



112 Barnwell Road, Kuranda  
(Lots 17, 18 and 19 on SP296830, Lot  
22 on SP304952 and Lot 20 on  
N157423)  
Reconfiguring a Lot

# SECTION 52 CHANGE APPLICATION

Applicant:  
Reever and Ocean Pty Ltd





## A PROJECT CONTACT DETAILS

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## 1. ORIGINATING SUPERSEDED DEVELOPMENT APPLICATION SUMMARY

### 1.1 ORIGINATING SITE DETAILS

Site address:	112 Barnwell Road, Kuranda
Real property description:	Lot 17 N157227 Lot 18 N157227 Lot 22 N157227 Lot 1 RP703984 Lot 2 RP703984 Lot 19 N157452 Lot 95 N157452 Lot 20 N157423 Lot 131 N157491 Lot 129 NR456 Lot 290 N157480 Road reserves (Barnwell Road and unnamed roads) adjoining Lots 17, 18 and 22 on N157227, Lots 1 and 2 on RP703984
Site area:	626.6526 hectares <sup>1</sup>

### 1.2 KEY PARTIES TO THE ORIGINATING SUPERSEDED DEVELOPMENT APPLICATION

Applicant:	Reever and Ocean Pty Ltd
Owner:	Reever and Ocean Pty Ltd A.C.N. 168 166 416 Queensland State Government (road reserve)
Assessment manager:	Mareeba Shire Council
Referral agencies <sup>2</sup> :	Chief Executive - State transport infrastructure Chief Executive - Clearing native vegetation

### 1.3 ORIGINATING SUPERSEDED DEVELOPMENT APPLICATION DETAILS

Proposed development:	Reconfiguring a Lot
Original application:	12 lots into 191 lots
Type of approval sought	Development Permit
Level of assessment:	Code
Relevant Planning Scheme:	<i>Mareeba Shire Planning Scheme 2004</i>

<sup>1</sup> Exclusive of road reserve at the time of making the development application.

<sup>2</sup> To the original development application.

#### 1.4 LOCAL PLANNING INSTRUMENT MATTERS

Zone:	Myola Zone Code
Overlays <sup>3</sup> :	Natural and Cultural Heritage Features Overlay Code Natural Disaster – Bushfire Overlay Code

#### 1.5 STATE PLANNING INSTRUMENT MATTERS

Regional Plan:	<i>Far North Queensland 2009 – 2031</i>
Regional Plan Designation:	Regional Landscape and Rural Production Area (RLRPA)

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<sup>3</sup> Overlays that affect the site. The applicability of overlays is discussed in the Planning Report (refer Section 4.2).

## 2. CHANGE SUMMARY

### 2.1 CHANGE SITE DETAILS

Site address:	112 Barnwell Road, Kuranda
Real property description:	<p><b><u>Lot 17 SP296830</u></b><sup>4</sup> (631,300m<sup>2</sup>)</p> <p><b><u>Lot 18 SP296830</u></b><sup>5</sup> (698,141m<sup>2</sup>)</p> <p><b><u>Lot 22 SP304952</u></b><sup>6</sup> (1077,000m<sup>2</sup>)</p> <p><b><u>Lot 19 SP296830</u></b><sup>7</sup> (434,993m<sup>2</sup>)</p> <p>Lot 95 N157452 (340,492m<sup>2</sup>)</p> <p>Lot 20 N157423 (706,180m<sup>2</sup>)</p> <p>Lot 131 N157491 (647,500m<sup>2</sup>)</p> <p>Lot 129 NR456 (658,900m<sup>2</sup>)</p> <p>Lot 43 N157359 (645,140m<sup>2</sup>)</p> <p>Lot 290 N157480 (647,500m<sup>2</sup>)</p>
Site area:	648,7146 hectares <sup>8</sup>

### 2.2 KEY PARTIES TO THE CHANGED DEVELOPMENT APPLICATION

Applicant:	Reever and Ocean Pty Ltd
Owner:	Reever and Ocean Pty Ltd A.C.N. 168 166 416
Assessment manager:	Mareeba Shire Council
Referral agencies <sup>9</sup> :	Chief Executive - Clearing native vegetation

<sup>4</sup> **Lot 17 SP296830** cancelled Lot 17 N157227

<sup>5</sup> **Lot 18 SP296830** cancelled Lot 18 N157227

<sup>6</sup> **Lot 22 304952** cancelled Lot 1 and 2 on RP703984 and Lot 22 N157227

<sup>7</sup> **Lot 19 SP296830** cancelled Lot 19 N157452

<sup>8</sup> Includes the area of former road reserve that was closed and incorporated into the site in 2018.

<sup>9</sup> The change is not a minor change in consideration of the 'substantially different development' test in Schedule 1 of the DA Rules (11 August 2017). However, although: (a) the change is in response to information requests and further advice from Council and State Government Agencies; and (b) the development assessment process does not stop (26.1 of the DA Rules) - the change itself, together with the change in circumstances (in respect of the Applicant's Representative and the changes to the land comprising the site) necessitates the provision of an updated DA Form 1 that reflects the changes. This also has the effect of removing the Chief Executive for State transport infrastructure as a referral agency to the development application, because the change results in a development that fails to trigger the Chief Executive for State transport infrastructure as a referral agency. This leaves cause for Council to issue a corrected Confirmation Notice that identifies the changes and removes the Chief Executive for State transport infrastructure as a referral agency, but does not have the effect of stopping the development assessment process (refer **section 4.0** for further discussion).

## 2.3 CHANGED DEVELOPMENT APPLICATION DETAILS

Proposed development:	Reconfiguring a Lot
Changed application:	10 lots into 46 lots and three (3) balance lots <sup>10</sup> (49 lots in total) Note - five (5) residual land parcels <sup>11</sup> form part of the site but remain unaffected by the development
Type of approval sought	Development Permit
Level of assessment:	Code
Relevant Planning Scheme:	<i>Mareeba Shire Planning Scheme 2004</i>

## 2.4 LOCAL PLANNING INSTRUMENT MATTERS

Zone:	Myola Zone Code
Overlays <sup>12</sup> :	Natural and Cultural Heritage Features Overlay Code Natural Disaster – Bushfire Overlay Code

## 2.5 STATE PLANNING INSTRUMENT MATTERS

Regional Plan:	<i>Far North Queensland 2009 – 2031</i>
Regional Plan Designation:	Regional Landscape and Rural Production Area (RLRPA)

<sup>10</sup> The three (3) balance lots include Lot 20 on SP304952, Lot 17 on SP295830 and Lot 19 on SP296830 and are the product of: (a) the amalgamation of Lot 22 SP304952 and Lot 20 N157423 into one (1) title; (b) a boundary realignment between Lot 18 SP296830 and Lot 19 SP296830; and (c) the subsequent amalgamation of the balance of Lot 18 SP296830 with Lot 17 SP296830.

<sup>11</sup> The five (5) residual parcels that are unaffected by the development include Lot 95 N157452, Lot 131 N157491, Lot 129 NR456, Lot 43 N157359 and Lot 290 N157480

<sup>12</sup> Overlays that affect the site. The applicability of overlays is discussed in the Planning Report (refer Section 6.2).



## 4. CHANGES TO THE APPLICATION

### 4.1 BACKGROUND

A development application was lodged by Reeve and Ocean Pty Ltd ('the Applicant') on 18 January 2018. The development application is currently within Part 2 – Information Request of the process described within the Development Assessment Rules ('DA Rules'). Requests for additional information (Information Requests) have been issued by both Council as Assessment Manager to the application, and the Chief Executive (via the State Assessment Referral Agency (SARA)) as a referral agency. The Applicant has not to date responded to outstanding Information Requests.

Reeve and Ocean Pty Ltd now seek to change the existing development application, before the application is decided, pursuant to section 52 of the *Planning Act 2016* ('the Planning Act').

This report serves as notice of the change to the Assessment Manager, pursuant to section 52(1) of the Planning Act.

### 4.2 CHANGES TO APPLICATION

The original development application sought to reconfigure the subject land (comprised of 12 lots) into 191 lots.

The Applicant seeks to make the following changes to the application, before the application is decided, pursuant to section 52 of the Planning Act:

- Create three (3) lots from five (5) of the existing lots as follows:
  - Amalgamate Lot 22 304952 and Lot 20 N157423 into one (1) title; and
  - Undertake a boundary realignment between Lot 18 SP296830 and Lot 19 SP296830; and
  - Amalgamate the balance of Lot 18 SP296830 with Lot 17 SP296830; and
- Create 46 new lots; and
- Introduce minor refinements to Road A and Road B of the internal road network, in response to topographical features.

A revised 'Lot Layout and Staging Plan' is provided at **Schedule 1** detailing changes to the application.

With respect to the outcomes of the proposed changes, it is noted that:

- The overall number of lots has reduced in response to the Council information request and the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) further advice (refer **section 4.41** for further discussion)
- The proposed lot layout remains responsive to the environmental constraints of the site, with fewer lots adjoining the more sensitive parts of the site in consideration of the *Environmental Protection and Biodiversity Conservation Act 1999* ('the EPBC Act') Listing Status for *Litoria myola* having increased from Endangered to Critically Endangered on 4 July 2019. We also note that no new boundaries have been created that would facilitate accepted operational work (clearing of native (regulated) vegetation) being carried out
- Additional changes to the layout (other than lot amalgamation) have regard only to minor refinements to Road A and Road B of the internal road network (refer **section 4.3** for further discussion)
- In that changes to the application relate predominantly to the quantum of lots forming the development (rather than spatial extent of the development area), the changes do not call into assessment matters that were not applicable to the original development application (in terms of overlays, state interests and referral matters for example)
- Development remains compliant with applicable codes of the Planning Scheme (refer **section 6** for further discussion)

- The development remains consistent (if not more so) with the RLRPA designation under the Regional Plan, in terms of providing a number of larger lots (exceeding 6 hectares) that better support the retention of natural features and environmentally sensitive areas (refer **section 3.4** and **section 5** for further discussion).

Changes to the proposed reconfiguration are summarised in **Table 2-2**.

**TABLE 4-1 SUMMARY OF CHANGES**

	Precinct A		Precinct C	
	Original	Change	Original	Change
<b>Total Lot Area</b>	66.51ha	65.74ha	66.35ha	41.44ha
<b>Average Lot Size</b>	6,857m <sup>2</sup>	1.60ha	8,092m <sup>2</sup>	8.29ha
<b>Number of new Lots<sup>13</sup></b>	<b>97</b>	<b>41 (-56)</b>	<b>82</b>	<b>5 (-77)</b>

### 4.3 INTERNAL ROAD NETWORK REFINEMENTS

Refinements to the internal road network of the development under the changed application include the following:

- Augmentation of the first leg of Road A (interfacing with Barnwell Road), in order to reflect the alignment of the existing driveway as constructed
- Amended location of the first leg of Road B to better align with geographical features of the site. *Note that no Category B vegetation regulated under the Vegetation Management Act 1999 is located within the vicinity of the amended location of Road B;* and
- Roads within stages of development no longer proposed under the changed application have been removed.

Impacts of the proposed development on the local transport network are reduced as a result of the changed application.

### 4.4 NATURE OF CHANGE

A change under the Planning Act can be one of three (3) things:

1. A Minor Change
2. A change in response to the matters described at part 26.1 of the DA Rules, including in response to a submission, and information request and/or further advice provided by an assessing authority about the application, and/or
3. An 'other change'.

The following discussion describes that the change *will* result in substantially different development to that proposed within the original superseded development application, but that those changes are in response to matters described at part 26.1 of the DA Rules (i.e. a change in response to a matter raised in a submission, information request or further advice).

The definition of a minor change under the Planning Act is as follows:

**"Minor change** means a change that-

(a) *For a development application-*

<sup>13</sup> Not taking into consideration the amalgamation of existing lots, which reduces the existing lots from 10 lots to 8 lots, resulting in an overall increase of 44 additional lots as a consequence of the development.

- (i) *does not result in substantially different development; and*
- (ii) *if the application, including the change, were made when the change is made – would not cause-*
  - (A) *the inclusion of prohibited development in the application; or*
  - (B) *referral to a referral agency if there were no referral agencies for the development application; or*
  - (C) *referral to extra referral agencies; or*
  - (D) *a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*
  - (E) *public notification if public notification was not required for the development application*

Schedule 1, Item 4 of the DA Rules defines what constitutes substantially different development as follows (emphasis added):

*“A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*

- (a) involves a new use; or*
- (b) results in the application applying to a new parcel of land; or*
- (c) **dramatically changes the built form in terms of scale, bulk and appearance;** or*
- (d) changes the ability of the proposed development to operate as intended; or*
- (e) removes a component that is integral to the operation of the development; or*
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) introduces new impacts or increase the severity of known impacts; or*
- (h) removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) impacts on infrastructure provisions.”*

The DA Rules do not specify that the changes only have regard to **increases** in scale, bulk and appearance. Therefore, a dramatic **reduction** in the scale and appearance of built form (including future built form), such as that proposed by the change, can result in non-compliance with the criterion at Schedule 1, Item 4(c) of the DA Rules.

Planning and Environment Court (P&E) decisions with respect to **reductions** in the scale, bulk and appearance of development have typically leant toward a determination of a Minor Change (including decisions under both the *Sustainable Planning 2009* (SPA) and the Planning Act).

P&E decisions under the SPA remain relevant in a discussion about what constitutes ‘substantially different development’ under the Planning Act, because the substantially different test (where it has regard to changes to built form) remains unchanged from Statutory Guideline 06/09 (SPA) to Schedule 1 of the DA Rules (Planning Act), as follows:

- **Statutory Guideline 06/09 (SPA):** ‘dramatically changes the built form in terms of scale, bulk and appearance’
- **Schedule 1 of the DA Rules (Planning Act):** ‘dramatically changes the built form in terms of scale, bulk and appearance’.

However, in P&E Appeal No. 1017 of 2011 it was established that there is a limit to the extent a reduction in scale, bulk and appearance can be determined a Minor Change.

In his judgement, Judge Rackemann DCJ determined that an over 60% reduction in the scale of a high-rise building in the Brisbane CBD constituted substantially different development. Although such determinations depend on the individual circumstances of the development, the change the subject of this application results in over a 70% reduction in the number of lots proposed, resulting in only a possible 44 additional Dwelling Houses under the changed application versus 179 additional Dwelling Houses in the original superseded development application.

The change also results in the amalgamation of lots in the more environmentally sensitive parts of the site to form significantly larger landholdings that provide for increased buffers to these environmentally sensitive areas for any future Dwelling House development.

This has the effect of causing reassessment of the development by the Assessment Manager to consider afresh the changes, in response to the environmental context of the site. The change also causes a significant reduction in traffic impacts on the State road network to such a degree that if the development application were to be lodged again, with 44 additional lots versus 179 additional lots, then the development application would not trigger referral to the Chief Executive for State transport infrastructure.

Therefore, the change is not considered a Minor Change on the basis that it results in a dramatic change (albeit a reduction) in the future built form facilitated by the development, and therefore I am satisfied that it is a substantially different development.

#### 4.4.1 CHANGES IN RESPONSE TO INFORMATION REQUEST AND FURTHER ADVICE

Despite not being a Minor Change, the changes are made in response to matters raised information requests and further advice, described as follows:

1. The DSDMIP in its further advice dated 26 November 2018, asserted that its assessment *“has found that the proposal results in adverse impacts on the safety and operating conditions of the Kennedy Highway”*. It stated further that *“the Department is of the view that the proposal does not satisfy the Purpose of State code 6: Protection of state transport networks and therefore is unlikely to be supported”*. The further advice goes on to say that *“[t]he Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017 states that if a development is increasing traffic generation by 5% and above, the proposed development is required to demonstrate that it will not result in a worsening of the state road network”*.

The further advice also stated that the functional capacity of the Kennedy Highway was 10,500 vehicles per day (vpd). The Traffic Impact Assessment (TIA) prepared by Cardno and dated 18 January 2018 identified that the Kennedy Highway (North of Myola Road) had 8,738 vpd<sup>14</sup> and that the development the subject of the originating development application had an impact of **1,128 vpd** on that road section (out of a total of 1,611 daily trips generated by the development, based on 9.0 trips per lot per day).

In response to the further advice, the change sought to reduce traffic generation to below 5%. The resultant development effected by the change includes only 44 additional lots, if the amalgamation of four (4) of the existing lots into only two (2) lots is accounted for.

If we apply the same methodology as the Cardno TIA, the total daily trips generated by the changed development is 396 vpd, and approximately 70% (278 vpd) of which would represent additional traffic generation on the Kennedy Highway section North of Myola Road, which, with a traffic volume of 8,738 vpd, results in an impact of less than 5% (at 3.18%).

Therefore, in accordance with the Department’s further advice, the application has been changed and as a result of the change, is no longer required to demonstrate that it will not result in a worsening of the state transport network (as the number of lots of the changed development is less than the prescribed trigger for State transport infrastructure).

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<sup>14</sup> Refer Table 4-7 in the Traffic Impact Assessment prepared by Cardno and dated 18 January 2018.



2. Council, in its Information Request contained in the Confirmation Notice, requested that an ecological assessment be undertaken. In establishing the scope for the ecological assessment, it is of relevance that the EPBC Act Listing Status for *Litoria myola* was increased from Endangered to Critically Endangered on 4 July 2019 (albeit a Matter of National Environmental Significance and of State Interest under the *Nature Conservation Act 1992*, neither of which have relevance to a decision under the PA *per se*).

Accordingly, the application has been changed to provide for a reduced lot density in those parts of the site considered to benefit from buffers to ecologically sensitive areas, in response to relevant ecological considerations.

#### 4.5 EFFECT OF THE CHANGE

If the change were a Minor Change, section 52(3) of the PA states that ‘the change does not affect the development assessment process’.

In that the change is not a Minor Change, but is a change effected by a matter raised in an information request or further advice, part 26.1 of the DA Rules states that ‘the development assessment process does not stop’ (emphasis added):

- “26. Effect of a change that is about a matter raised in a submission, information request or further advice**
- 26.1. For a change that is not a minor change, the development assessment process does not stop if the assessment manager is satisfied the change—**
- (a) only deals with a matter raised in a properly made submission for the application; or**
- (b) is in response to an information request for the application; or**
- (c) is in response to further advice provided by an assessing authority about the application.”**

In respect to referrals, if the development application were to be made again on the basis of **49** lots (comprising the 46 new lots as well as the three (3) balance lots effected by the development), the development application would not trigger referral to the Chief Executive for State transport infrastructure. The relevant trigger in the *Planning Regulations 2017* is restated as follows (emphases added):

Column 1 Purpose	Column 2 Threshold for local government area 1	Column 3 <u>Threshold for local government area 2</u>
Reconfiguring a lot		
25 Accommodation activity that is 1, or a combination, of the following— (a) a dual occupancy; (b) a dwelling house; (c) a multiple dwelling; (d) non-resident workforce accommodation; (e) a relocatable home park; (f) a retirement facility; (g) rooming accommodation; (h) rural workers’ accommodation	200 dwellings	<u>50 dwellings</u>

If the change were an 'other change' i.e. neither a 'Minor Change' or change pursuant to part 26.1 of the DA Rules, then part 27.1 of the DA Rules states that *'the development assessment process stops on the day notice of a change is received by the assessment manager, and starts again at the beginning of the assessment manager's confirmation period'*.

The Planning Act does not contemplate the circumstance of a change, other than an 'other change' that results in a development that is reduced such that a referral agency is no longer triggered.

#### 4.6 DA FORM 1

An amended DA Form 1 is provided at **Schedule 2** in recognition that in respect to the change:

1. The land that forms the site the subject of the change application includes land that was subject to a boundary realignment that incorporated land formerly part of Lot 16 on SP304952 into Lot 22 SP304952
2. The land that forms the site the subject of the change application includes land that was subject to a road closure application that resulted in the land the subject of the road closure being incorporated into adjoining lots, as well as the amalgamation of lots to ensure that all lots had lawful access i.e. each lot was required to have frontage to road reserve subsequent to the road closure
3. The Applicant's representative has changed to wildPLAN Pty Ltd;
4. The number of lots the subject of the change application has been reduced to less than a third of that originally proposed; and
5. The Chief Executive for State transport infrastructure is no longer triggered because the changed development is below the threshold trigger.

## 5. STATE PLANNING MATTERS

### 5.1 PLANNING ACT 2016

The current version of the *Planning Act 2016* is **1 July 2019**.

### 5.2 PLANNING REGULATION 2017

The current version of the *Planning Regulation 2017* ('the Regulation') is **1 July 2019**.

#### 5.2.1 REFERRALS

Schedule 10 of the Regulation identifies when a development application requires referral to a referral agency. In respect to referrals, the Regulation identifies the:

- Trigger for referral
- Referral agency
- Limitations on referral agency's powers
- Matters the referral agency's assessment must or may be against (as applicable)
- Matters the referral agency's assessment must or may have regard to (as applicable)
- Fee for referral.

**Table 3-1** is a referral checklist against the requirements of Schedule 10 and identifies that the changed development application is not subject to any referrals. A summary of referrals applicable to the original and changed application is provided below under the relevant sub-headings.

#### **State transport infrastructure**

In its original form, the development application was identified as being referable in respect of State transport matters due to the exceedance of a threshold prescribed in Schedule 20 of the Planning Regulation ('Development impacting on State transport infrastructure and thresholds').

For the subject development (Reconfiguring a Lot for a future accommodation activity) and development location (Local Government Area 2), the applicable threshold is 50 dwellings.

Under the changed application, 49 lots<sup>15</sup> are proposed. On this basis, the proposed development will not exceed the stated trigger and therefore, the application is no longer considered referable in respect of Schedule 10, part 9, division 4, subdivision 1 of the Planning Regulation.

#### **Clearing Native Vegetation**

The original application was referable in respect of Clearing Native Vegetation (Schedule 10, Part 3 of the Planning Regulation).

No new opportunities to carry out exempt or "accepted" operational work are facilitated as a result of changes made to the application (i.e. no new lot boundaries are proposed where they were not originally proposed and Category B regulated vegetation is not located within proximity to Roads A and B where changed).

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<sup>15</sup> Including the three (3) balance lots and 46 new lots.

TABLE 5-1 REFERRALS IDENTIFIED IN SCHEDULE 10 OF THE *PLANNING REGULATION 2017*

Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Jurisdiction		SDAP Code / Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
Airport Land	Part 1, Division 3, Table 1, Item 1 - Column 2	•	•	•	•		•	Other <sup>16</sup>	N
Clearing native vegetation	Part 1, Division 4, Table 1-3, Item 1 – Column 2	•	•	•		•		16	Y
Contaminated land	Part 4, Division 3, Table 1, Item 1 - Column 2		•	•		•		13 <sup>17</sup>	N
Environmentally relevant activities	Part 5, Division 4, Table 1, Item 1 - Column 2			•			•	22	N
Fisheries (Aquaculture)	Part 6, Division 1, Subdivision 3, Table 1, Item 1 - Column 2			•		•		17	N
Fisheries (Declared Fish Habitat)	Part 6, Division 2, Subdivision 3, Table 1, Item 1 - Column 2	•				•		12	N
Fisheries (Marine Plants)	Part 6, Division 3, Subdivision 3, Table 1-2, Item 1 – Column 2	•	•	•		•		11	N
Fisheries (Waterway barrier works)	Part 6, Division 4, Subdivision 3, Table 1, Item 1 - Column 2	•				•		18	N
Hazardous chemical facilities	Part 7, Division 3, Table 1, Item 1 - Column 2			•		•		21	N
Heritage Places (Local heritage places)	Part 8, Division 1, Subdivision 3, Table 1, Item 1 - Column 2				•		•	Other <sup>18</sup>	N
Heritage Places (Queensland heritage place)	Part 8, Division 2, Subdivision 3, Table 1-2, Item 1 – Column 2	•	•	•	•	•		14	N
Infrastructure-related referrals (Designated premises)	Part 9, Division 1, Table 1, Item 1 - Column 2 (Assessable Development)	•	•	•	•	•		Other <sup>19</sup>	N
Infrastructure-related referrals (Electricity infrastructure)	Part 9, Division 2, Table 1-3, Item 1 – Column 2	•	•	•			•	Other <sup>20</sup>	N

<sup>16</sup> The matters the Local Government as referral agency must be against include the impacts of the proposed development, identified by the local government, on land in its local government area, other than airport land.

<sup>17</sup> Where for other than contamination because of unexploded ordnance, the Single Assessment Referral Agency (SARA) will assess contaminated land applications against the criteria in the Regulation.

<sup>18</sup> For a local heritage place on the local government's local heritage register under the Heritage Act – assessment must be against the code in the *Queensland Heritage Regulation 2015*, schedule 2. For a local heritage place identified in the local government's planning scheme – the assessment must be against the relevant provisions of a local categorising instrument.

<sup>19</sup> The referral agency's assessment must have regard to the designation.

<sup>20</sup> The referral agency's assessment must be against the purposes of the Electricity Act and the Electrical Safety Act.



Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Jurisdiction		SDAP Code / Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
Infrastructure-related referrals (Oil and gas infrastructure)	Part 9, Division 3, Table 1 - 3, Item 1 - Column 2	•	•	•		•		Other <sup>21</sup>	N
Infrastructure-related referrals (State transport infrastructure generally)	Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Column 2	•	•	•		•		6	N
Infrastructure-related referrals (State transport corridors and future State transport corridor)	Part 9, Division 4, Subdivision 2, Table 1-6, Item 1 – Column 2	•	•	•		•		1, 2, 3, 4	N
Infrastructure-related referrals (State-controlled transport tunnels and future State-controlled transport tunnels)	Part 9, Division 4, Subdivision 3, Table 1-3, Item 1 – Column 2	•	•	•		•		5	N
Ports (Brisbane core port land)	Part 13, Division 1, Subdivision 2, Table 1			•			•	Other <sup>22</sup>	N
Ports (Brisbane core port land)	Part 13, Division 1, Subdivision 2, Table 2-11	•	•	•	•	•		1 <sup>23</sup> , 22, 8, 21, 10, 20, 12	N
Ports (Land within Port of Brisbane's port limits—referral agency's assessment)	Part 13, Division 2, Table 1, Item 1 – Column 2	•	•	•		•		8	N
Ports (Land within Port of Brisbane's port limits—referral agency's assessment)	Part 13, Division 2, Table 2, Item 1 – Column 2	•	•	•			•	Other <sup>24</sup>	N
Ports (Land within limits of another port – assessable development)	Part 13, Division 3, Table 1, Item 1 – Column 2	•	•	•			•	Other <sup>25</sup>	N
Ports (Strategic port land)	Part 13, Division 5, Subdivision 3, Table 1, Item 1 – Column 2	•	•	•		•		Other <sup>26</sup>	N
SEQ Development Area (Reconfiguring a lot – referral agency's assessment)	Part 15, Division 1, Table 1, Item 1 – Column 2		•			•		Other <sup>27</sup>	N

<sup>21</sup> The referral agency's assessment must be against the purposes of the Petroleum and Gas Act.

<sup>22</sup> The matters Brisbane City Council assessment as referral agency must be against include the impacts of the proposed development, identified by the council, on land in its local government area, other than Brisbane core port land.

<sup>23</sup> Where involving development that is inconsistent with Brisbane port LUP for transport reasons the matters the referral agency must be against include 'the transport reasons'.

<sup>24</sup> The referral agency's assessment must be against the safety and operational integrity of the port.

<sup>25</sup> The referral agency's assessment must be against the port authority functions under the Transport Infrastructure Act, Chapter 8, part 3.

<sup>26</sup> The referral agency's assessment must be against the Transport Infrastructure Act, section 287A.

<sup>27</sup> The referral agency's assessment must be against whether the development is consistent with the future planning intent for the area in which the premises are located.

Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Jurisdiction		SDAP Code / Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
SEQ Development Area (Material Change of Use)	Part 15, Division 2, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>28</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Tourist or sport and recreation activity)	Part 16, Division 2, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>29</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Community activity)	Part 16, Division 3, Subdivision 4, Table 1, Item 1 – Column 2			•		•		Other <sup>30</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Indoor recreation)	Part 16, Division 4, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>31</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Urban activity - biotechnology industry / service station / another urban activity)	Part 16, Division 6, Subdivision 4, Table 1, Item 1 – Column 2			•		•		Other <sup>32</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Combined uses – community activity / indoor recreation / sport and recreation / tourist activity / urban activity)	Part 16, Division 7, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>33</sup>	N
Tidal works or work in a coastal management district	Part 17, Division 3, Table 1-6, Item 1 – Column 2	•	•	•		•		7, 8	N
Urban design	Part 18			•		•		24	N
Water related development (Taking or interfering with water)	Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Column 2	•				•		10	N
Water related development (Removing quarry material)	Part 19, Division 2, Subdivision 3, Table 1, Item 1 – Column 2	•				•		15	N

<sup>28</sup> As stated in Part 15, Division 2, Subdivision 3, Table 1, Item 4

<sup>29</sup> As stated in Part 16, Division 2, Subdivision 3, Table 1, Item 4

<sup>30</sup> As stated in Part 16, Division 3, Subdivision 4, Table 1, Item 4

<sup>31</sup> As stated in Part 16, Division 4, Subdivision 3, Table 1, Item 4

<sup>32</sup> As stated in Part 16, Division 6, Subdivision 4, Table 1, Item 4

<sup>33</sup> As stated in Part 16, Division 7, Subdivision 3, Table 1, Item 4

Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Jurisdiction		SDAP Code / Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
Water related development (Referable dams)	Part 19, Division 3, Subdivision 3, Table 1, Item 1 – Column 2	•				•		20	N
Water related development (Levees)	Part 19, Division 4, Subdivision 3, Table 1, Item 1 – Column 2	•				•		19	N
Wetland Protection Area	Part 20, Division 4, Table 1-2, Item 1 – Column 2	•	•	•		•		9	N

### 5.2.2 PROHIBITED DEVELOPMENT

Schedule 10 of the *Planning Regulation 2017* identifies development that is prohibited development.

**Table 3-2** provides a checklist against Schedule 10 and identifies that the development the subject of this development application does not include prohibited development.

**TABLE 5-2 PROHIBITED DEVELOPMENT IDENTIFIED IN PLANNING REGULATION 2017**

Prohibited Development	Prohibition Description (Schedule 10)	Applicable (Y/N)
Brothels	Part 2, Division 1	N
Clearing native vegetation	Part 3, Division 1	N
Environmentally relevant activities	Part 5, Division 1	N
Koala habitat area	Part 10, Division 1	N
Noise sensitive place on noise attenuation land	Part 11	N
SEQ regional landscape and rural production area and SEQ rural living area	Part 16, Division 1	N
SEQ regional landscape and rural production area and SEQ rural living area (Community activity)	Part 16, Division 3, Subdivision 1	N
SEQ regional landscape and rural production area and SEQ rural living area (Residential development)	Part 16, Division 5	N
SEQ regional landscape and rural production area and SEQ rural living area (Urban activity - Shopping Centre)	Part 16, Division 6, Subdivision 1	N
Wetland Protection Area	Part 20, Division 1	N

### 5.3 STATE PLANNING POLICY

In that development under the changed application is located generally within the same development footprint and represents a reduced form of development to that originally proposed, further assessment against the State Planning Policy has not been undertaken.

An assessment of the original development against the applicable provisions of the SPP was provided within the original development application, which remains relevant despite the changes to the application. Refer to **section 4.2** of the original development application for an assessment of the proposed development against the relevant assessment benchmarks and other matters of the SPP.

### 5.4 REGIONAL PLAN

In that the average lot size of the development has increased under the changed application, the changed development is considered to be more consistent with the site's designation under the Regional Plan. Specifically, in consideration of the site's inherent environmental values, the provision of larger lots (i.e. including lots exceeding 6 hectares) provides for the retention and continued protection of areas of environmental significance.

An assessment of the original development against the provisions of the Regional Plan was provided within the original development application, which remains relevant despite the changes to the application. Refer to **section 4.1** of the original development application for an assessment of the proposed development against the relevant provisions of the Regional Plan. Additional commentary is provided in **section 5** of this report (Additional Information).



## 6. LOCAL PLANNING MATTERS

On 20 July 2017, Mareeba Shire Council agreed to assess the proposed development against the *Mareeba Shire Planning Scheme 2004* ('the Planning Scheme') being a superseded Planning Scheme.

The following matters of the Planning Scheme are applicable to the proposed development.

### 6.1 ZONE

The site the subject of the change application is located within the Myola Zone (Precincts A and C).

### 6.2 OVERLAYS

The following overlays are applicable to the site:

- Significant Vegetation Overlay
- Natural and Cultural Heritage Features Overlay
- Natural Disaster – Bushfire Overlay

### 6.3 CATEGORIES OF DEVELOPMENT AND ASSESSMENT

Pursuant to Table 22 of the Planning Scheme, Reconfiguring a Lot development within the Myola Zone is subject to Code Assessment. Changes made to the application do not change the applicable level of assessment.

### 6.4 CODE COMPLIANCE

The Planning Scheme provides that the proposed development is subject to assessment against the following codes:

- Myola Zone Code
- Natural and Cultural Heritage Features Overlay Code
- Natural Disaster – Bushfire Overlay Code
- Reconfiguring a Lot Code

An assessment (limited to the extent of the changed application) against each of the applicable codes is provided in **sections 6.4.1 – 6.4.4** below.

#### 6.4.1 MYOLA ZONE CODE

In that development under the changed application is located generally within the same development footprint and represents a reduced form of development to that originally proposed, development remains compliant with the Myola Zone Code as detailed within the original development application.

In that there are however a greater number of larger lots under the changed application, the changed application is considered to achieve greater compliance with the Myola Zone Code, particularly in respect of providing adequate area to establish a dwelling house, being responsive to topographic features and minimising vegetation clearing.

Development under the changed application remains responsive to the environmental constraints of the site and supports retention of the site's environmental and scenic values.

#### 6.4.2 NATURAL AND CULTURAL HERITAGE FEATURES OVERLAY CODE

In that development under the changed application is located generally within the same development footprint and represents a reduced form of development to that originally proposed, development remains compliant with the Natural and Cultural Heritage Features Overlay Code as detailed within the original development application.

Development under the changed application remains responsive to the environmental constraints and topographic features of the site.

#### 6.4.3 NATURAL DISASTER – BUSHFIRE OVERLAY CODE

In that development under the changed application is located generally within the same development footprint and represents a reduced form of development to that originally proposed, development remains compliant with the Natural Disaster – Bushfire Overlay Code as detailed within the original development application.

#### 6.4.4 RECONFIGURING A LOT CODE

In that development under the changed application is located generally within the same development footprint and represents a reduced form of development to that originally proposed, development remains compliant with the Reconfiguring a Lot Code as detailed within the original development application.

Refinements to the internal road network under the changed application will not impact upon each new lot having appropriate vehicular access.

#### 6.4.5 APPLICABILITY OF TRAFFIC IMPACT ASSESSMENT

A TIA prepared by Cardno accompanied the original application.

Notwithstanding that the TIA sought to assess the impact of traffic generated for a 179 additional lot development, findings of the assessment remain relevant to assessment of the changed development.

Specifically relevant to the change, the TIA recommended that Barnwell Road be widened to provide a sealed width of 6.5 metres on an 8 metre formation prior to the completion of the first stage of development (Stage A).

The Applicant is willing to accept a condition of approval in respect of the above.

## 7. ADDITIONAL INFORMATION

Within the Confirmation Notice dated 2 February 2018, Council identified that further information was required to facilitate assessment of the original development application.

A partial response to Council's Information Request is provided below in seeking to facilitate Council's ongoing assessment of the application.

### 7.1 MYOLA ZONE CODE – SECTION 4.125 BUILDING SITING, SCALE AND AMENITY

*Provide a detailed assessment of the proposed development against the Specific Outcomes and Probable Solutions (S1 to S4) contained in Section 4.125 of the Myola Zone Code. In particular, the subject land contains ridgelines (S2) and PS2.2) as identified on Planning Scheme Map N1.*

#### Response:

S1 of the Myola Zone Code requires that (emphasis added):

*"Each new lot intended for residential use has **adequate area** to allow for:*

*...*

*(ii) **protection of ridgelines** and waterways as identified on Map N1"*

*...*

Information provided within the original application identified that each lot was of adequate area to allow for the retention of vegetation within lots (including vegetation located on ridgelines), whilst also providing for residential improvements. Further, it was identified that the proposed lot layout has been designed in response to the natural slope of the site.

Whilst S1(ii) does not clarify the nature of protection sought in respect of ridgelines, it is noted that development is proposed predominantly on cleared land (i.e. only limited clearing is proposed). Further, substantial earthworks to ridgelines is not required to facilitate the development. On this basis, adverse visual impacts to the ridgelines (such as with respect to clearing or landform alteration) will not occur as a result of the proposed development. The reduced scale and intensity of development will further mitigate any perceived visual impacts to the ridgelines.

New lots are therefore considered to be of adequate area to achieve the objectives of S1 and therefore, the proposed development is considered to comply with S1 and the Myola Zone Code.

### 7.2 FAR NORTH QUEENSLAND REGIONAL PLAN 2009 – 2031

*Provide an additional detailed assessment of the proposed development against all relevant provisions (applicable desired regional outcomes and land use policies) of the Far North Queensland Regional Plan 2009 – 2031. This additional assessment must include, but not be limited to, DRO1.1 Biodiversity Conservation.*

#### Response:

A response to applicable and relevant Desired Regional Outcomes of the Regional Plan are provided in **Table 7-1**.

TABLE 7-1 RESPONSE TO REGIONAL PLAN DROS

Natural Environment
<p><b>1.1 Biodiversity Conservation</b></p> <p>Land use policies 1.1.1 – 1.1.3 have regard to urban development. Notwithstanding that the proposed development represents ‘non-urban’ residential development, it is noted that the proposed development has been designed to avoid impacts on ecological values. This includes via siting, limiting clearing to Category R (regrowth) and Category X vegetation only, as well as through the provision of larger lots and covenants, which will provide for the protection of <i>Litoria Myola</i> habitat areas.</p> <p>In addition to the avoidance of ecological values via the location of lots, buffers have been provided to waterways within the site and to Category B vegetation, to remove opportunities for <i>accepted operational work</i> (clearing) to be undertaken.</p> <p>In accordance with the above, development will achieve the objectives of the Biodiversity Conservation DRO with respect to protecting the region’s natural assets to maintain ecological integrity and processes.</p>
<p><b>1.2 Coastal management</b></p> <p><i>No applicable land use policies – the site is not located within proximity to the coast.</i></p>
<p><b>1.3 Air and acoustic environment protection</b></p> <p><i>No applicable land use policies – the development will not generate emissions and is not proposed to be located within proximity to activities that generate emissions.</i></p>
Regional landscape and natural resources
<p><b>2.1 Regional landscape values</b></p> <p>The site is identified to contain areas of high ecological significance, which contribute to regional landscape values. As a result of providing large lots and minimising clearing, the ability of the site to provide for nature conservation will not be removed by the proposed development. With respect to cultural landscapes, native title has been extinguished with respect to the site and the requirements of the Aboriginal Cultural Heritage Act remain in force with respect to the development of the land.</p> <p>On this basis, the proposed development is considered to comply with land use policies 2.1.1 and 2.1.2. Land use policy 2.1.3 is not relevant to the proposed development.</p>
<p><b>2.2 Natural resource management</b></p> <p><i>No applicable land use policies – land use policy 2.2.1 has regard to local government planning schemes.</i></p>
<p><b>2.3 Scenic amenity, outdoor recreation and inter-urban breaks</b></p> <p>The development proposes large lots (of 4,000m<sup>2</sup> and greater) on cleared land and has been designed to retain key topographical features (such as waterways, vegetation and natural slope). The nature and scale of development, along with the undulating nature of topography surrounding the site, lends that the proposed development will not adversely affect the visual amenity of the regions landscape.</p> <p>Additionally, the nature and scale of the development is considered to be consistent with that found in the locality, including directly to the south-east.</p> <p>On this basis, the proposed development is considered to comply with land use policy 2.3.1, being the only applicable land use policy of section 2.3.</p>



## 2.4 Primary production and fisheries

The site is not designated as good quality agricultural land. Further, buffers are provided (in the form of vegetated setbacks) to agricultural operations located within the vicinity of the site.

On this basis, the proposed development is considered to comply with land use policies 2.4.1 and 2.4.2. Land use policies 2.4.3 and 2.4.4 and note relevant to the proposed development.

## 2.5 Extractive industries and mineral resources

*Not relevant to the application – development is not proposed in a Key Resource Area and is not for an extractive industry.*

## 2.6 Rural Subdivision

The site is not designated as good quality agricultural land. Further, the agricultural capacity of the land is diminished by topographical features including vegetation, waterways and slope. Therefore, the proposed development is not considered to result in the fragmentation of agricultural land as referred to in land use policy 2.6.1. Land use policies 2.6.2 – 2.6.4 are not relevant to the proposed development.

## 2.7 Rural Precincts

*Not relevant to the application – development is not proposed on a gazetted Rural Precinct.*

# 3. Strong Communities

## 3.1 Social Planning

*Not relevant to the application – additional social infrastructure is not warranted (nor proposed) in respect of the development, due to the nature and scale of the development and proximity of the site to existing social infrastructure (such as located within nearby Kuranda).*

## 3.2 Social Infrastructure

*Not relevant to the application – additional social infrastructure is not warranted (nor proposed) in respect of the development, due to the nature and scale of the development and proximity to existing social infrastructure (such as located within nearby Kuranda).*

## 3.3 Healthy and safe communities

In respect of CPTED principles, the proposed lot layout facilitates casual surveillance of the internal road network and does not create opportunities for concealment. On this basis, development is considered to comply with land use policy 3.3.1.

Buffers are provided to waterways, therefore providing a barrier between development and biting insects as well as promoting the ecological health of waterways that are known to stock vertebrates (fish) that control the larval stage of select biting insects. Features that have the potential to provide a breeding ground for biting insects are not proposed. On this basis, the proposed development is considered to comply with land use policy 3.3.3.

Development is not proposed on land that is recognised to be subject to impacts of climate change (such as an erosion prone area) and therefore, land use policy 3.3.2 is not considered to be relevant to the application.

### 3.4 Community engagement and capacity building

*Not applicable to the application – development is not a greenfield development (in the form of a master planned community) or redevelopment project involving higher density residential development.*

### 3.5 Sense of community, place and identify

*Not applicable to the application – no public spaces or places are proposed and no existing public spaces are proposed to be developed. Further, development is not proposed within a regional activity centre or rural town, and is not a greenfield development (in the form of a master planned community) or infill development involving higher density residential development.*

### 3.6 Arts and cultural development

*Not applicable to the application – the provision of arts and/or cultural infrastructure is not warranted for the proposed development, being for Reconfiguring a Lot.*

### 3.7 Cultural heritage

*Not applicable to the application – development is not proposed on or adjacent to a Queensland or local heritage place. With respect to indigenous cultural heritage, no native title claims have been lodged relevant to the site and no matters are mapped within the Planning Scheme.*

### 3.8 Strengthening Indigenous communities

*Not applicable to the application – the site is not held in trust.*

## 4. Urban development

DRO 4 – Urban development is not considered to be applicable to the application – the proposed development is considered to be non-urban development and is captured instead within the Rural Subdivision section of ‘Regional landscape and natural resources’ (see 2.6 above).

Notwithstanding, the proposed development does contribute to housing choice and affordability, as sought to be achieved by section 4.4 of the Regional Plan (Housing Choice and Affordability). On this basis, development complies with land use policies 4.4.1 – 4.4.2.

Further, the objective of the ‘Rural Residential Development’ aspect of the DRO (section 4.6) is to prevent the fragmentation and alienation of agricultural land, and loss or degradation of areas of high ecological significance. In that the site is not identified to be good quality agricultural land and that ecological features will be retained, the objective of the DRO is considered to be achieved to the extent relevant.

The site is also responsive to bushfire hazard through siting and design, therefore complying with relevant land use policies associated with 4.7 Mitigation of hazards.

## 5. Economic Development

*Not applicable to the application – the site is not identified as strategically located land (such as port land) and development is not for an economic activity.*

## 6. Infrastructure

The site will be serviced partially by existing infrastructure, providing for the efficient utilisation of existing infrastructure consistent with land use policy 6.1.2.

Further, development is not proposed on land identified on a key site, corridor or buffer area for current or future regional infrastructure consistent with land use policy 6.1.4. Additional land use policies with respect to infrastructure are not relevant to the application. The application is considered to be consistent with the objectives of the infrastructure DRO.

## 7. Water management

Development is proposed to be setback from waterways via the adoption of buffer zones, in seeking to maintain the quality and ecological functions of waterways consistent with land use policy 7.1.4.

It is proposed that lots of the development will be either connected to the reticulated water network, or through use of a combination of rainwater harvesting (rainwater tanks) and groundwater bores which, in either case is understood to have sufficient water supply in consideration of water planning objectives (section 7.3 of the Regional Plan).

Additional land use policies with respect to water management are not relevant to the application. The application is considered to be consistent with the objectives of the water management DRO.

## 8. Transport

The internal road network of the development will be constructed in accordance with the relevant standards and will therefore facilitate safe, efficient and effective transport that will meet the needs of future residents, in accordance with the objectives of the transport DRO. Additional land use policies with respect to transport are not relevant to the application.

### 7.3 ECOLOGICAL ASSESSMENT REPORT

*Provide a supporting Ecological Assessment Report prepared generally in accordance with the methodology outlined within Planning Scheme Policy 2 – Ecological Assessment Reports of the Mareeba Shire Council Planning Scheme 2016.*

#### Response:

‘Planning Scheme Policy 2 – Ecological Assessment Reports’ of the Mareeba Shire Planning Scheme 2016 is not relevant to the assessment of the superseded development application.

It is respectfully requested that an Ecological Assessment prepared in response to Specific Outcome S3<sup>34</sup> of the Natural and Cultural Heritage Features Overlay Code be deferred to conditions of approval, in seeking to identify constraint areas to which development should be avoided and/or building envelopes, which may be included as covenants on any new lots created.

The development does not cause for the clearing of regulated vegetation, and the significant reduction in the quantum of lots, along with the amalgamation of proposed lots adjacent environmentally sensitive areas provides Council with sufficient justification to approve the development, in consideration of environmental constraints.

Further, it will be necessary for the Applicant to seek relevant approvals (as may be required) pursuant to the *Nature Conservation Act 1992* and the *Environment Protection and Biodiversity Conservation Act 1999*, and the Council. These acts hold relevant jurisdiction in respect to the assessment of impacts on threatened species.

### 7.4 WATER SUPPLY RETICULATION ANALYSIS

*Provide a supporting Water Supply Reticulation Analysis, prepared by a RPEQ, to determine the extent of works/upgrading required to reticulation mains, trunk mains, pumping facilities and storage capacity to facilitate connection of the proposed development to Council’s reticulated water infrastructure .*

<sup>34</sup> Considered to be the only relevant Specific Outcome that may necessitate an Ecological Assessment.

*The analysis must identify the proposed alignment of connection infrastructure and demonstrate that necessary tenure/land owners consent is provided for the proposed alignment.*

**Response:**

The proposed change results in a significantly lesser water demand for the development being less than 30% of that originally proposed. Water supply can either be achieved by connection to Council's reticulated water supply network, relying on road reserves for the water supply line or via rainwater harvesting and/or bore water for individual lots (Note – licences for bore water extraction are not required on the site). Given the significant reduction in scale of the development, it is respectfully requested that a condition of approval require that a Water Supply Reticulation Analysis be undertaken as part of Operational Works only where lots are to be connected to Council's reticulated water network.

## **7.5 STORMWATER ANALYSIS**

*Provide an analysis of the anticipated quantity and quality of stormwater drainage associated with the development and provide a provisional/conceptual Stormwater Management Plan (prepared by an RPEQ) for the proposed development. Through the implementation of water sensitive urban design principles, this plan must demonstrate no net increase in the discharge rate of stormwater from the developed site. Stormwater drainage should be incorporated and designed as a landscape feature within the open space corridors/areas. Any minor stormwater drainage corridors not part of open space areas will be required to be incorporated into the individual allotments and restricted from development by way of easements.*

**Response:**

The proposed development is for a non-urban subdivision, with lot sizes in excess of 4,000m<sup>2</sup> and with the number of lots reduced to less than 30% of that originally proposed. It is respectfully requested that in consideration of the change, that a stormwater analysis be required as a condition of approval, noting that there is sufficient area within the proposed subdivision layout to include stormwater detention and bioretention features as may be required for the development.

## **7.6 ON-SITE EFFLUENT DISPOSAL**

*Provide a site and soil evaluation report, prepared by a registered site and soil evaluator demonstrating the ability of the proposed development to accommodate on-site effluent disposal in accordance with AS/NZS1547:2000.*

**Response:**

The majority of the project area is covered by deep gradational Red or Brown Dermosols (Galmara and Bicton) formed in situ from metamorphic parent material. On slopes >32%, smaller areas of shallow Orthic Tenosols (Seymour) are likely to occur within areas dominated by Dermosols, and small isolated areas of Red Kandosols (Mission) are likely to occupy shallow slopes on colluvial/alluvial deposits that occur in wider drainage lines.

The soils are non-saline and non-sodic, with an acid reaction trend down the profile. Existing agricultural land use has affected soil quality. In some locations, the surface soil has been limed and may have received fertiliser additions. In the locations where soils were analysed (on Bicton and Galmara), topsoils had good organic matter and nutrient reserves.

In Environmental Geology, August 2004, Volume 46, Issue 2, pp 195–208 'Framework for soil suitability evaluation for sewage effluent renovation' it was identified that Dermosol soils provide soil permeability and drainage characteristics that were suitable for on-site wastewater treatment based on three main soil functions: (1) the ability of the soil to provide suitable effluent renovation, (2) the permeability of the soil, and (3) the soil's drainage characteristics.

The site is also known to support an existing on-site wastewater treatment system that successfully treats the wastewater of up to 150 visitors to the site per day.

Therefore, on the basis of the identified predominant soil types, and that an existing and significant wastewater treatment system successfully operates on site it is not considered necessary to provide a site and soil evaluation report that will arrive at the same conclusion.

However, the Applicant is considering connecting to Council's wastewater network, and accordingly requests a condition of approval requiring a Reticulated Sewer Analysis be undertaken as part of Operational Works only where lots are to be connected to Council's sewer network.

#### **7.7 GEOTECHNICAL REPORT**

*Parts of the subject land mapped slopes greater than 15 percent. Provide a supporting Geotechnical Report prepared generally in accordance with the methodology outlined within Planning Scheme Policy 5 – Geotechnical Reports of the Mareeba Shire Council Planning Scheme 2016.*

##### **Response:**

The superseded planning scheme does not require a Geotechnical Report to be prepared generally in accordance with *Planning Scheme Policy 5 – Geotechnical Reports of the Mareeba Shire Council Planning Scheme 2016*. Moreover, the site in comparison to adjoining rural residential development is relatively unconstrained by slope in excess of 15% and the proposed lots include sufficient areas of less than 15% in which to accommodate future development. It is respectfully requested that Council assess future development against the Hill and Slope Overlay Code in the *Mareeba Shire Council Planning Scheme 2016* in the limited circumstances in which this may be triggered by future development and/or be addressed as part of any future Operational Works for earthworks associated with the proposed subdivision, if approved by Council.

#### **7.8 DRAFT INFRASTRUCTURE AGREEMENT**

*The subject land is outside the Priority Infrastructure Area boundary for Kuranda. Provide a draft infrastructure agreement for the proposed development covering all relevant infrastructure networks.*

##### **Response:**

The Applicant is willing and able to provide a draft Infrastructure Agreement following confirmation of connection to Council's sewer and water networks and agreement with Council as to whether identified Road Trunk Infrastructure on Barnwell, connecting through to Warril Drive per Planning Scheme Map Roads-PFT134 of 47 (or similar route) warrants offsets or refunds pursuant to the Local Government Infrastructure Plan and Council's Adopted Infrastructure Charges Resolution (No. 2) 2019 dated 19 June 2019.

## 8. CONCLUSION

Changes made to the development application represent a change other than a Minor Change. Notwithstanding, the changes made to the application have been undertaken in response to Council's Information Request and in response to DSDMIP's further advice. Further, these changes seek to reduce the scale of development, whilst remaining generally within the original development footprint proposed.

Development under the changed application remains responsive to the environmental constraints and topographic features of the site.

Therefore, in the context of development assessment, changes made to application do not call into assessment matters that were not applicable to the original development application (in terms of overlays, matters of state interest and referral matters).

Further, the original referral requirements (in respect of State transport matters) are considered to be removed as a result of the changes made to the application.

In consideration of the changes proposed, the proposed development is considered to remain consistent with the applicable assessment benchmarks, including the provisions of the Regional Plan.

It is requested that Council continue assessment of the changed application in accordance with the relevant provisions of the DA Rules and also provide a revised Confirmation Notice that corrects the record, recognising that the revised Confirmation Notice does not give cause to stop the development assessment process, in accordance with section 26.1 of the DA Rules.



## 9. SCHEDULES

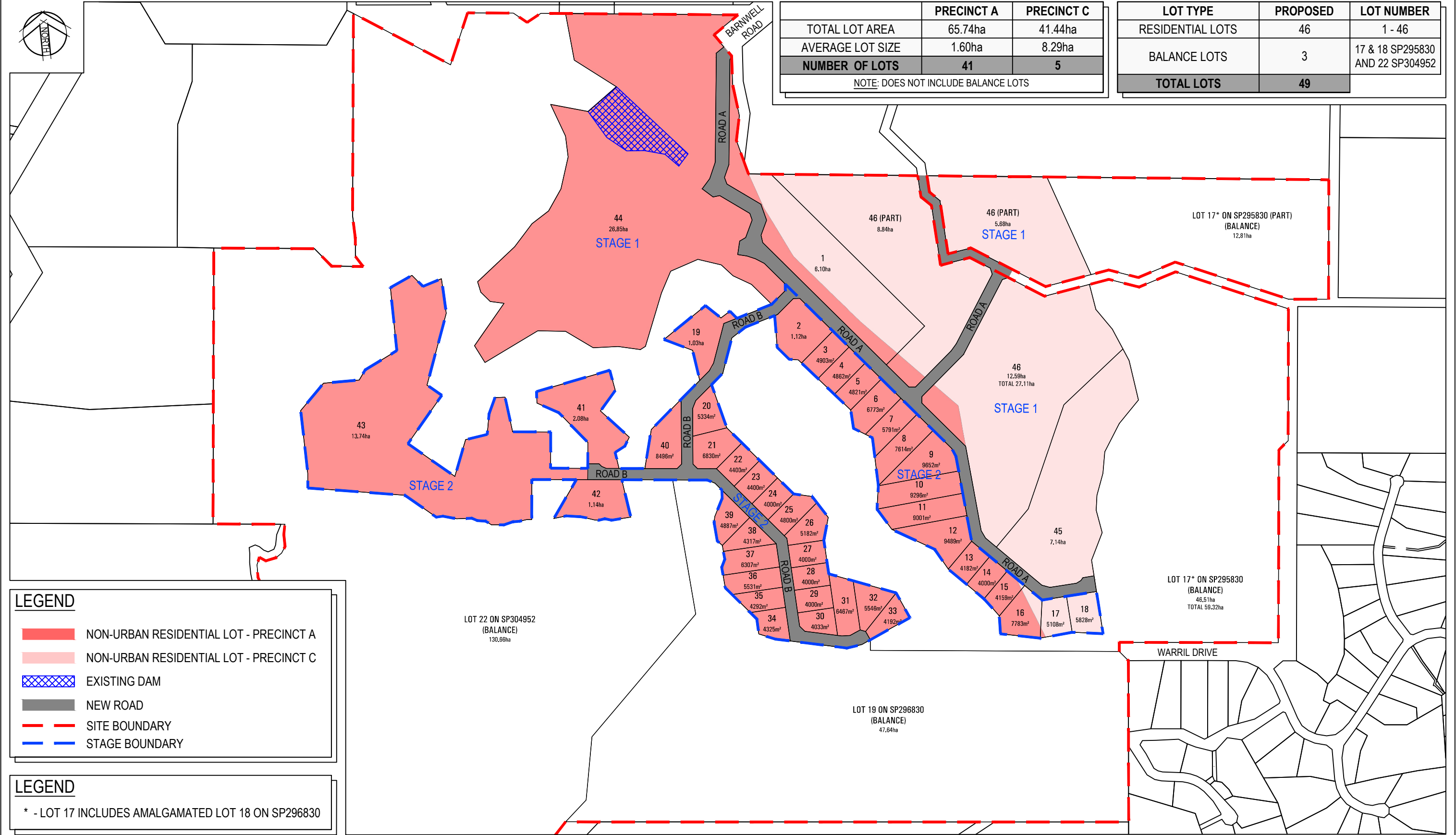
TABLE 9-1 LIST OF SCHEDULES

Schedule	Document Title	Document Ref.	Version	Author	Date
1	Changed Plan	HRP16299-003-MP-08	I	Cardno	6 August 2019
2	Corrected DA Form 1	-	-	-	-

## SCHEDULE 1 – CHANGED PLAN

DATE PLOTTED: 28 August 2019 5:18 PM  
CAD FILE: P:\1721930 Kurwondals - Non Urban Residential\0101 - DESIGN PHASE\Drawings\HRP16299-003-MP-08.dwg

Cardno (Qld) Pty Ltd | ABN 57 051 074 992  
15 Scott Street  
Parramatta Park, Qld 4870  
PO Box 1619, Cairns, Qld 4870  
Tel: (07) 4034 0500  
Email: cairns@cardno.com.au Web: www.cardno.com.au



	PRECINCT A	PRECINCT C
TOTAL LOT AREA	65.74ha	41.44ha
AVERAGE LOT SIZE	1.60ha	8.29ha
NUMBER OF LOTS	41	5
NOTE: DOES NOT INCLUDE BALANCE LOTS		

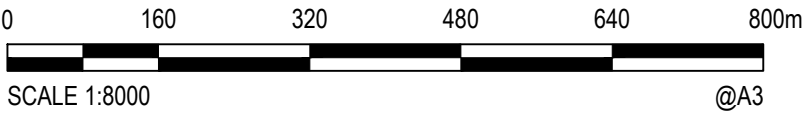
LOT TYPE	PROPOSED	LOT NUMBER
RESIDENTIAL LOTS	46	1 - 46
BALANCE LOTS	3	17 & 18 SP295830 AND 22 SP304952
TOTAL LOTS	49	

**LEGEND**

- NON-URBAN RESIDENTIAL LOT - PRECINCT A
- NON-URBAN RESIDENTIAL LOT - PRECINCT C
- EXISTING DAM
- NEW ROAD
- SITE BOUNDARY
- STAGE BOUNDARY

**LEGEND**

\* - LOT 17 INCLUDES AMALGAMATED LOT 18 ON SP296830



# NON URBAN RESIDENTIAL PROPOSED LOT LAYOUT AND STAGING PLAN

REEVER AND OCEAN PTY LTD  
BARNWELL ROAD, KURANDA  
LOTS 22 ON SP304952,  
17, 18 & 19 ON SP296830 AND 20 ON N157423,

Date	Sketch/Figure Number	Revision
28/08/2019	HRP16299-003-MP-08	J

## SCHEDULE 2 – CORRECTED DA FORM 1

# DA Form 1 – Development application details

**Approved form (version 1.1 effective 22 JUNE 2018) 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 building work.

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Reever and Ocean Pty Ltd
Contact name <i>(only applicable for companies)</i>	C/- wildPLAN (Dominic Hammersley)
Postal address <i>(P.O. Box or street address)</i>	PO Box 8028
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Contact number	0487 967 533
Email address <i>(non-mandatory)</i>	dominic@wildplan.com.au
Mobile number <i>(non-mandatory)</i>	0487 967 533
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	WP19 002 DEV 005

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" 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
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	Lot 17	SP296830	Mareeba Shire Council
	4881	Lot 18	SP296830	Mareeba Shire Council
	4881	Lot 22	SP304952	Mareeba Shire Council
	4881	Lot 19	SP296830	Mareeba Shire Council
	4881	Lot 95	N157452	Mareeba Shire Council
	4881	Lot 20	N157423	Mareeba Shire Council
	4881	Lot 131	N157491	Mareeba Shire Council
	4881	Lot 129	NR456	Mareeba Shire Council
	4881	Lot 43	N157359	Mareeba Shire Council
	4881	Lot 290	N157480	Mareeba Shire Council

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

**Note:** Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ 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 their details have been attached in a schedule to this 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:

Haren Creek, Owen Creek, Cain Creek, Warril Creek

☐ 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:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	Cairns Regional Council
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="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

**5) Are there any existing easements over the premises?**

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

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

- ☒ Code assessment      ☐ Impact assessment (requires public notification)

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

10 lots into 54 lots (44 additional lots) Note – 49 lots (only) are affected by the development.

e) Relevant plans

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

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

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

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☒ Not required

## Section 2 – Further development details

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

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

### Division 2 – Reconfiguring a lot

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

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

10

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

<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction 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	46 new lots			

10.2) Will the subdivision be staged?

<input checked="" type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	2
What stage(s) will this development application apply to?	2

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 18 SP296830	698,141m <sup>2</sup>	Lot 19 on SP296830	47.64 ha
Lot 19 SP296830	434,993m <sup>2</sup>		
12.2) What is the reason for the boundary realignment?			
To accommodate the Reconfiguring a Lot			

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 checked="" type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Cairns Regional 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  
☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached  
☐ No

## PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for 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 Regulation 2017:**

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

<input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 3 levees only)</i>
<input type="checkbox"/> Wetland protection area
Matters requiring referral to the <b>local government</b> :
<input type="checkbox"/> Airport land
<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i>
<input type="checkbox"/> Local heritage places
Matters requiring referral to the <b>chief executive of the distribution entity or transmission entity</b> :
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> <li>• The <b>Chief executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul>
<input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to <b>the Brisbane City Council</b> :
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the <b>Minister under the Transport Infrastructure Act 1994</b> :
<input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons)
<input type="checkbox"/> Strategic port land
Matters requiring referral to the <b>relevant port operator</b> :
<input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the <b>Chief Executive of the relevant port authority</b> :
<input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the <b>Gold Coast Waterways Authority</b> :
<input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the <b>Queensland Fire and Emergency Service</b> :
<input type="checkbox"/> Tidal works marina <i>(more than six vessel berths)</i>

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

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

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

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

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☒ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
☐ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

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

23) Further legislative requirements

### Environmentally relevant activities

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

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

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

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

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

### Hazardous chemical facilities

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

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

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

### Clearing native vegetation



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

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

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

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

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

### **Koala conservation**

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

☐ Yes

☒ No

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

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

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

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated *resource* allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

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

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

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

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

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

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

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

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
- ☒ No

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

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title
- ☒ No

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

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
- ☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
- ☒ No

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

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☒ No

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued ( <i>see 21</i> ))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> <li>such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or</li> <li>required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>

## PART 9 – FOR 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	
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#### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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