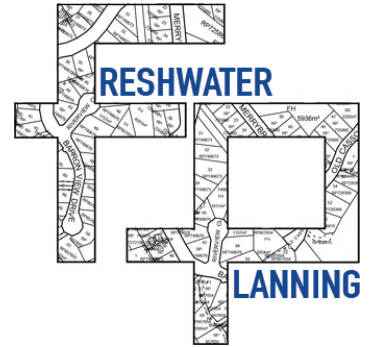


Your Ref:
Our Ref: F18/03

20 January, 2018

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880



Attention: Regional Planning Group

Dear Sir,

**RE: APPLICATION FOR RECONFIGURATION OF A LOT – 1 LOT INTO 2 LOTS
LOT 97 ON SP202902, 6 MCMILLAN ROAD, PADDYS GREEN.**

This application is for a Reconfiguration of a Lot – 1 Lot into 2 Lot over land described as Lot 97 on SP202902, situated at 6 McMillan Road, Paddys Green is submitted on behalf of SR & MA Land and M R Cordingley.

The application comprises of Application Forms, SmartMap, Twine Surveys Pty Ltd Sketch Plan, Department of Infrastructure, Local Government Prelodgement Advice and Planning and this Town Planning Submission. It is understood that the applicant will provide \$995.00 in payment of the Application Fee.

The Site

The subject land is described as Lot 97 on SP202902, Locality of Paddys Green and situated at 6 McMillan Road, Paddys Green. The site is owned by SR & MA Land and M R Cordingley who are also the applicants for the proposed Reconfiguration. The site is irregular in shape, has an area of 41.36 hectares, contains frontage to Springs and McMillan Roads, encompasses a dwelling and associated structures, abuts SunWater Infrastructure (Lot 147 on DA800498) and contains Rural Activities. The site is accessed from the existing Road Network, being McMillan Road, and is provided with all available and necessary services. The site is currently intersected by the compulsory infrastructure, being the Drainage Reserve Allotment (Lot 148 on DA800498).

In relation to the current State Governmental Mapping the site is not Mapped as containing Essential Habitat, Regrowth Vegetation nor is located within a Referable Wetland. The site is Mapped as containing Remnant 'least concern' Vegetation. The site is not located within 25 metres of a State Controlled Road nor within 25 metres of a Railway Corridor.

Referral Agencies

The site is Mapped as containing 'least concern' Remnant Vegetation over the site and located within proposed Lot 972. No new exemptions are created with the proposed Reconfiguration as no buildings or structures are proposed with the development and any future dwellings will be located on proposed Lot 971 which is free from Mapped Remnant Vegetation. The site contains existing Fences, a dwelling and structures which provide for existing exemptions as provided under Schedule 24. It is noted that the configuration has been designed to ensure that any new boundaries are wholly located outside the Mapped Remnant Vegetation and follow the existing Boundary lines and intersection of Lot 148 on DA800498. It is considered that the proposal does not

create any additional exemptions and proposes no additional buildings, therefore the proposal does **not** require Referral to the Department for Vegetation Concerns. This has been supported by the attached Prelodgement Advice as received from the Department of Infrastructure, Local Government and Planning and confirmed with Council's Planning Department.

The Proposed Development

The proposed development is for a Reconfiguration of a Lot – 1 Lot into 2 Lots in the Rural Zone of the Mareeba Shire Planning Scheme. The site is located at 6 McMillan Road, Paddys Green and is more particularly described as Lot 97 on SP202902. The site is irregular in shape, has an area of 41.36 hectares, contains frontage to Springs and McMillan Roads, encompasses a dwelling and associated structures, abuts SunWater Infrastructure (Lot 147 on DA800498) and contains Rural Activities. The site is accessed from the existing Road Network, being McMillan Road, and is provided with all available and necessary services. The site is currently intersected by the compulsory infrastructure, being the Drainage Reserve Allotment (Lot 148 on DA800498).

A Development Permit for a Reconfiguration of 1 Lot into 2 Lots is sought to subdivide Lot 97 on SP202902 creating an additional Rural Allotment excising the area of land separated by the Drainage Reserve Allotment (Lot 148 on DA800498). It is considered that the proposed Reconfiguration is similar, in size, shape and configuration to adjoining Lot 1 on RP735316 and surrounding Rural Allotments. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme and no change to the Rural Zone is proposed with the Reconfiguration. The proposal will provide an additional Allotment while maintaining the existing amenities and aesthetics of the site and surrounding Rural Allotments.

The site is located within the Paddys Green surrounds which contains a number of smaller Rural Allotments which are generally resultant of the fragmentation and separation from Drainage Reserves. The proposal is considered to remove the land tenure issue of the site being segregated by the Drainage Reserve Allotment which limits the site from being farmed as a single allotment. The proposal will not remove considered viable Rural Production Area to the existing Rural Allotment however, will allow for future diversification and other Rural ventures and activities to be provided over the proposed smaller Rural Allotment.

The Reconfiguration of a Lot proposes two (2) Allotments described as proposed Lots 971 and 972. The proposed areas of the allotments are:

Proposed Lot 971	1.966 ha
Proposed Lot 972	39.39 ha.

The site gains access from the existing Road Network, being McMillan Road, with proposed Lot 971 requiring a formalised access within the future from Springs Road. No change to the existing access provided from McMillan Road is envisaged with the proposal nor will any changes to the existing buildings, structures and Rural Activities provided over the site. The site is connected to all available and necessary services with the proposed new Allotments able to be connected to all available and necessary services.

Both the existing Rural Allotment and proposed Rural Allotments are smaller than the required 60 hectares as nominated within the Mareeba Shire Planning Scheme's Reconfiguration of a Lot Code for allotments in the Rural Zone. However, the proposed allotments are not considered to be detrimental to the adjacent sites or adversely impact on the surrounding area as it provides for similar allotment sizes and configuration while resolving Land Tenures Issues over the site. It is considered that the proposal is not in conflict with the Acceptable Solutions and where these cannot be met, the proposal can meet the Performance Criteria of the Reconfiguration of a Lot for land in the Rural Zone and the Rural Zone Code.

The site is located in the Rural Zone of the Mareeba Shire Planning Scheme. The proposed Reconfiguration of a Lot is a Code Assessable Use within this Zone. The application is Code Assessable.

Far North Queensland Regional Plan 2009-2031

Lot 97 on SP202902 is identified as being in the Regional Landscape and Rural Production Area designation of the FNQ Regional Plan Mapping.

The Regional Plan introduces controls on subdivision of Rural Zoned land in the Regional Landscape and Rural Production Area. These controls serve two purposes – To maintain larger lots sizes to ensure the economic viability of rural land holdings and to protect important agricultural lands and areas of ecological significance from encroachment by urban and rural residential development.

The Objective is for the Region's Rural Production Area and Natural Resources to be protected by limiting land fragmentation.

It is noted that the FNQ Regional Plan has no mention of a Minimum Area for this type of Subdivision. With the Repeal of the Regulatory Provisions, the Regional Plan is now silent on any allotment size within the Regional Landscape and Rural Production Area. Hence, it is understood that there is no minimum allotment size and the proposal is considered to reflect the Intent of the FNQ Regional Plan, Local Governments Planning Schemes and is considered appropriate.

It is noted that a separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the Planning Scheme area. However, the proposed Reconfiguration is for the further Subdivision of the existing Land Parcel as depicted by the Mareeba Shire Council's Planning Scheme's Rural Zone. The Reconfiguration is considered to resolve Land Tenure Issues of the site being intersected by the compulsory instalment of the Drainage Reserve Allotment with the proposed new boundaries following the existing boundaries and Drainage Reserve Allotment. It is considered that while the site is designated in the Regional Landscape and Rural Production Area of the FNQ Regional Plan, the proposed development is considered acceptable and appropriate as it is similar in size and configuration to the adjoining and surrounding Rural Allotments.

Section 2.6 Rural Subdivisions Land Use Policy 2.6.1 nominates that the further fragmentation of agricultural land in the Regional Landscape and Rural Production Area is avoided to maintain economically viable farming lots. Since the repeal of the Regulatory Provisions there is no longer any minimum allotment size within the Regional Landscape and Rural Production Area therefore, no minimum viable allotment size. The Mareeba Shire Council's Planning Scheme nominates that the site contains areas of Agricultural Land Class A and B and areas without Agricultural Land. The proposal does not create any further fragmentation of agricultural land as the proposal uses the existing boundaries of the site and the intersecting Land Tenure Issue (Drainage Reserve Lot 148 on DA800498). The proposal is considered to remove the land tenure issue of the site being segregated by the Drainage Reserve Allotment which limits the site from being farmed as a single allotment. The proposal will not remove considered viable Rural Production Area to the existing Rural Allotment however, will allow for future diversification and other Rural ventures and activities to be provided over the proposed smaller Rural Allotment. The proposal provides for a Subdivision that is in accordance with the configuration, size and requirements of adjoining and surrounding Rural Allotments within Paddys Green and is considered to comply with the Intent of the Regional Plan given that there is no longer any minimum allotment size and is considered acceptable.

It is considered that the proposed Reconfiguration is not in conflict with the Intent for Regional Landscape and Rural Production Area in the FNQ Regional Plan 2009-2031, especially given that the proposal resolves Land Tenure Issues and provides for similar Rural configurations to the surrounding Rural Area.

Rural Zone Code

The proposal is for a Development Permit for a Reconfiguration of 1 Lot into 2 Lots is sought to subdivide Lot 97 on SP202902 creating an additional Rural Allotment allowing for the excision of the southern part allotment to ensure continued activities located over the site and the provision of new Rural Activities now and within the future. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme and no change to the Rural Zone is proposed with the Reconfiguration. The proposal will provide an additional Allotment while maintaining the existing amenities and aesthetics of the site.

Performance outcomes	Acceptable outcomes	Comments
For self-assessable and assessable development		
Height		
PO1 Building height takes into consideration and respects the following: (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length.	AO1.1 Development, other than buildings used for rural activities, has a maximum building height of: (a) 8.5 metres; and (b) 2 storeys above ground level.	Not Applicable. No Buildings proposed with the development.
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	Not Applicable. No Buildings proposed with the development.
Siting, where not involving a Dwelling house		
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.		
PO2 Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors.	AO2.1 Buildings and structures include a minimum setback of: (a) 40 metres from a frontage to a State-controlled road; and (b) 10 metres from a boundary to an adjoining lot.	Not Applicable. No Buildings proposed with the development.
	AO2.2 Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.	Not Applicable. No Buildings proposed with the development nor is a Roadside Stall proposed.
	AO2.3 Buildings and structures, except where a Roadside stall, include a minimum setback of: (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and	Not Applicable. No Buildings proposed with the development.

Performance outcomes	Acceptable outcomes	Comments
	(b) 100 metres from a frontage to any other road that is not a State-controlled road;	
Accommodation density		
PO3 The density of Accommodation activities: <ul style="list-style-type: none"> (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and (c) is commensurate to the scale and frontage of the site. 	AO3.1 Residential density does not exceed one dwelling house per lot. AO3.2 Residential density does not exceed two dwellings per lot and development is for: <ul style="list-style-type: none"> (a) a secondary dwelling; or (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m²; or (c) Rural worker's accommodation. 	The proposal is for a Reconfiguration of 1 Rural Allotment into 2 Rural Allotments with a single dwelling located on site currently. The proposal will result in the ability for the provision of a future dwelling located over proposed Lot 971 however, this still provides a density of one dwelling per allotment not exceeding two dwellings per lot.
For assessable development		
Site cover		
PO4 Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> (a) makes efficient use of land; (b) is consistent with the bulk and scale of buildings in the surrounding area; and (c) appropriately balances built and natural features. 	AO4 No acceptable outcome is provided.	Not Applicable. No Buildings proposed with the development.
PO5 Development complements and integrates with the established built character of the Rural zone, having regard to: <ul style="list-style-type: none"> (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location. 	AO5 No acceptable outcome is provided.	Not Applicable. No Buildings proposed with the development.
Amenity		
PO6 Development must not detract from the amenity of the local area, having regard to: <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; 	AO6 No acceptable outcome is provided.	The proposal is not considered to detract from the existing amenity of the site nor the local amenity of the immediate and surrounding area. The proposal is for a Reconfiguration of 1 Rural Lot into 2 Rural Lots and the resulting additional allotment is not considered to significantly detract from the local amenity in relation to noise, traffic, privacy and visual amenity. It is not considered that the proposal will detract

Performance outcomes	Acceptable outcomes	Comments
(g) lighting; (h) odour; and (i) emissions.		from the amenity of the local area and is considered acceptable.
PO7 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	A07 No acceptable outcome is provided.	The proposal is considered to ameliorate against any existing negative environmental impacts as the proposal is for a Reconfiguration creating an additional Rural Allotment. It is not considered that the proposal will have any significant adverse impacts nominated within the Performance Outcomes.

It is not considered that the proposed Reconfiguration is in conflict with the Intent and the proposal complies with the Acceptable Outcomes and where there are no Acceptable Outcomes or they are unable to be met, the Performance Outcomes of the Rural Zone Code.

Bushfire Hazard Overlay Code

The site is Mapped as containing areas of Potential Impact Buffer (100 metres) and Medium Potential Bushfire Intensity nominated over the site. The proposal is for the Reconfiguration to subdivide Lot 97 on SP202902 creating an additional Rural Allotment allowing for the excision of the 1.966 hectares Rural Allotment that is segregated from the site by the intersection of Lot 148 on DA800498. It is noted that proposed Lot 972 will retain the existing dwelling and no change to the existing dwelling and Bushfire Hazard is envisaged with the proposal. Proposed Lot 971 contains a minor area of Medium Bushfire Intensity provided due to the scale and pixilation of the Mapping with the balance of proposed Lot 971 included within the Potential Impact Buffer (100 metres) designation. Any future dwelling is able to be located outside the Mapped Medium Bushfire Intensity Area and provided within an area of lowest Bushfire Hazard located over the proposed Lot 971 ensuring to be provided with appropriate setbacks and firebreaks. The proponents will ensure that maintenance and upkeep of the site will be maintained to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. It is not considered that the proposal will affect the Bushfire Hazard of the site as the site will ensure to remove any piling of fuel loads, contains existing firebreaks and is provided with appropriate water sources. Any appropriate water source will contain sufficient storage of water for Firefighting Supply and will be provided with the appropriate connections where required.

Environment Significance Overlay Code

The site is Mapped as containing a Waterway and a Waterway Buffer on the Environment Significance Map. No buildings or structures are proposed with the Reconfiguration and therefore no additional stormwater drainage or wastewater drainage will be discharged into the Mapped Waterway. It is considered that the proposed development is not in conflict with the purpose of the Environment Significance Overlay Code and is acceptable.

Landscaping Code

The proposal is for a Reconfiguration of 1 Lot into 2 Lots in the Rural Zone of the Mareeba Shire Planning Scheme. It is not considered that the Landscaping Code is applicable.

Parking and Access Code

The proposal is for a Reconfiguration of 1 Lot into 2 Lots in the Rural Zone of the Mareeba Shire Planning Scheme. It is not considered that the Parking and Access Code is applicable as no new dwellings are proposed with the development. Any future dwelling located on proposed Lot 971 can be provided with an appropriate access and parking at time of construction of that dwelling. The minimal increase of traffic is considered not to detrimentally affect the existing Road Network. Each proposed Rural Allotment can be provided with safe and appropriate access to the existing Road Network, being Springs and McMillan Roads.

Reconfiguration of a Lot Code

The proposal is for a Reconfiguration of a Lot – 1 Lot into 2 Lots in the Rural Zone of the Mareeba Shire Planning Scheme. The purpose of the application is sought to subdivide Lot 97 on SP202902 creating an additional Rural Allotment allowing for the excision of the 1.966 hectares Rural Allotment that is segregated from the site by the intersection of Lot 148 on DA800498. The proposal is considered to resolve the Land Tenure Issues of the site being intersected by the compulsory instalment of infrastructure, being the proposed Lot 148 on DA800498 (Drainage Reserve). As the proposal creates an additional Rural Allotment, it does not create any additional fragmentation or boundaries as the proposal follows the existing boundaries of the site and Lot 148 on DA800498. The proposal will allow for diversification and new farming industries to be established over the proposed excised allotment due to its isolation from the balance of the site. No change to the Rural Zone is proposed with the Reconfiguration and the proposal will result in an additional Allotment while maintaining the existing amenities and aesthetics of the site. The proposed Subdivision is to preserve the existing nature of the site and the immediate and surrounding amenity in accordance with the Mareeba Shire Planning Scheme.

The Reconfiguration of a Lot proposes two (2) Allotments described as proposed Lots 971 and 972. The proposed areas of the allotments are:

<u>Proposed Allotments</u>	<u>Area (m²)</u>	<u>Frontage (m)</u>
Proposed Lot 971	1.966 ha	347.51 metres
Proposed Lot 972	39.39 ha	618.91 metres

The minimum size within the Rural Zone is 60 hectares with the existing and proposed Rural Allotments less than 60.0 hectares (the smallest being 1.966 hectares). Each allotment contains a frontage of greater than 347 metres to the existing Road Network and is provided with appropriate access via existing and new formalised crossovers. It is noted that proposed Lot 971 contains a frontage of 347.51 metres which is less than the required minimum of 400 metres however, this allotment is constrained by the intersection of Lot 148 on DA800498 with the proposed frontage considered large enough for the provision of a safe and appropriate access within the future and is acceptable. The proposal utilises the existing accesses to ensure a functioning development. No adverse impact to the safety, drainage, visual amenity, privacy of adjoining premises and service provisions are envisaged with the proposed Layout. The site is connected to all available and necessary services with the proposed new Allotments also able to be connected to all available and necessary services at the time of construction of any future dwelling.

The site is located within the Paddys Green surrounds which contains a number of smaller Rural Allotments which are generally resultant of the fragmentation and separation from Drainage Reserves. The proposal is considered to remove the land tenure issue of the site being segregated by the Drainage Reserve Allotment which limits the site from being farmed as a single allotment. The proposal will not remove considered viable Rural Production Area to the existing Rural Allotment however, will allow for future diversification and other Rural ventures and activities to be provided over the proposed smaller Rural Allotment.

It is considered that the proposed Reconfiguration has been designed to enhance public safety while seeking to prevent opportunities for crime via the use of appropriate and acceptable sightlines, pedestrian movement networks, etc. It is not considered that the proposed Reconfiguration is in conflict with Table 9.4.4.3B.

A Development Permit for a Reconfiguration of 1 Lot into 2 Lots is sought to subdivide Lot 97 on SP202902 creating an additional Rural Allotment similar to those adjoining to the east and within the immediate and surrounding vicinity.

The existing and proposed Rural Allotments do not meet the minimum area requirements of the Mareeba Shire Planning Scheme Reconfiguring a Lot Code. However, the proposed allotments are not considered to be detrimental to the adjacent sites or adversely impact on the surrounding area. The proposal resolves the existing Land Tenure Issues of the site being intersected by Lot 148 on DA800498 which results in similar configuration and size to those adjoining to the east and within the immediate and surrounding vicinity. It is considered that the proposal is not in conflict with the Acceptable Solutions and where these cannot be met, the proposal can meet the Performance Criteria of the Reconfiguration of a Lot for land in the Rural Zone. It is considered that the Performance Outcomes of the Reconfiguring a Lot Code can be met in this instance.

Works, Services and Infrastructure Code

The proposal is for a Reconfiguration of 1 Lot into 2 Lots in the Rural Zone of the Mareeba Shire Planning Scheme. Each proposed allotment is/can be connected to all available services as existing, provided with the necessary additional services and will be delivered with an appropriate level of Stormwater disposal. Any Excavation and Filling will be limited to site preparation for any future dwelling located over proposed Lot 941 or outlined within the Operational Works Permit for the proposed Reconfiguration, if required.

It is considered that the proposed Reconfiguration complies with the Intent of the Works, Services and Infrastructure Code.

Conclusion

It is considered that the proposed development being a Reconfiguration of one Lot into two Allotments over land described as Lot 97 on SP202902 is appropriate. In particular, the proposed development:

- Can meet the Performance Outcomes relating to minimum allotment size and dimension for the Rural Zone as the proposal is similar in configuration and size to those adjoining to the east and within the immediate and surrounding vicinity;
- No change to the existing nature or character of the area is envisaged, and the Subdivision will ensure that the new allotments will remain to be used for Rural Uses with proposed Lot 971 containing the ability for diversification and new Rural Enterprises to be created;
- Can meet the Performance Outcomes and the Intent of the Reconfiguring a Lot Code for land included in the Rural Zone of the Mareeba Shire Planning Scheme;

- Can meet the Intent and Objectives for the Rural Zone Code; and
- Is not in conflict with the Intent for Regional Landscape and Rural Production Area in the FNQ Regional Plan 2009-2031, especially given that the proposal resolves Land Tenure Issues and provides for similar Rural configurations to the surrounding Rural Area.

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions with sufficient time for review prior to Tabulating the Item on the Agenda or a Decision is provided. If you have any queries please do not hesitate to contact Freshwater Planning Pty Ltd.

Yours faithfully,



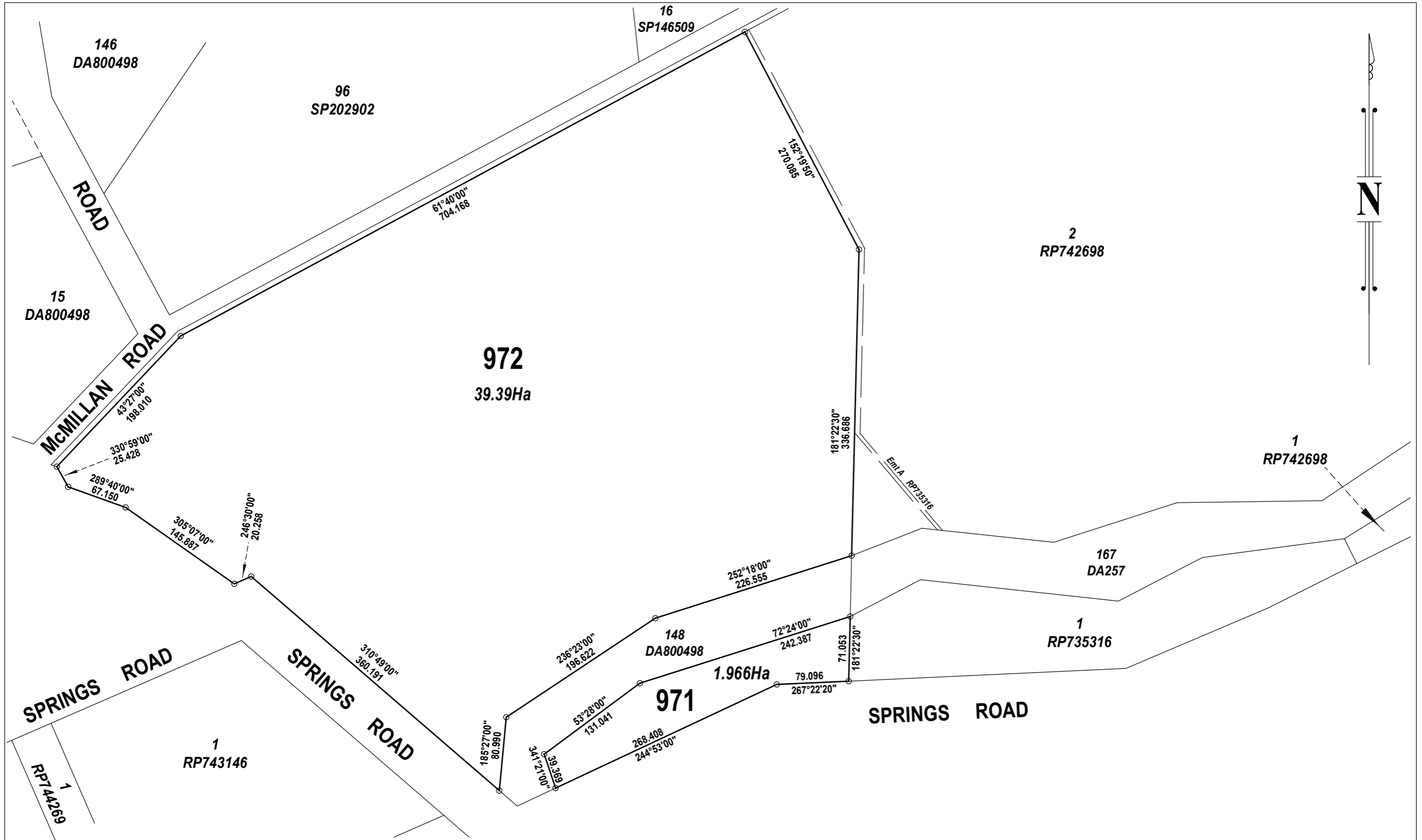
MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 4870




AMENDMENTS
A - ORIGINAL

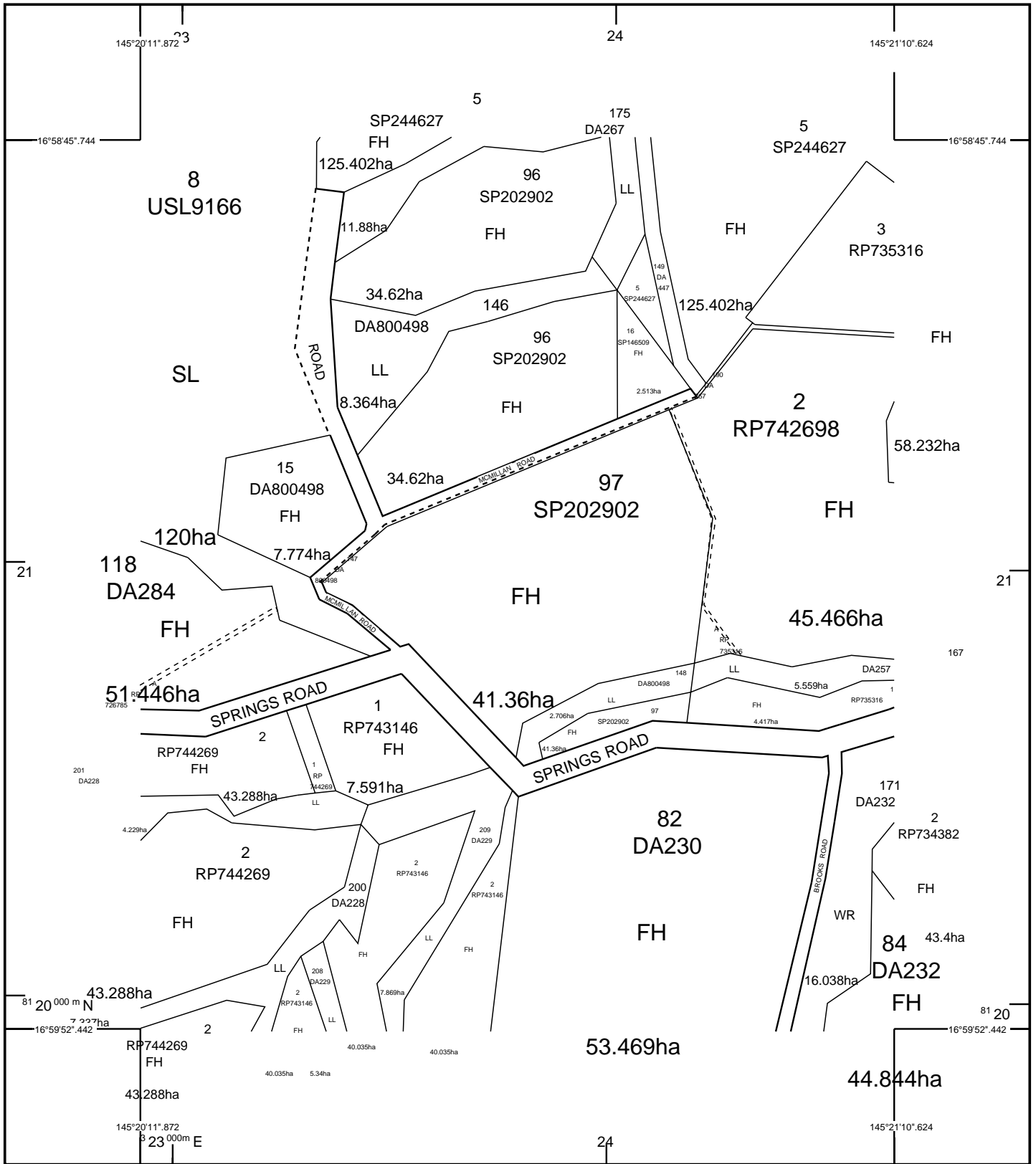
PROPERTY DESCRIPTION
LOT 97 ON SP202902

REGISTERED OWNER
S R & M A LAND and M R CORDINGLEY

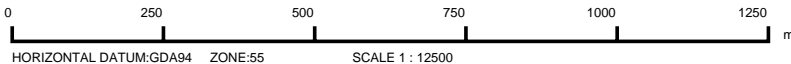
LOCAL GOVERNMENT: MSC
LOCALITY: PADDYS GREEN
SITUATED AT :
SPRINGS ROAD &
McMILLAN ROAD

PROPOSED RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS)	
DWG NO. 8075 - LL1 20.12.2017	REV A

 TWINE SURVEYS	TWINE SURVEYS PTY LTD 36 Mabel St, Atherton 4883 PO Box 146, Atherton 4883 P 07 40911303 E info@twinesurveys.com.au
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STANDARD MAP NUMBER
7964-23223

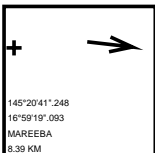


SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	97/SP202902
Area/Volume	41.36ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	PADDYS GREEN
Segment/Parcel	9166/80

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy)	08/01/2018
DCDB	05/01/2018 (Lots with an area less than 1500m ² are not shown)

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For further information on SmartMap products visit <http://nrw.qld.gov.au/property/mapping/blinmap>



(c) The State of Queensland,
(Department of Natural
Resources and Mines) 2018.



Our reference: 1801-3300 SPL

18 January 2018

SR & MA Land and MR Cordingley
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
Freshwater QLD 4870
freshwaterplanning@outlook.com

Attention: Matt Andrejic

Dear SR & MA Land and MR Cordingley

Pre-lodgement advice

Thank you for your correspondence received on 9 January 2018 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

Location details

Street address: 6 Mcmillan Road, Paddys Green
Real property description: Lot 97 on SP202902
Local government area: Mareeba Shire Council

Details of proposal

Development type: Reconfiguring a lot
Development description: Lot 1 into 2 Lots

Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)	Twine Surveys Pty Ltd	20.12.2017	8075 - LL1	Revision A

The department has carried out a review of the information provided and the impacts of the proposal. The following advice outlines the matters of interest to the department and matters that should be addressed if you proceed with lodging your development application with the assessment manager.

This advice is valid for a period of nine months from the date of issue, unless a change in legislation or statutory instrument occurs that affects the advice.

Proposed development

1. The proposal seeks to subdivide Lot 97 on SP202902 into two lots - proposed Lots 971 and 972 (**Attachment 1**).
2. The subdivision of the site is to remove the compulsory instalment of infrastructure; being the drainage reserve allotment Lot 148 on DA800498 that intersects the site.
3. The resultant rural allotments are created by the existing boundaries with the new boundaries following the existing intersection/fragmentation of the site.
4. Proposed Lot 972 contains mapped remnant vegetation and is improved with an existing dwelling.
5. There is no mapped remnant vegetation mapped within proposed Lot 971.

Requested advice

6. Advice is sought on whether the application requires referral to the department for clearing of native vegetation.

Vegetation clearing - general

7. The subject lot contains the following features/vegetation types:
 - Category B area (containing a least concern regional ecosystem)
 - Category X area
 - A watercourse/drainage feature as shown on the vegetation management watercourse and drainage feature map.
8. The mapped regional ecosystem on the subject lot is:
 - 9.5.9
9. Information on the land is available through:
 - Queensland Globe - <https://qldglobe.information.qld.gov.au/>
 - A vegetation management report online at - www.qld.gov.au/environment/land/vegetation/map-request/. The report includes relevant property information and a series of maps and supporting information outlining the requirements for clearing vegetation on this land.
 - The Regional Ecosystem Description Database - <https://environment.des.qld.gov.au/regional-ecosystems/>
10. Referral to the department for clearing native vegetation will depend on whether the dwelling located on proposed Lot 972 is an approved dwelling.
11. If proposed Lot 972 contains a dwelling for which the relevant local council has issued a building permit, no additional clearing will be required nor exemptions to clear be created as a result of the application. Therefore, referral to the department for the clearing of native vegetation will not be required.
12. It is recommended the applicant contact Mareeba Shire Council to determine whether a building permit has been issued for the dwelling on proposed Lot 972.

Vegetation clearing – referral requirements (if referral is required)

13. If the development requires referral to the department for the clearing of native vegetation, the proposed development will be assessed against the following State Development Assessment Provisions:
 - State code 16: Native vegetation clearing, Table 16.2.2 – PO1 – PO4 and Table 16.2.3 – PO7, PO11, PO16, PO20, PO22 – PO24 and PO27.
14. The current version of the State Development Assessment Provisions (SDAP) can be found at: www.dsdmip.qld.gov.au/planning/development-assessment/state-development-assessment-provisions.html

Waterway Barrier Works - general

15. As per the Queensland waterway for waterway barrier works spatial data layer, Lot 97 on SP202902 and drainage reserve allotment, Lot 148 on DA800498, include a moderate impact (amber) and a low impact (green) waterway. The proposed reconfiguration will result in the removal of the drainage reserve and the waterways being on newly created rural Lots 971 and 972.
16. It is understood that no operational work has been proposed for either proposed Lot 971 or Lot 972. However, given the presence of a moderate impact (amber) and low impact (green) waterways in the vicinity of the proposed new boundaries, there is potential for operational work to be conducted at the site associated with the proposed subdivision that is constructing or raising waterway barrier works.
17. The following factsheets provide more information to help determine whether any future works constitute waterway barrier works (WWBW):
 - [What is a waterway?;](#)
 - [What is a waterway barrier work?;](#)
 - [What is not a waterway barrier work?](#)
18. Under the Planning Regulation 2017, work involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant [Accepted development requirements](#) (ADR) or under a development approval (assessable development). If any operational work cannot meet the relevant ADR it is considered assessable development and requires a development approval.
19. If possible, avoiding works that constitute WWBW would remove the need for an approval and potential application fees for this component of the works.
20. **If** an application for a development approval for operational work involving constructing or raising waterway barrier works is necessary, the following will need to be provided:
 - a. [DA form 1](#)
 - b. A full response to the relevant parts of the most up to date version of the SDAP *State Code 18: Constructing or raising waterway barrier works in fish habitats*. Relevant Performance Outcomes (PO) may include:
 - o All development - PO1 to PO18 and PO36;
 - o Development involving fishways – PO19 to PO28;
 - o Development involving floodgates – PO29 to PO31
 - o Temporary waterway barrier works - PO32 to PO35;
 - c. Relevant plans as per DILGPs' [DA Forms guide: Relevant plans](#), including:
 - o detailed plans clearly showing the location of proposed works in relation to the existing mapped waterways;
 - o detailed plans clearly showing the cross section of the proposed waterway barrier works in relation to the existing bed and banks of each impacted waterway; and
 - o documentation of any impacts to fish passage (if it cannot be demonstrated that impacts can be reasonably avoided or mitigated (minimised), an environmental offset pursuant to the *Environmental Offsets Act 2014* may need to be provided for any significant residual impact).
21. The applicant should pay particular attention to the following POs when considering a development application that may include WWBW:
 - PO1 - *There is a demonstrated need for the development and alternatives (locations and designs) which do not involve constructing or raising waterway barrier works are not viable*. The application should discuss alternatives and justify the need for the proposed development.
 - PO2 - *Development has a functional requirement to be located within a waterway. Ancillary elements of development occur outside the waterway*. Works which constitute waterway barrier

works but do not need to be in a waterway to serve their intended purpose will not be supported by Fisheries Queensland. Engineering or commercial constraints are not considered to provide a 'functional requirement' for works within a waterway. If a waterway cannot be avoided the applicant will need to justify the location of any WWBW and is advised to refer to PO1 when addressing this PO.

- PO3 - *The number and extent of waterway barrier works and the spatial and temporal extent of their impacts on waterways providing for fish passage are minimized.*
- PO8 - *Development does not increase the risk of mortality, disease or injury, or compromise the health, productivity, marketability or suitability for human consumption of fisheries resources, having regard to (but not limited to):*
 - o biotic and abiotic conditions, such as water and sediment quality
 - o substances that are toxic to plants or toxic to or cumulative within fish
 - o design of structures
 - o impacts on reproductive success
 - o effect on fish energy reserves
 - o whether fish may be physically damaged, injured, killed, trapped or stranded
 - o fish passage and access to habitat generally; and
 - o the impacts of pest fish and other relevant pest species.
- PO13 - *Construction avoids direct and indirect disturbance, or where avoidance is not possible, minimises direct and indirect disturbance to beds, banks and vegetation adjacent to the permanent development footprint.*

22. If any proposed works include temporary waterway barriers the applicant is referred to Section 6, Table 7, Item 7.2 of *Accepted development requirements for operational work that is constructing or raising waterway barrier works*. If any temporary waterway barrier works cannot meet ADR, this aspect of the works will also require a development approval.
23. In accordance with PO36 of the SDAP State Code 18, the department and its technical agency, the Department of Agriculture and Fisheries, maintains an 'avoid, mitigate, offset' requirement that applies to those activities that will, or are likely to, have a significant residual impact on prescribed environmental matters. Depending on the type of works being proposed and impact to waterways providing for fish passage, the works may have a Significant Residual Impact.
24. The applicant will need to provide details on how the impacts to waterways providing for fish passage will be avoided or minimised and where this cannot be reasonably achieved, offset. Refer to the department's [Environmental offsets and the planning framework factsheets and guidelines](#) for further details.

This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal. Additional information may be required to allow the department to properly assess the development proposal when a formal application has been lodged.

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

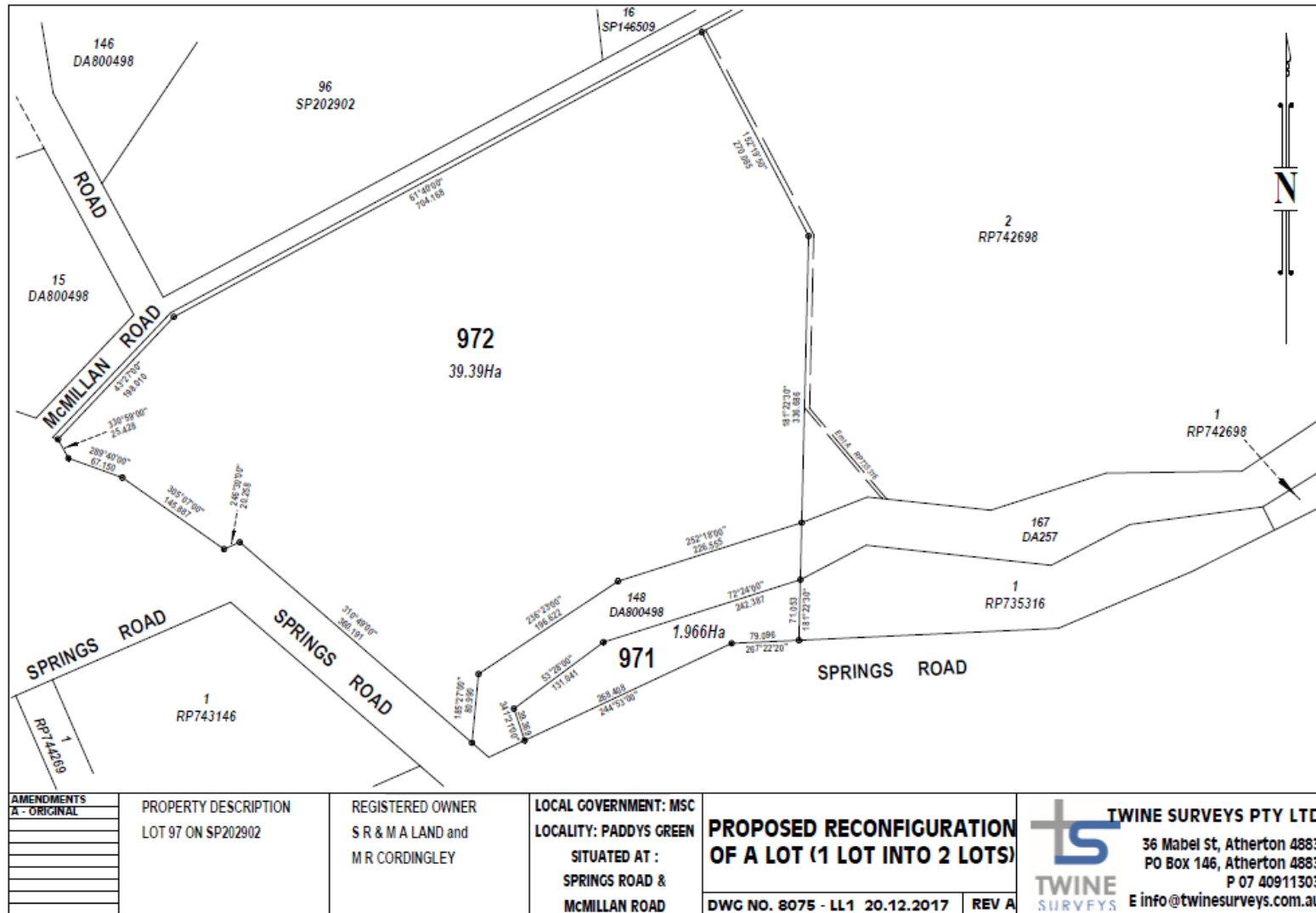
Yours sincerely



Joanne Manson
A/Manager (Planning)

Enc **Attachment 1** – Proposed reconfiguration

Attachment 1 – Proposed reconfiguration



Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

09 January, 2018

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEEBA QLD 4880

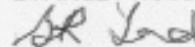
Dear Sir,

**RE: APPLICATION FOR A RECONFIGURATION OF A LOT – 1 LOT INTO 2 LOTS.
LOT 97 ON SP202902, 6 MCMILLAN ROAD, PADDYS GREEN.**

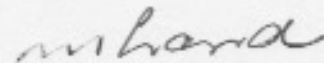
Under Section 51 of the *Planning Act, 2016* it is mandatory for the owner of the land to which a Development Application relates to consents to the making of the Application.

We, STANLEY RUSSELL LAND, MERRILYN ANNE LAND and MICHAEL RYAN CORDINGLEY as the registered owners of 6 McMillan Road, Paddys Green and more particularly described as LOT 97 on SP202902, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on our behalf.


STANLEY RUSSELL LAND



MERRILYN ANNE LAND



MICHAEL RYAN CORDINGLEY



DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) 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**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	SR & MA Land and MR Cordingley
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	C/- Freshwater Planning Pty Ltd 17 Barron View Drive
Suburb	Freshwater
State	Queensland
Postcode	4870
Country	Australia
Contact number	0402 729 004
Email address (non-mandatory)	FreshwaterPlanning@outlook.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	F18/03

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



PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		6	McMillan Road	Paddys Green
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	97	SP202902	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

Unnamed 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:

In a tidal area

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

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

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

Name of airport:

Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

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):*

Reconfiguration of 1 Lot into 2 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

6.2) 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 <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (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?	
1	
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 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:
				Rural
Number of lots created				1
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input checked="" type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

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

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

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: <input style="width: 200px;" type="text"/>		

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 style="width: 100px;" type="text"/>
<input type="checkbox"/> No

14.3) What is the monetary value of the proposed operational work? *(include GST, materials and labour)*

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Mareeba Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

Yes – a copy of the decision notice is attached to this development application

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)*

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<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 chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?		
<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 (if applicable).		

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

23) Further legislative requirements

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 EM941) 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 “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See 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.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: See www.qld.gov.au for further information.

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 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.ehp.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

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

No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

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 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 and Mines at www.dnrm.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 Heritage Protection at www.ehp.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.dews.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.ehp.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.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

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

 Yes**Note:** See the *Planning Regulation 2017* for referral requirementsIf building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application Yes Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

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

Relevant plans of the development are attached to this development application

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

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

 Yes Not applicable**25) Applicant declaration** By making this development application, I declare that all information in this development application is true and correct Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***Note:** It is unlawful to intentionally provide false or misleading information.

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

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

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

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

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.