

**Our Ref: R3-25**

31 March 2025

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

**Attention: Planning Department**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT  
RECONFIGURE A LOT – ONE (1) INTO TWO (2) LOTS  
SITUATED AT 186 McGRATH ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 81 ON SP179215**

We act on behalf of our client, A & A Cifuentes in preparing and submitting the following development application which seeks a Development Permit to Reconfigure the subject allotment under the *Planning Act 2016* located at 186 McGrath Road, Mareeba to facilitate the proposed subdivision of the subject allotment. The development application is impact assessable under the tables of assessment.


The subject site covers an area of 2.71 hectares, with frontage onto McGrath Road for approximately 89.5 metres. The property is its best described as a large Rural Residential property currently with two (2) existing dwellings and associated outbuildings. This proposed subdivision will provide a solution to separate the dwellings onto their own separate allotments.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the Mareeba Shire Planning Scheme 2016.

In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed reconfiguration is **\$1,205.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately. We also ask if possible that a copy of all correspondence be forwarded to our office via email.

Yours faithfully,



Ramon Samanes  
**Director, U&i Town Plan**  
Bachelor of Applied Science, Majoring in Environmental and Urban Planning

## **PLANNING REPORT**

### **DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT – ONE (1) INTO TWO (2) ALLOTMENTS**

#### **PROJECT LOCATION:**

**SITUATED AT 186 MCGRATH ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 81 ON SP179215**

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<b>ASSESSMENT MANAGER:</b>	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
<b>DEVELOPMENT TYPE:</b>	DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
<b>PROPOSED WORKS:</b>	ONE (1) INTO TWO (2) LOTS
<b>REAL PROPERTY DESCRIPTION:</b>	LOT 81 ON SP179215
<b>LOCATION:</b>	186 McGRATH ROAD, MAREEBA
<b>ZONE:</b>	EMERGING COMMUNITIES ZONE
<b>APPLICANT:</b>	A & A CIFUENTES C/- U&I TOWN PLAN
<b>ASSESSMENT CRITERIA:</b>	RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
<b>REFERRAL AGENCIES:</b>	NO REFERRAL AGENCY.
<b>STATE PLANNING:</b>	THE PROPOSAL DOES NOT TRIGGER ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS.

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### **IMPORTANT NOTE**

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

*This Report has been prepared for A & A Cifuentes for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot on land at 186 McGrath Road, Mareeba (over Lot 81 on SP179215) for the purpose of a One (1) into two (2) Lot reconfiguration. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.*

*U&i Town Plan has made certain assumptions in the preparation of this report, including:*

- a) That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;*
- b) That information obtained as a result of a search of a government register or database is complete and accurate.*

*U&i Town Plan is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report.*

*While every effort has been made to ensure accuracy, U&i Town Plan does not accept any responsibility in relation to any financial or business decisions made by parties' other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and/or content of this Report without consent of U&i Town Plan, U&i Town Plan disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified U&i Town Plan from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.*



## 1.0 EXECUTIVE SUMMARY

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 186 McGrath Road, Mareeba to facilitate the creation of two (2) allotments. By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

The conclusion of this report is that all the requirements set by the assessment criteria can be met and that the strategic level policy outcomes sought by the planning scheme and any applicable State planning instruments can be achieved. It is the opinion of the applicant that once all the policy requirements have been considered by assessing authorities and equitably balanced with the site constraints and benefits of the proposal; the assessment process established under the Planning Act will result in the approval of this development application and the issuing of a development permit subject to conditions. This opinion is based on the level of strategic and analytical justification provided in support of the proposal and the decision-making requirements imposed on regulatory authorities under the Planning Act.

## 2.0 SITE DESCRIPTION

The subject land is described as Lot 81 on SP179215, located at 186 McGrath Road, Mareeba. The subject properties cover a combined total of 2.71 hectares, fronting onto McGrath Road for approximately 89.5 metres. The property is located approximately 3.5km from the CBD of Mareeba and is surrounded by smaller rural residential lifestyle lots.

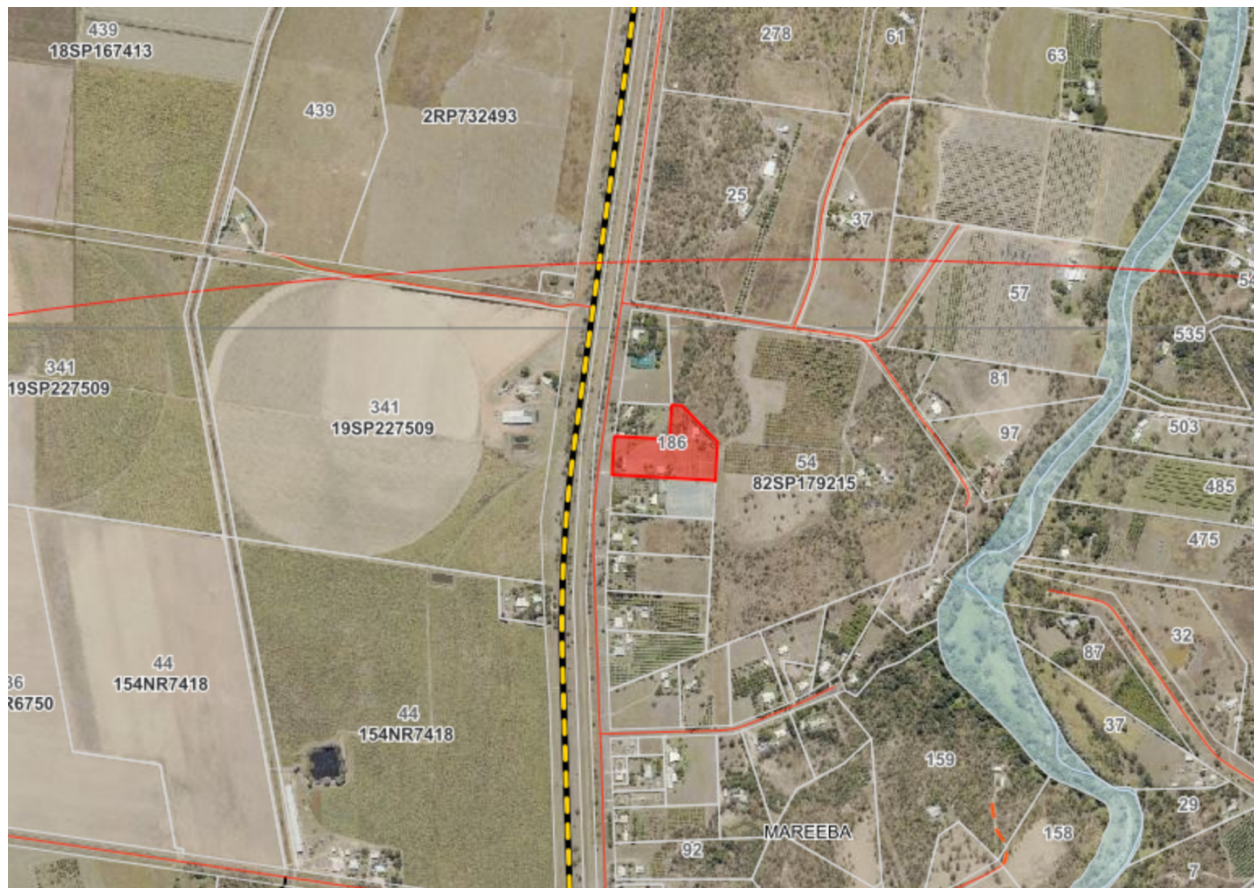


**Figure 1: Aerial View of the Subject Land** (© The State of Queensland, all rights reserved, 2025).

A site summary is provided below:

**Table 2.0: Site summary**

<b>Street address:</b>	186 McGrath Road, Mareeba
<b>Real property description:</b>	Lot 81 on SP179215
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold
<b>Site area:</b>	1.71 hectares
<b>Zone:</b>	Emerging Communities Zone
<b>Current use:</b>	Proposed Lot 1: Dwelling House (Rural Residential Lifestyle Lot) Proposed Lot 2: Dwelling House (Rural Residential Lifestyle Lot)
<b>Road frontage:</b>	McGrath Road, Mareeba
<b>Adjacent uses:</b>	The property is located approximately 3.5km from the CBD of Mareeba and is surrounded by smaller rural residential lifestyle lots.
<b>Topography / Vegetation:</b>	The site is relatively flat with the gentle slope in towards the drainage path which runs through the subject land.
<b>Easements:</b>	No easements relevant.



**Figure 2: Site Locality** (© Mareeba Shire Council interactive mapping 2025.)



### 3.0 DEVELOPMENT PROPOSAL

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 186 McGrath Road, Mareeba to facilitate the creation of 1 into 2 allotments. The property is its best described as a large Rural Residential property currently with two (2) existing dwellings and associated outbuildings. This proposed subdivision will provide a solution to separate the dwellings onto their own separate allotments.

The site is designated in the Mareeba Northern Expansion Precinct and within the Emerging Community Zone of the Mareeba Shire Planning Scheme. No change to the Emerging Community Zone is proposed with the Reconfiguration as it provides for uses similar to that directly north and south of the site respectively. The proposal will provide an additional Allotment while maintaining the existing amenities and aesthetics of the site and the immediate surrounding area.

The proposed allotments do not meet the minimum area requirements of the Mareeba Shire Planning Scheme's Reconfiguring a Lot Code for land Zoned within the Emerging Community. However, it is not considered that the proposed Subdivision will be detrimental to the adjacent sites or adversely impact on the surrounding area. It is considered that the Purposes and Performance Outcomes of the Emerging Community Zone and the Reconfiguring a Lot Code can be met in this instance.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.



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

### 3.1 Development Definition

The proposal is described as a “Reconfiguration of a Lot” under the Planning Act and planning scheme. The proposal is defined under the Planning Act as follows:

***reconfiguring a lot means—***

- (a) creating lots by subdividing another lot; or*
- (b) amalgamating 2 or more lots; or*
- (c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—*
  - (i) a lease for a term, including renewal options, not exceeding 10 years; or*
  - (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997 ; or*
- (e) creating an easement giving access to a lot from a constructed road.*

### 3.2 Lot Creation

This is a development application seeking a development permit to reconfigure the lot from one (1) into two (2) Lots over the subject allotment under the Planning Act 2016 located at 186 McGrath Road, Mareeba.

Currently proposed Lot 81 contains two (2) existing dwellings and associated outbuildings within the parcel. This proposed subdivision will provide a solution to separate the dwellings onto their own separate allotments.

The proposed reconfiguration will result in the following allotment sizes:

- Proposed Lot 1 – 1.31 hectares; and
- Proposed Lot 47 – 1.4 hectares.

The site gains access from the existing Road Network, being McGrath Road with the proposal being to retain the existing shared access crossover to service both proposed new allotments. Each allotment contains an appropriate frontage to the existing Road Network and is provided with or the ability for the safe provision of appropriate access. It is noted that proposed Lot 1 contains a frontage of 12.0 metres and proposed Lot 2 contains a frontage of 77.5m to McGrath Road. The site is connected to all available services with the proposed new allotments able to be connected to all available services and can be provided with the necessary services as well.

## 4.0 DEVELOPMENT APPLICATION DETAILS

This impact assessable development application seeks a development permit to Reconfigure the Lots under the *Planning Act 2016* to facilitate the proposed subdivision to create an additional allotment. Proposed Lot 1 in 1.31ha in size and proposed Lot 2 is much larger at 1.4ha. By way of this development application, the applicant is seeking specific approval of the following development permit to authorise the subdivision of the allotments as detailed in this planning report.

## 5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for the Reconfiguration of the lot at 186 McGrath Road, Mareeba to facilitate the creation of 1 into 2 allotments. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Strategic Framework, Rural Zone Code and Reconfiguring a Lot Code.

### 5.1 Mareeba Shire Planning Scheme 2016

Given that the application is code assessable, the application is required to be assessed against only the relevant codes within the planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Strategic Framework
- Emerging Communities Zone Code
- Reconfiguration of a Lot Code
- Landscape Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Airport Environs Overlay Code
- Environmental Significance Overlay Code
- Flood Hazard Overlay Code

Accordingly, an assessment of the proposed development against the above listed codes has been completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the planning scheme. In terms of the assessment documented in this report, should any part of the development not comply with any sections of the codes, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

### 5.1.1 Strategic Framework

The Strategic Intent, and the Strategic Framework (SF) as a whole is a set of high order strategic outcomes and land use strategies which set the overarching policy intent for the lower order, more detailed components of the planning scheme i.e. zones, codes and policies. The Framework is split into various themes which cover the main aspects of land use planning and development governance. Given the level the Framework operates at, it is difficult to provide a direct, site specific assessment of the proposal against its many components. However, a proposal that satisfies the lower order components of the planning scheme, i.e. zone codes, development codes, overlay codes, planning scheme policies, etc; inherently satisfies the intent of the Framework.

The site is located in the Investigation Area of the Strategic Framework Mapping within the Mareeba Shire Planning Scheme. The Mareeba Shire Council's Planning Scheme Strategic Framework nominates the following for land associated as Investigation Area:

*Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.*

*Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres.*

The proposal provides two larger allotments that will allow for further development outside the life of the Planning Scheme. The proposal does not restrict further development over the site but creates opportunity for expansion within the future. The proposal is not considered in conflict with the Investigation Area requirements within the Strategic Framework as the layout and configuration will ensure that future development can occur over the land while ensuring that the natural features are protected. It is noted that the Investigation Area is expected to be developed outside the life of the Planning Scheme however, the site is situated along McGrath Road and will provide the ability for similar Uses now and within the future which demonstrates that the site is the next logical sequenced property provided with the ability to connect to existing and new infrastructure. It is considered that in this instance, the proposed development is appropriate, acceptable and provides for greater population densities inclusive of a range of housing types within the Mareeba Townships without affecting the future growth of Mareeba especially within the Investigation Area.

### Mareeba Local Plan Code

The site is located within the Mareeba Northern Expansion Precinct (G) of the Mareeba Local Plan with the Mareeba Northern Expansion Precinct intended for Urban Development. The Mareeba North Investigation Precinct is intended to support long term future urban development beyond the life of the planning scheme. Development in this precinct (particularly subdivision) is limited so that the future urban intent is not compromised. The proposal is not considered to limit or compromise the future urban intent

for an Urban Development. These larger allotments are a result of the existing constraints over the site and will ensure to protect the area for future development. The proposal is not considered to compromise the long-term future Urban Intent of this precinct and allows for large allotments that may be developed within the future. It is not considered that the proposed development is in conflict with the Purposes and Outcomes of the Mareeba Local Plan Code for allotments located within the Northern Expansion Precinct. The proposal provides the ability for future development outside the Planning Scheme while not significantly affecting the adjoining properties.

## 5.1.2 Emerging Communities Zone Code

### 6.2.4 Emerging community zone code

#### 6.2.4.1 Application

- (1) This code applies to assessing development where:
  - (a) located in the Emerging community zone; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

#### 6.2.4.2 Purpose

- (1) The purpose of the Emerging community zone code is to:
  - (a) identify land that is suitable for urban purposes and protect land that may be suitable for urban development in the future
  - (b) manage the timely conversion of non-urban land to urban purposes.
  - (c) prevent or discourage development that is likely to compromise appropriate longer term land use.
- (2) Mareeba Shire Council's purpose of the Emerging community zone code is to provide for the sequenced release of land to meet community need and market demand for new urban development in designated urban growth areas.

Urban development may occur in the zone in accordance with an approved structure plan but the primary purpose of the zone and the code is to reserve land for future urban development, the majority of which is likely to occur beyond the life of the planning scheme.

Urban growth areas are identified within the towns of Kuranda and Mareeba. These areas are subject to Local plan codes which include further provisions.

- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Land that has the potential for development for urban purposes although may contain pockets of land unsuitable for development due to scenic or environmental constraints is preserved until detailed planning studies have occurred;
  - (b) Interim development does not compromise the future development potential of the land for urban purposes;
  - (c) Development of land is based upon the provision of infrastructure, consideration of environmental constraints and desired settlement pattern for the area;
  - (d) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
  - (e) Development is supported by an internal road network and does not compromise the safety or efficiency of State-controlled or Local government collector roads;



- (f) Land is developed in an orderly sequence and, for all but minor proposals, in accordance with a structure planning process;
- (g) Land is developed in a sustainable manner to reflect the desired land use pattern of the local government area by integrating development sites, community infrastructure, open space and important natural features;
- (h) Non-residential development may be supported where such uses directly support the day to day needs of the immediate residential community or the precinct is identified for non-residential uses and is planned for as part of a structure plan;
- (i) Significant historical, architectural, topographic, landscape, scenic, social, recreational and cultural features, as well as natural habitat areas, wildlife corridors, wetlands and waterway corridors are protected and enhanced as part of the development of the zone; and
- (j) Roads and other transport corridors are coordinated and interconnected to ensure pedestrian, cyclists, public transport and private vehicles have accessibility between neighbourhoods, centres and other locations.

### **Statement of Compliance:**

The proposal provides two larger allotments that will allow for further development outside the life of the Planning Scheme. The proposal does not restrict further development over the site but creates opportunity for expansion within the future. The proposal is not considered in conflict with the Emerging Communities purpose outcomes as the layout and configuration will ensure that future development can occur over the land while ensuring that the natural features are protected. It is noted that this area within the Emerging Communities Zone is expected to be developed outside the life of the Planning Scheme however, the site is situated along McGrath Road and will provide the ability for similar uses now and within the future which demonstrates that the site is the next logical sequenced property provided with the ability to connect to existing and new infrastructure. It is considered that in this instance, the proposed development is appropriate, acceptable and provides for greater population densities inclusive of a range of housing types within the Mareeba Townships without affecting the future growth of Mareeba especially within the Emerging Communities Zone.

Accordingly, the proposed development is considered appropriate within the Emerging Community Zone Code as it provides for additional allotments for future Urban Uses similar to those within the immediate vicinity and surrounding environs.

### **5.1.3 Reconfiguring a Lot Code**

*The purpose of the Reconfiguring a lot code is to ensure that land is:*

- (a) arranged in a manner which is consistent with the intended scale and intensity of development within the area;*
- (b) provided with access to appropriate movement and open space networks; and*
- (c) contributes to housing diversity and accommodates a range of land uses.*

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

- (a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*
- (b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.*



- (c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;
- (d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;
- (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
- (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
- (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
- (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
- (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
- (j) Land in historical townships is not reconfigured to be used for urban purposes; and
- (k) Residential subdivision and greenfield development is designed to consider and respect:
  - (i) topography;
  - (ii) climate responsive design and solar orientation;
  - (iii) efficient and sustainable infrastructure provision;
  - (iv) environmental values;
  - (v) water sensitive urban design;
  - (vi) good quality agricultural land; and
  - (vii) the character and scale of surrounding development.

**Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot**

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m <sup>2</sup>	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m <sup>2</sup>	5 metres
	All other lots	350m <sup>2</sup>	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m <sup>2</sup>	5 metres
	All other lots	600m <sup>2</sup>	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m <sup>2</sup>	5 metres
	All other lots	800m <sup>2</sup>	16 metres
	All other lots	400m <sup>2</sup>	10 metres
Medium density residential	All lots	1,500m <sup>2</sup>	45 metres
Industry	All lots	Not specified	Not specified
Recreation and open space	All lots	60 hectares	400 metres
Rural	All lots	2 hectare precinct	60 metres
Rural residential	All lots	2 hectares	60 metres
	1 hectare precinct		
	All lots	1 hectare	40 metres
	4,000m <sup>2</sup> precinct		
	All lots	4,000m <sup>2</sup>	40 metres

**Statement of Compliance:**

The proposal is for a Reconfiguration of a Lot – 1 Lot into 2 Lots in the Emerging Community Zone of the Mareeba Shire Planning Scheme. The purpose of the application is sought to subdivide Lot 81 on SP179215 creating an additional Allotment providing different sized allotments ensuring that future development potential remains. No change to the Emerging Community Zone is proposed with the Reconfiguration. The proposal will provide two (2) Allotments while maintaining the existing amenities and aesthetics of the site. At this stage this limits the future potential development of the site however, the site has been designed to ensure that the ability for future development is protected.

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 1 and 2. The proposed areas of the allotments are: Proposed Lot 1 being 1.31 hectares Proposed Lot 2 being 1.4 hectares. The minimum size within the Emerging Community Zone Allotment is 10.0 hectares with the proposal providing Allotments of 1.31 and 1.4 hectares. Each allotment contains an appropriate frontage to the existing Road Network and is provided with or the ability for the safe provision of appropriate access. It is noted that proposed Lot 1 contains a frontage of 12.0 metres and proposed Lot 2 contains a frontage of 77.5m to McGrath Road. 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 services with the proposed new Allotments also able to be connected to all available services.

**5.1.4 Landscaping Code**

The proposal is for a subdivision within the Emerging Community Zone, where the development provides an interim development solution. The assessment of the development against the landscaping code in this particular instance is not considered applicable to this development.

**5.1.5 Parking and Access Code**

The proposal is for a Reconfiguration of 1 Lot into 2 Lots in the Emerging Community 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 and each allotment the ability for the provision of appropriate parking and will include independent access to the existing Road Network, being McGrath Road. Each allotment contains an appropriate frontage to the existing Road Network and is provided with or the ability for the safe provision of appropriate access. The proposal is not considered to detrimentally affect the existing Road Network.

**5.1.6 Works, Service and Infrastructure Code**

The proposal is for a Reconfiguration of 1 Lot into 2 Lots in the Emerging Community Zone of the Mareeba Shire Planning Scheme. Each proposed allotment will be connected to all available services as existing and

will be provided with an appropriate level of Stormwater disposal. It is considered that the proposed Reconfiguration complies with the Intent of the Works, Services and Infrastructure Code.

### 5.1.7 Airport Environs Overlay Code

The site is located within of the 8km – 13km Bird and Bat Zone of the Bird and Bat Strike Zones and outside the 6km Light Intensity – Mareeba Overlay Mapping. No new buildings or structures are proposed with the Reconfiguration nor is a waste disposal site proposed. It is considered that the Airports Environs Overlay Code is Not Application to the proposed Reconfiguration of two (2) Allotments located within the 8km – 13km Bird and Bat Strike Zone outside the 6km Light Intensity Overlay.

### 5.1.8 Environmental Significance Overlay Code

*The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.*

*The Environmental significance overlay code ensures that:*

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.*

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

- (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;*
- (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;*
- (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;*
- (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;*
- (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;*
- (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and*
- (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.*



The site is mapped as containing a what it may seem as a Waterway and a Waterway Buffer and Regulated Vegetation 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. The Mapped Regulated Vegetation is provided along the watercourse which runs across the site, with existing access driveways and infrastructure established and in place to service each new proposed allotment. No removal of the Mapped Regulated Vegetation is envisaged with the Reconfiguration. It is considered that the proposed development is not in conflict with the purpose of the Environment Significance Overlay Code and is acceptable.

### 5.1.9 Flood Hazard Overlay Code

*The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas identified on the Flood hazard overlay maps (OM-006ao) so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.*

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

- (a) *Development in the 'Extreme flood hazard area':*
  - i. *maintains and enhances the hydrological function of the land;*
  - ii. *does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
  - iii. *is limited to:*
    - A. *flood proofed Sport and recreation activities;*

- B. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
- C. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
- D. *conservation and natural area management; and*
- E. *replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined flood level and include freeboard;*

*Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*

(b) *Development in the 'High flood hazard area':*

- i. *maintains the hydrological function of the land;*
- ii. *does not involve filling (earthworks) or changes to the existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
- iii. *is limited to:*
  - A. *flood proofed Sport and recreation activities and Club uses;*
  - B. *Non-resident workforce accommodation, Relocatable home park, Resort complex, Rooming accommodation, Short term accommodation and Tourist park uses where these uses comprise permanent on-site management and a flood evacuation management plan ensures the health and safety of persons during a flood event;*
  - C. *a Dwelling house only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone or where for minor intensification of existing Dwelling houses;*
  - D. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
  - E. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
  - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
  - G. *conservation and natural area management; and*
  - H. *replacement of existing lawful development; Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*

- iv. *protects surrounding land and land uses from increased flood hazard impacts;*

- v. *elevates habitable rooms for all accommodation activities (including where for minor building work) above the defined flood level, including freeboard.*
- (c) *Development in the 'Significant flood hazard area':*
- i. *minimises risk to life and property from flood events;*
  - ii. *involves changes to the existing landform and drainage lines in this area only where detrimental impacts to the flood hazard risk of surrounding areas is avoided;*
  - iii. *is limited to:*
    - A. *Sport and recreation activities;*
    - B. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
    - C. *Rural activities;*
    - D. *Accommodation activities, excluding Residential care facility and Retirement facility;*
    - E. *flood proofed Community activities, excluding Child care centre, Hospital and Community use where a flood emergency evacuation plan ensures the safety of people during a flood event;*
    - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
    - G. *conservation and natural area management;*
  - iv. *locates habitable rooms for all accommodation activities above the defined flood level, including freeboard; and*
  - v. *locates the minimum floor level for all buildings other than accommodation activities, industrial activities and business activities above the defined flood level.*
- (d) *Development in the 'Low flood hazard area':*
- i. *minimises risk to life and property from flood events;*
  - ii. *locates habitable rooms for all Accommodation activities above the defined flood level, including freeboard; and*
  - iii. *locates the minimum floor level for all buildings other than Accommodation activities above the defined flood level, including freeboard.*
- (e) *Development in the 'Potential flood hazard area':*
- i. *maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property;*
  - ii. *does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain;*
  - iii. *locates habitable rooms for all Accommodation activities above a 1% Annual Exceedance Probability (AEP), including freeboard; and*



- iv. *locates the minimum floor level for all building work other than Accommodation activities above the 1% AEP flood level, including freeboard.*

The site is mapped within the Queensland Floodplain Assessment Overlay of which does not correlate with any major rivers or watercourses and the validity of the mapping is questionable at best. As noted previously, the proposal simply involves the creation of 1 into 2 allotments, of which the existing dwellings on each proposed allotments along with accesses and services to them are established. To date no impacts or affects from flooding on these properties has been experienced and therefore the potential impacts from any flooding as per the overlay mapping seems unjustified. As such it is considered that the proposed development provides an acceptable outcome which satisfies the requirements of the Flood Hazard Overlay Code.

## 5.2 State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The SDAP identifies the matters of interest – where relevant they have been addressed by heading in this section. Where the State is a referral agency for a development application under the provisions, the state code applies.

This proposed development application does not trigger any referrals under the legislation.

## 5.3 Far North Regional Plan 2009-2031

The site is located within the 'Regional Landscape and Rural Production Area Regional Land Use Category of the Far North Queensland 2009-2031 (see also Attachment 3). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009- 2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

## 6.0 CONCLUSION

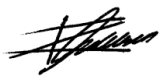
It is considered that the proposed development being a Reconfiguration of a Lot – Lot Creation to create one (1) into two (2) lots over land described as Lot 81 on SP179215 is appropriate. In particular, the proposed development:

- Is not in conflict with the Strategic Framework's Investigation Area as it provides a similar development to that directly adjacent to the site generating greater population densities inclusive of a range of housing types within the Mareeba Townships without affecting the future growth of Mareeba;

- Is not in conflict with the Northern Expansion Precinct of the Mareeba Local Plan as it provides for Urban Development increasing the population densities of the site while not significantly affecting the constraints of the site and allow for future Development Opportunities;
- 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 Emerging Community (Urban) Uses;
- Can be provided with appropriate Flood Immunity Levels for any new buildings or structures located over the site;
- Can meet the Performance Outcomes and the Intent of the Reconfiguring a Lot Code for land included in the Emerging Community Zone of the Mareeba Shire Planning Scheme; and
- Can meet the Intent and Objectives and Intent for the Emerging Community Zone Code.

The applicant strongly believes that an assessment of the common material forming part of this development application in accordance with the decision-making rules established under the Planning Act will result in the approval of the development application and the issuing of a development permit subject to conditions. The proposal is consistent with the “Purpose” of the Emerging Communities Zone & Reconfiguring a Lot Code and the applicable State level policy. The proposal constitutes works and a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. The conclusion of this report is that all the requirements set by the assessment benchmarks can be met and that the strategic level policy outcomes sought by the planning scheme for the site and locality can be achieved. The common material provided as part of this development application contains sufficient justification to establish compliance with the assessment benchmarks. It is the applicant’s opinion that the development application contains sufficient justification to warrant approval subject to reasonable and relevant conditions.

We request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice for the development. If you have any queries, please do not hesitate to contact our office on 0411 344 110.



**Ramon Samanes**

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning



## **APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS**

# DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	A & A Cifuentes c/- U&I Town Plan
Contact name (only applicable for companies)	Ramon Samanes
Postal address (P.O. Box or street address)	35 Sutherland Street
Suburb	Mareeba
State	QLD
Postcode	4880
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	<a href="mailto:Ramon.samanes@gmail.com">Ramon.samanes@gmail.com</a>
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	R3-25
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of Planning Act 2016	
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
		186	McGrath Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	81	SP179215	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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

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

- ☒ Yes - LOT A on RP733951 (easement – water (river access))
- ☐ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

<b>6.1) Provide details about the first development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
1 into 2 Allotments
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.2) Provide details about the second development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

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

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

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

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

Material change of use	<input 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 <sup>2</sup> ) (if applicable)

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

- ☐ Yes
- ☐ No

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

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

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

**Division 2 – Reconfiguring a lot**

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

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

1 into 2 Allotments

**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 constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify: Emerging Communities
Number of lots created				2 new lots

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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?		
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
<input type="checkbox"/> Yes – specify number of new lots:		
<input type="checkbox"/> No		

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

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material *(from a watercourse or lake)*
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees *(category 3 levees only)*
- ☐ Wetland protection area

Matters requiring referral to the **local government**:

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*
- ☐ Heritage places – Local heritage places

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

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

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

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

- ☐ Ports – Brisbane core port land

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

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

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

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

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

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

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

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

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

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

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

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.



## PART 6 – INFORMATION REQUEST

### 19) Information request under the DA Rules

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

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

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

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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

## PART 7 – FURTHER DETAILS

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

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

☒ No

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

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

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

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

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

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

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

☐ Yes – show cause or enforcement notice is attached

☒ No

## 23) Further legislative requirements

### Environmentally relevant activities

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

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

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

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

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

### Hazardous chemical facilities

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

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

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

### Clearing native vegetation

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

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

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

### Environmental offsets

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

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

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

### Koala habitat in SEQ Region

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

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

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

### **Water resources**

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

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- ☒ No

**Note:** Contact the Department of Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.qld.gov.au). If the development application involves:

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

### **Waterway barrier works**

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

- ☐ Yes – the relevant template is completed and attached to this development application
- ☒ No

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.qld.gov.au). For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

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

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- ☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title

☒ No

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

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

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

☐ Yes – details of the heritage place are provided in the table below

☒ No

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

Name of the heritage place:		Place ID:	
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### **Decision under section 62 of the Transport Infrastructure Act 1994**

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

☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

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

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

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

☒ No

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

## **PART 8 – CHECKLIST AND APPLICANT DECLARATION**

### **24) Development application checklist**

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17	<input checked="" type="checkbox"/> Yes
<b>Note:</b> See the Planning Regulation 2017 for referral requirements	
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
<b>Note:</b> 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> .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
<b>Note:</b> 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> .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

## 25) Applicant declaration

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

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

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

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

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

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

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

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

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

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

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

## CLIENT ACCEPTANCE FORM / OWNER'S CONSENT



(TO BE COMPLETED AND RETURNED)

<b>PROJECT:</b>	Reconfiguration of a Lot – Lot Creation
<b>PROJECT ADDRESS:</b>	186 McGrath Rd, Mareeba (Lot 81 on SP179215)

### Client Details

Client:	Andrew Cifuentes & Analie Cifuentes	(enter client name) (primary contact)
Invoice Address:	P.O Box 1428, Mareeba 4880 Qld	(enter invoice address)
Phone:	0497483543 - Andrew	(enter client phone)
Email:	cifuentesanalie@gmail.com	(enter client email)
Accounts Contact:	Andrew 0497483543	(enter accounts email & phone)

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

Landowner Name/s:	Andrew Cifuentes & Analie Cifuentes	(enter landowner name/s) As shown on rates notice
Address:	186 McGrath Road, Mareeba 4880 Qld	(enter address)
All Owners Signatures:	 	(signatures from all landowners & Dated)

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

**Signed:**

**Name:** Andrew Cifuentes & Analie Cifuentes 19-03-2025

**Date:**

Please complete, sign and return to: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au). Along with a copy of the receipt of payment of selected fees.

## **APPENDIX 3: DEVELOPMENT PLAN**



# Subdivision Plan - 1 into 2 Lots

186 McGrath Road, Mareeba (Lot 81 on SP179215) Plan#1.0, Dated 26.03.25, prepared by U&i Town Plan

16°57'15"S 145°24'53"E

16°57'15"S 145°25'4"E



Legend located on next page



16°57'23"S 145°24'53"E

16°57'23"S 145°25'4"E



Scale: 1:1035

Printed at: A3

Print date: 26/3/2025

Not suitable for accurate measurement.

Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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**Queensland Government**

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development