigation or other formal or informal dispute resolution process in which U&i Town Plan and the client may engage.
- 11. Additional Services**  
If U&i Town Plan is required to perform additional Services that are not included in the Scope of Works described in the Proposal Letter, U&i Town Plan is not obliged to proceed with such additional services until the Client agrees in writing to a variation of the Scope of Works. U&i Town Plan will not commence any additional services until U&i Town Plan and the Client have agreed to the fees for the additional Services. U&i Town Plan reserves the right to deny any additional work.
- 12. No Set Off**  
All amounts invoiced to the Client in accordance with Clause 9 must be paid in full without set off.
- 13. Failure**  
Failure by U&i Town Plan to insist upon strict performance of any term or condition of the Agreement shall not be deemed waiver thereof, or of any rights U&i Town Plan may have, and shall not be deemed a waiver of any subsequent breach of any such term or condition.
- 14. Email Communication**  
**14.1** U&i Town Plan may use the Internet or email to communicate with the Client and others on the Client's behalf. Due to the nature of Internet and email communication U&i Town Plan cannot guarantee the security of those communications.  
**14.2** U&i Town Plan is not responsible for any loss or damage incurred by the Client as a result of communications via Internet or email. U&i Town Plan does not accept any liability in relation to any loss, damage, error, omission or other defect arising from email communication.  
**14.3** The Client should direct U&i Town Plan if more secure communication is required.
- 15. Termination**  
**15.1** Without prejudice to any of U&i Town Plan's other rights and entitlements under the Agreement, U&i Town Plan may terminate the Agreement by written notice to the Client, effective upon its receipt.  
**15.2** Subject to clause 15.3, the Client may terminate the Agreement by 14 (fourteen) days written notice to U&i Town Plan.  
**15.3** If U&i Town Plan terminates the Agreement under Clause 15.1 or the Client terminates the Agreement under Clause 15.2, U&i Town Plan will be entitled to be paid the unpaid value of all Services performed and Disbursements incurred by U&i Town Plan up to the date of termination.
- 16. Inconsistency**  
The Proposal Letter and the Standard Terms of Engagement for the Agreement with the Client. In the event of any inconsistency between the Standard Terms of Engagement and the Proposal Letter, the Proposal Letter will override the Standard Terms of Engagement to the extent of any inconsistency.

**17. Severability**

If any clause of the Agreement is held to be invalid, unenforceable or illegal for any reason, the Agreement remains otherwise in full force and effect apart from such clause which will be deemed deleted.

**18. Applicable Law**

The Agreement is governed and will be construed in accordance with the law of the State of Queensland.

**19. Interpretation**

**19.1** Clause headings are inserted for reference and shall not be used to interpret the Agreement;

**19.2** A reference to the singular includes the plural and vice versa, a reference to gender includes other genders and a reference to a person includes an individual, firm, body corporate or other entity (whether incorporated or not).

**20. Notices**

Notices will be deemed validly given under this Agreement if hand delivered, posted or sent by email or facsimile transmission to the receiving party at:

**20.1** U&i Town Plan's address noted in the Proposal Letter;

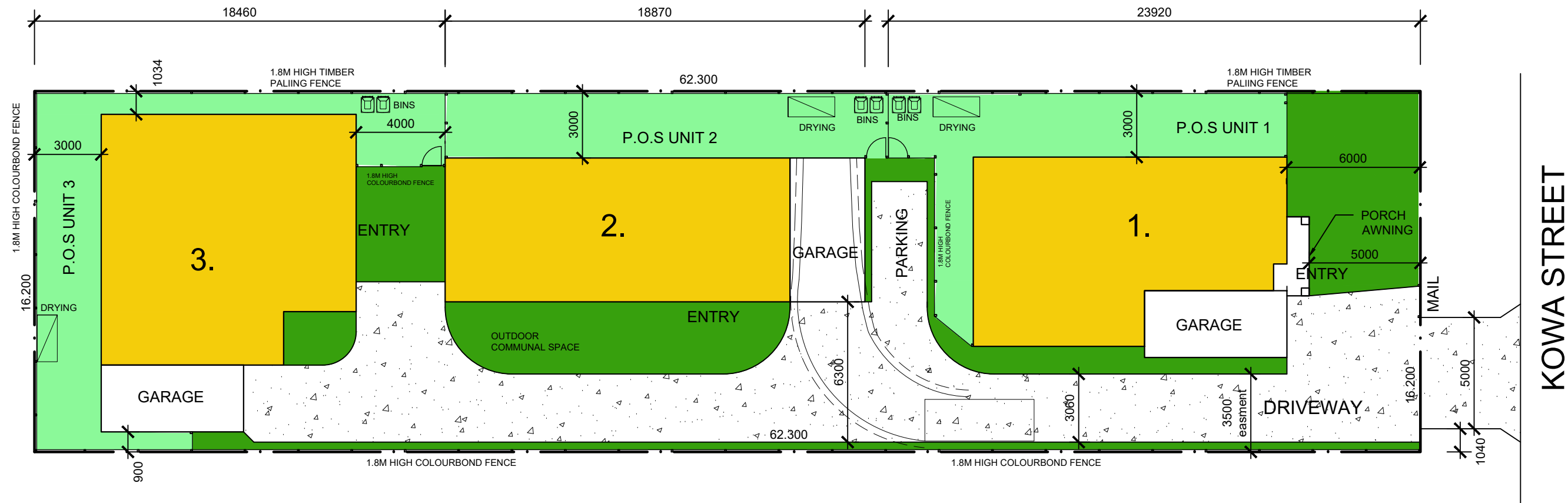
**20.2** The Client's address noted in the Proposal Letter.

**21.** Any reports or advice provided by U&i Town Plan remain the property of U&i Town Plan until full payment is received and may not be used in any way by the Client until full payment is received.

**22.** The scope of work for each stage is deemed complete once a draft report, letter (or equivalent) is provided or made available to the Client and U&i Town Plan have responded to any queries arising from that draft report, letter or equivalent, or, if no response is received from the Client after 5 working days. Any further works or queries may be charged as additional work at the "Standard Rates of Charge" in this agreement.

## **APPENDIX 3: DEVELOPMENT PLANS**





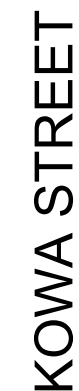
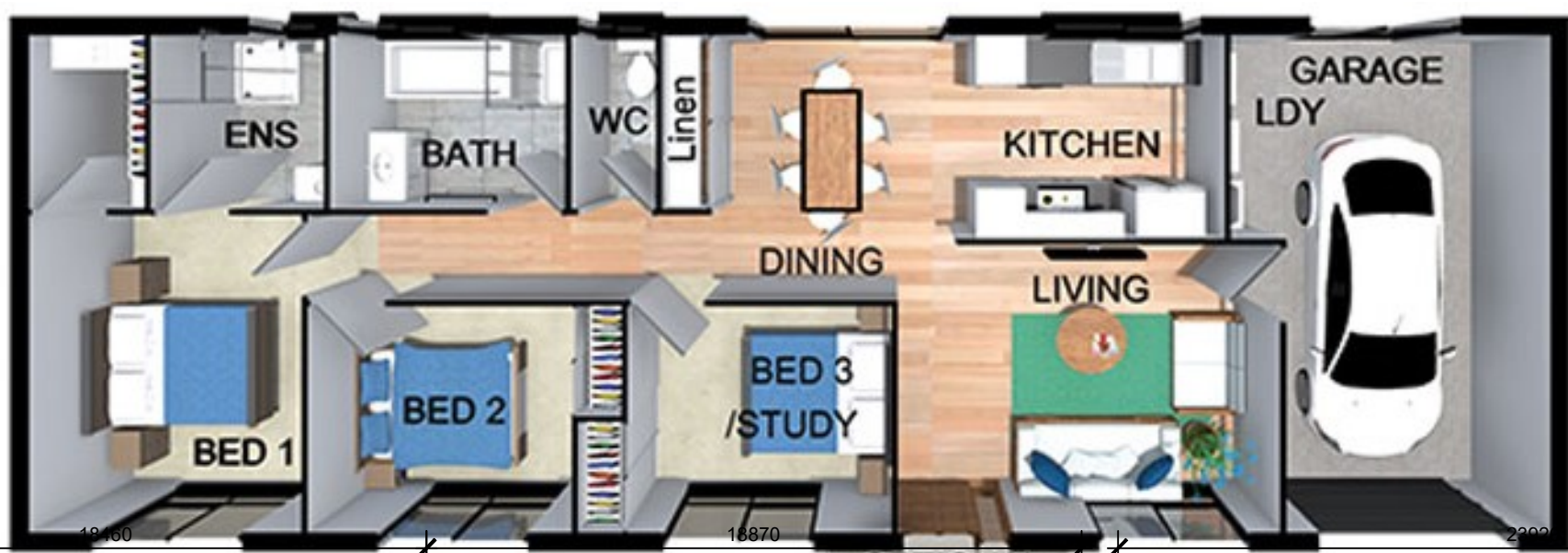
NOTE:  
VEHICLE ACCESS TO BE COMPLIANT  
WITH AS/NZS 2890.1:2004

SCHEDULE OF AREAS (SQM):			
	UNIT 1	UNIT 2	UNIT 3
GFA:	103	100	121
GARAGE:	19.2	19.6	19.2
PRIVATE YARD:	64.4	59.7	77.8
SITE COVER: 39%			
PRIVATE YARD COVER: 20%			
DRIVEWAY: 243.6 SQM + CROSSOVER			
COMMUNAL LANDSCAPING: 171 SQM - 16.9%			

**SITE CHARACTERISTICS**

LOT 12  
M 356 127  
Locality: Mareeba Shire  
area: 1012 sq.m

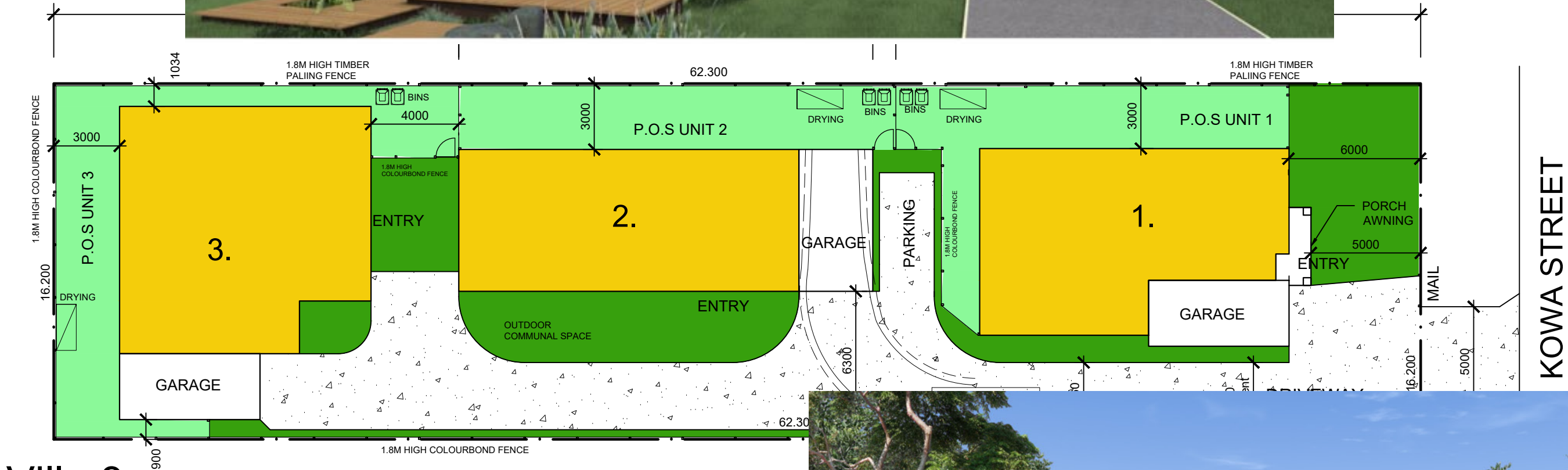




<p>OBJECT</p> <p>PROPOSED MULTI-UNIT DWELLING ON LAND AT 10 KOWA ST AAREEBA QLD 4880</p> <p>FOR FETTERCAIRN PTY LTD</p>	<p>DWG TITLE</p> <p>SITE PLAN</p>	<p>DA SK</p> <p>ISSUE REV AMMENDMENT DATE</p>	<p>1:200 at A3</p> <p>JW</p> <p>U1</p> <p>DA</p> <p>-</p>
---	-----------------------------------	---	---



Villa 2



Villa 3



Villa 1

DA - DEVELOPMENT APPLICATION 10-12-24				DATE: 10th-Dec-2024		JOB NO: 1124/1277		
SK - PRELIMINARY SKETCH 22-11-24				SCALE: 1:200 at A3		DRAWN: jw		
ISSUE REV AMMENDMENT DATE				SHEET NO: 01		ISSUE: DA		
						REVISION: -		

USE FIGURED DIMENSIONS ONLY. DO NOT SCALE. REPORT ANY DISCREPANCIES IMMEDIATELY FOR CLARIFICATION. VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING OR FABRICATION.

ALL WORK SHALL COMPLY WITH THE PROVISIONS OF THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS AND ANY BYLAWS OR REQUIREMENTS OF LOCAL AUTHORITIES.