



24.02.2026

Our Ref: 36635-001-01

Your Ref:

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

Attention: Planning Department

Dear Planners,

**Development Application Reconfiguring a Lot (Boundary Realignment)
69 & 71 Gilmore Road, Mareeba – Lot 64 on RP835619 and Lot 263 on NR1920**

Brazier Motti acts on behalf of the Applicants Giovanni Gambino and Salvatore Gambino, in relation to the abovementioned development application.

On behalf of the Applicant, we now submit to Mareeba Shire Council an application seeking a Development Permit for Reconfiguring a Lot (Boundary Realignment).

The following has been prepared to assist with Council's assessment of the proposed development:

The Site

The subject land is located at 69 & 71 Gilmore Road, Mareeba, and precisely described as Lot 263 on NR1920 & Lot 64 on RP835619. Figure 1 below identifies the subject site and surrounding development.

The subject land comprises a total land area of 78.344ha.

Lot 263 has an area of 40.469ha and currently contains a single dwelling, farming structures along with 6,000 fruit trees and 50ML water licence with extraction from both Emerald and Shanty Creeks.

Lot 64 has an area 37.875ha an currently contains a single dwelling, farming structures along with 7,000 fruit trees and 150ML water licence with extraction from Emerald Creek.

Both lots are severed by Gilmore Road with all separate portions having direct frontage. The subject land is contained within the Rural Zone as identified in the Mareeba Shire Planning Scheme 2016.

The Title Search included within *Attachment C* confirms that the Applicants, Giovanni Gambino and Salvatore Gambino are the registered owners of the subject land. Landowners consent is included within *Attachment B*.



A current SmartMap is also included at *Attachment C*, which identifies the existing lot configuration.

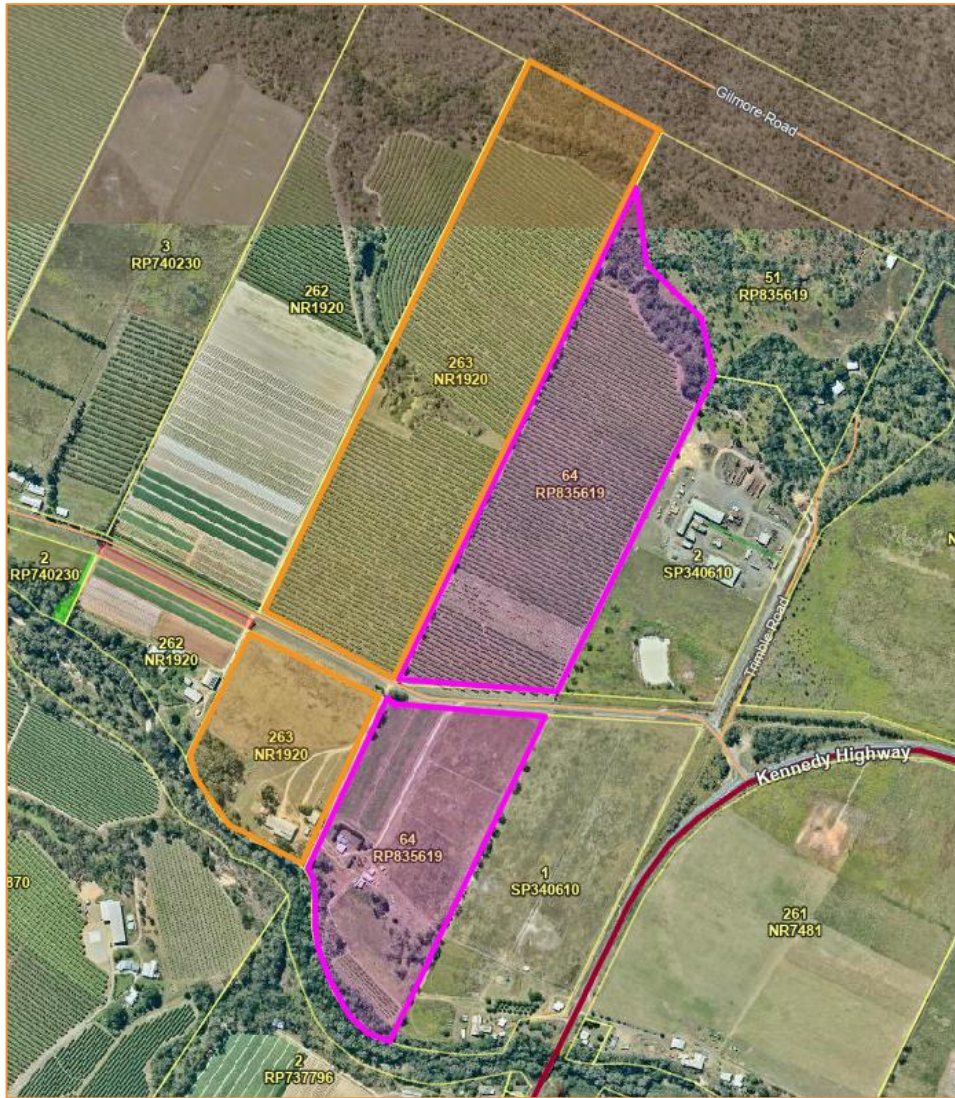


Figure 1: Aerial Image of Site Source: QLD Globe February 2026

Proposal

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (Boundary Realignment) as identified on the plan of proposed reconfiguration (Brazier Motti Drawing No. 36635/001A) included within *Attachment E*.

As a matter of family succession planning the applicants wish to include the southern severance of Lot 263 within Lot 64.



The details of the proposed lots are as follows:

- Proposed Lot 63 – 31.402ha
- Proposed Lot 64 – 46.942ha

No changes to site access, services, or infrastructure are required as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits. Primary production land is not fragmented.

The boundary realignment ensures that that agricultural production and vitality of the subject land will continue within the future. Overall, the proposed reconfiguration is considered minor in nature and is in keeping with the character and amenity of the surrounding area.



Figure 2: Extract from Proposal Plan 36635/001A

Source: Brazier Motti February 2026



Planning Act 2016 Considerations

The table below provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016* and *Planning Regulation 2017*.

Assessable Development	The proposed development constitutes assessable development under the Mareeba Shire Planning Scheme. Accordingly, pursuant to Section 44(3) of the <i>Planning Act 2016</i> a development approval is required.
Assessment Manager	Pursuant to Schedule 8 of the <i>Planning Regulation 2017</i> the Assessment Manager for this development application is Mareeba Shire Council.
Category of Assessment	The Mareeba Shire Planning Scheme 2016 identifies that the proposed development is Code Assessable development.
Public Notification	The Application is Code Assessable, therefore, in accordance with section 53 of the <i>Planning Act 2016</i> public notification is not required.
Referrals	Consideration of the proposed application against Schedule 10 of the <i>Planning Regulation 2017</i> determined the proposal does not trigger any referral matters.
Owners Consent	In accordance with section 51 of the <i>Planning Act 2016</i> , landowner consent is included within <i>Attachment B</i> .

Mareeba Shire Planning Scheme 2016

Under the Mareeba Shire Planning Scheme 2016 the site is included in the Rural Zone. The proposal seeks approval for Reconfiguring a Lot (Boundary Realignment). The Table of Assessment for the Rural Zone identifies that the level of assessment for the proposed development is Code Assessment.

The table below provides an overview of the planning scheme elements applicable to the subject land and the proposed development provisions under the Mareeba Shire Planning Scheme 2016:

The Table of Assessment also identifies that the proposed development is assessable against the following planning scheme codes:



Applicable Codes	Zone Code	<ul style="list-style-type: none">Rural Zone Code
	Overlay Codes	<ul style="list-style-type: none">Agriculture Land Overlay CodeBushfire Hazard Overlay CodeEnvironmental Significance Overlay CodeHill and Slope Overlay Code
	Development Codes	<ul style="list-style-type: none">Reconfiguring a Lot CodeLandscaping CodeParking and Access CodeWork, Services and Infrastructure Code

All aspects of the proposed boundary realignment are considered to be generally consistent with the relevant acceptable measures and/or performance criteria of each of the applicable codes identified above. An assessment against the applicable codes is provided below:

Rural Zone Code

In accordance with the Mareeba Shire Planning Scheme 2016 the site is contained within the Rural Zone, where a Reconfiguring a Lot is Code Assessable.

The proposal is for the minor boundary realignment of land only. No changes to site access, services, or infrastructure are required as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits. The existing agricultural production will continue onsite as a result of the boundary realignment. Primary production land is not fragmented.

An assessment against the Rural Zone Code is included within *Attachment D*.

Overall, it is considered that the proposed minor boundary realignment is consistent with the applicable Acceptable and Performance Outcomes of the Rural Zone Code.

Agricultural Land Overlay Code

The subject land is identified as having Agricultural Land Class A. Accordingly assessment against the Agricultural Land Overlay Code is applicable.

The proposal is for the minor boundary realignment only. Primary production land is not fragmented. The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.

The boundary realignment is a matter of family succession planning to ensure that that agricultural production and vitality of the subject land will continue within the future.



An assessment against the Agricultural Land Overlay Code is included within *Attachment D*.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Agricultural Land Overlay Code.

Bushfire Hazard Overlay Code

The subject land is identified as having areas within the Potential Impact Buffer. Accordingly assessment against the Bushfire Hazard Overlay Code is applicable.

A detailed assessment against the Bushfire Hazard Overlay Code is not considered warranted as this proposal is for the minor boundary realignment of land only. No additional lots or structures are proposed.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Bushfire Hazards Overlay Code.

Environmental Significance Overlay Code

The subject land is identified as containing with remnant vegetation. Accordingly assessment against the Environmental Significance Overlay Code is applicable.

A detailed assessment against the Environmental Significance Overlay Code is not considered warranted as this proposal is for the minor boundary realignment of land only. No clearing or earthworks are proposed.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Environmental Significance Overlay Code.

Hill and Slope Overlay

The subject land is identified as having areas within the Hill and Slope Area. Accordingly assessment against the Hill and Slope Overlay Code is applicable.

A detailed assessment against the hill and slope overlay code is not considered warranted as this proposal is for the minor boundary realignment of land only. No clearing or earthworks are proposed.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Hill and Slope Overlay Code.



Reconfiguring a Lot Code

The Reconfiguring a Lot Code seeks to ensure that development results in lots that are suitable for their intended use and provide all necessary infrastructure and services.

The proposed realignment will result in the creation of the following lots:

- Proposed Lot 63 – 31.402ha
- Proposed Lot 64 – 46.942ha

No changes to site access, services, or infrastructure are required as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits. Primary production land is not fragmented.

An assessment against the Reconfiguring a Lot Code is included within *Attachment D*.

Overall, it is considered that the proposed development achieves consistency with the applicable Acceptable and Performance Outcomes of the Reconfiguring a Lot Code.

Landscaping Code

The Landscaping Code seeks to ensure that the development is landscaped in a suitable manner that enhances the amenity, environmental values, and local landscape character of the site.

A detailed assessment against the landscaping code is not considered warranted as this proposal is for the minor boundary realignment of rural land only.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Landscaping Code.

Parking and Access Code

The Parking and Access Code seeks to ensure sufficient parking is designed to service new developments.

A detailed assessment against the parking and access code is not considered warranted as this proposal is for the minor boundary realignment of rural land only. No new access crossover or parking is proposed for this development.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Parking and Access Code.



Works, Services and Infrastructure Code

The Infrastructure Works Code seeks to ensure that development is safely and efficiently serviced by and connected to infrastructure.

A detailed assessment against the works, services, and infrastructure code is not considered warranted as this proposal is for the minor boundary realignment of land only. There are no proposed changes to existing services and infrastructure.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Works, Services, and Infrastructure Code.

Conclusion

The abovementioned has demonstrated that the proposed boundary realignment at 69 & 71 Gilmore Rd, has been assessed against the relevant assessment benchmarks of the Mareeba Shire Planning Scheme 2016 and is considered to comply with the relevant provisions.

The boundary realignment is a matter of family succession planning to ensure that that agricultural production and vitality of the subject land continue within the future.

Both proposed lots are of sufficient area and dimensions to allow for continued agricultural pursuits. The existing agricultural production will continue onsite as a result of the boundary realignment.

The proposal is considered consistent with the purpose of the Rural Zone and provides allotments which are of sufficient size and dimensions to contain and maintain the existing land uses.

Accordingly, we request that Council issue a Development Permit for Reconfiguring of a Lot (Boundary Realignment) as detailed above.

Supporting Documents

Please see enclosed the following supporting documents to assist with Council's assessment of the application:

- Attachment A: DA Form 1;
- Attachment B: Owner's Consent;
- Attachment C: Title Search & Smartmap;
- Attachment D: Assessment against applicable Planning Scheme Codes
- Attachment E: Proposal Plan prepared by Brazier Motti Drawing No. 36635/001A.



We trust that the enclosed documentation is sufficient to allow Council's assessment of the proposed development, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Planner
Brazier Motti Pty Ltd

ATTACHMENT A

brazier motti



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	

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) <i>(individual or company full name)</i>	Giovanni Gambino & Salvatore Gambino
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	c/- Brazier Motti Pty Ltd PO Box 1185
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	4054 0400
Email address <i>(non-mandatory)</i>	cns.planning@braziermotti.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	36635-001-01
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		71	Gilmore Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	263	NR1920	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		69	Gilmore Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	64	RP835619	Mareeba Shire Council

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

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

Coordinates of premises by longitude and latitude

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

Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

In or adjacent to a water body or watercourse or in or above an aquifer
 Name of water body, watercourse or aquifer:

On strategic port land under the *Transport Infrastructure Act 1994*
 Lot on plan description of strategic port land:
 Name of port authority for the lot:

In a tidal area
 Name of local government for the tidal area (if applicable):
 Name of port authority for tidal area (if applicable):

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

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

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):*

Reconfiguring a Lot – Boundary Realignment (2 Lots 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

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 type="checkbox"/> Yes – complete division 2 |
| Operational work | <input type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i> |

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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?

2

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

- | | |
|---|---|
| <input type="checkbox"/> Subdivision <i>(complete 10)</i> | <input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i> |
| <input checked="" type="checkbox"/> Boundary realignment <i>(complete 12)</i> | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i> |

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



Queensland
Government

- 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. 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 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 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 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 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 for further information.

DA templates are available from 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. 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 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 and 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 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 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 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 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 for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

No

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

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

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

No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

Yes

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

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

Yes

Not applicable

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

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

Yes

Relevant plans of the development are attached to this development application

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

Yes

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

Yes

Not applicable



Queensland
Government

ATTACHMENT B

brazier motti



**Owner's consent for making a development application under the
Planning Act 2016**

Giovanni Gambino & Salvatore Gambino

as owners of the premises identified as follows:

Lot 64 on RP835619

&

Giovanni Gambino

as owner of the premises identified as follows:

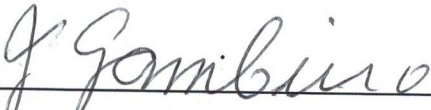
Lot 263 on NR1920

consent to the making of a development application under the *Planning Act 2016* by:

Giovanni Gambino & Salvatore Gambino c/- Brazier Motti Pty Ltd

on the premises described above for:

Reconfiguring a Lot – Boundary Realignment (2 lots into 2 lots) as detailed with Proposal Plan 36635/001A prepared by Brazier Motti Pty Ltd


Giovanni Gambino
Date signed... 17/06/2026.....


Salvatore Gambino
Date signed... 17/02/2026.....

ATTACHMENT C

brazier motti



Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 21482078	Search Date: 16/02/2026 16:14
Date Title Created: 19/12/1991	Request No: 55075829
Previous Title: 21218015	

ESTATE AND LAND

Estate in Fee Simple

LOT 64 REGISTERED PLAN 835619
Local Government: MAREEBA

For exclusions / reservations for public purposes refer to Plan RP 835619

REGISTERED OWNER**INTEREST**

Dealing No: 715404025 04/11/2013

GIOVANNI GAMBINO
SALVATORE GAMBINO1/2
1/2

AS TENANTS IN COMMON

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21218015 (POR 264)
2. ROAD LICENCE ATTACHMENT No 701618111 23/10/1996 at 14:31
Consequent upon the production of evidence, the Licence is
deemed to attach to:
LOT 64 ON RP 835619
3. MORTGAGE No 716108950 30/10/2014 at 14:13
RURAL BANK LIMITED A.B.N. 74 083 938 416

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20964093	Search Date: 11/02/2026 14:18
Date Title Created: 10/09/1974	Request No: 55019814
Previous Title: 20500145, 20500146	

ESTATE AND LAND

Estate in Fee Simple

LOT 263 CROWN PLAN NR1920
Local Government: MAREEBA

For exclusions / reservations for public purposes refer to Plan CP NR1920

REGISTERED OWNER

Dealing No: 714921070 05/02/2013

GIOVANNI GAMBINO

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20368129 (POR 263)
2. MORTGAGE No 716108953 30/10/2014 at 14:14
RURAL BANK LIMITED A.B.N. 74 083 938 416

ADMINISTRATIVE ADVICES

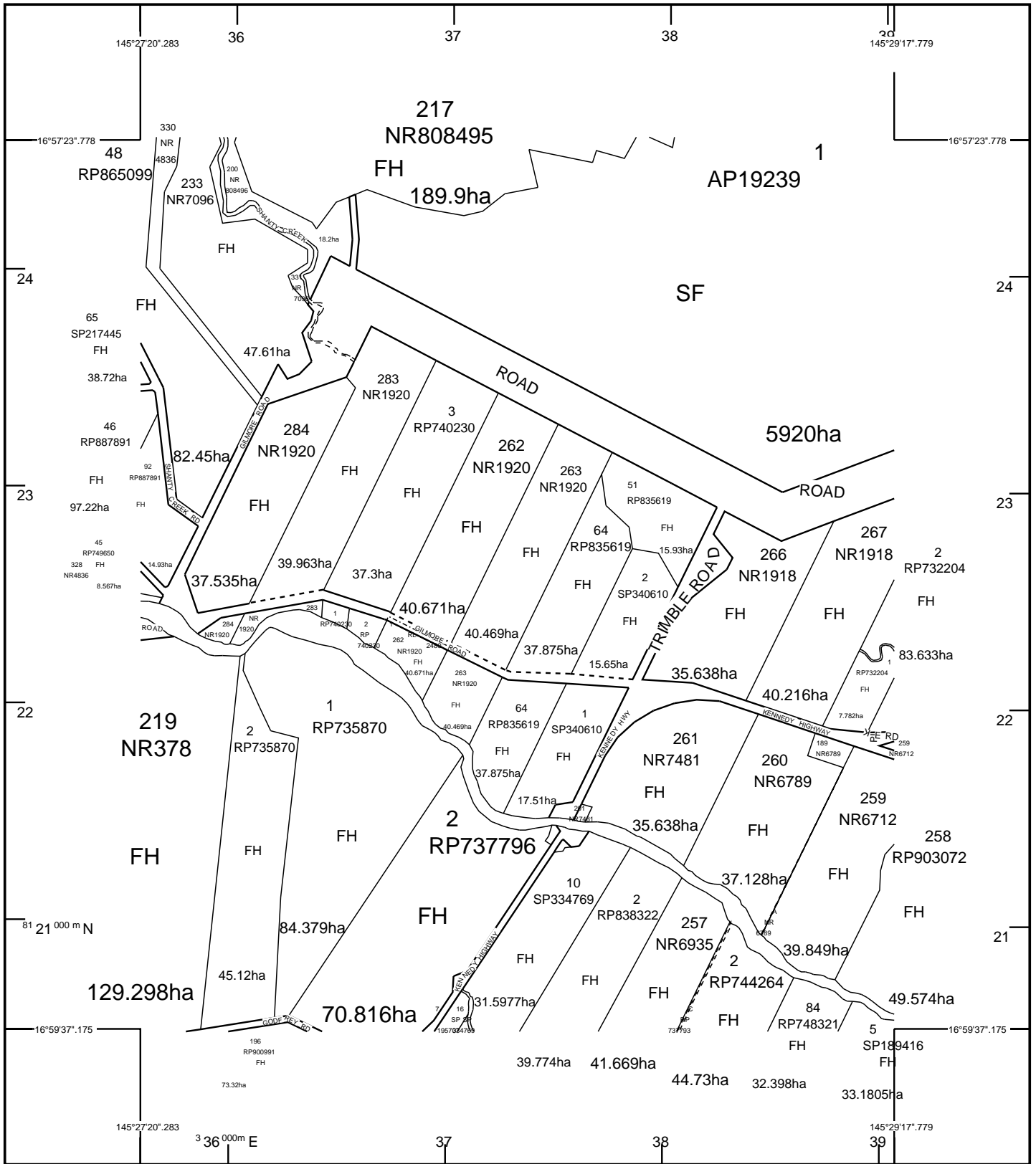
NIL

UNREGISTERED DEALINGS

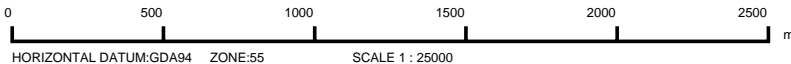
NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



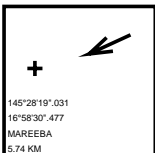
STANDARD MAP NUMBER
7964-22224



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	263/NR1920
Lot/Plan	40.469ha
Area/Volume	FREEHOLD
Tenure	MAREEBA SHIRE
Local Government	MAREEBA
Locality	9141/22
Segment/Parcel	

CLIENT SERVICE STANDARDS

PRINTED 24/02/2026

DCDB 23/02/2026 (Lots with an area less than 3000m² are not shown)

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ATTACHMENT D

brazier motti



6.2.9 Rural zone code

6.2.9.1 Application

- (1) This code applies to assessing development where:
 - (a) located in the Rural 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.

6.2.9.2 Purpose

- (1) The purpose of the Rural zone code is to:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) Mareeba Shire Council's purpose of the Rural zone code is to recognise the importance of primary production to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.

The purpose of the Rural zone code is to:

- (a) recognise the diversity of rural uses that exists throughout the region;
 - (b) protect the rural character of the region;
 - (c) provide facilities for visitors and tourists that are accessible and offer a unique experience;
 - (d) protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;
 - (e) maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;
 - (f) provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;
 - (g) prevent adverse impacts of development on ecological values;
 - (h) preserve land in large holdings; and
 - (i) facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.
- (3) The purpose of the Rural zone code will be achieved through the following overall outcomes:
 - (a) Areas for primary production and other rural activities are conserved and not fragmented below 60ha unless for a *public reconfiguration purpose*;
 - (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;
 - (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
 - (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;

- (e) Development is reflective of and responsive to the environmental constraints of the land;
- (f) Residential and other uses are appropriate only where directly associated with the rural nature of the zone;
- (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;
- (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;
- (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;
- (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and
- (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.

6.2.9.3 Criteria for assessment

Table 6.2.9.3—Rural zone code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For accepted development subject to requirements and assessable development			
Height			
PO1 Building height takes into consideration and respects the following: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	✓	N/A RAL only. No new structures are proposed
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	✓	N/A RAL only. No new structures are proposed
Siting, where not involving a Dwelling house			
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.			

Performance outcomes	Acceptable outcomes	Complies	Comments
PO2 Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State-controlled road; and (b) 10 metres from a boundary to an adjoining lot. 	✓	N/A RAL only. No new structures are proposed
	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.	✓	N/A RAL only. No new structures are proposed
	AO2.3 Buildings and structures, except where a Roadside stall, include a minimum setback of: <ul style="list-style-type: none"> (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road; 	✓	N/A RAL only. No new structures are proposed
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.	×	The boundary realignment will result in two (2) existing dwellings being contained within proposed Lot 64.
	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. 	✓	Residential density does not exceed two (2) dwellings per lot which is consistent for the properties within the Rural Zone.

Performance outcomes	Acceptable outcomes	Complies	Comments
For assessable development			
Site cover			
<p>PO4 Buildings and structures occupy the site in a manner that:</p> <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. 	<p>AO4 No acceptable outcome is provided.</p>	✓	Site cover for proposed Lot 64 is consistent for the properties within the Rural Zone.
<p>PO5 Development complements and integrates with the established built character of the Rural zone, having regard to:</p> <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. 	<p>AO5 No acceptable outcome is provided.</p>	✓	N/A RAL only. No new structures are proposed

Performance outcomes	Acceptable outcomes	Complies	Comments
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; (g) lighting; (h) odour; and (i) emissions. 	AO6 No acceptable outcome is provided.	✓	N/A RAL only. No new structures are proposed
PO7 Development must take into account and seek to ameliorate any existing negative environmental impacts, 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; (g) lighting; (h) odour; and (i) emissions. 	AO7 No acceptable outcome is provided.	✓	N/A RAL only. No physical changes will occur within the site.
Rural uses			
PO8 Uses and other development include those that: <ul style="list-style-type: none"> (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities. 	AO8 No acceptable outcome is provided.	✓	The existing agricultural production will continue onsite as a result of the boundary realignment.

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO9 Areas for use for primary production and rural activities are conserved and protected from fragmentation, alienation and degradation.</p>	<p>AO9 No acceptable outcome is provided.</p>	<p>✓</p>	<p>Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits. Primary production land is not fragmented. The existing agricultural production will continue onsite as a result of the boundary realignment.</p>

8.2.1 Agricultural land overlay code

8.2.1.1 Application

- (1) This code applies to assessing development where:
 - (a) land the subject of development is located within the agricultural land areas identified on the **Agricultural land overlay maps (OM-001a-n)**; 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.

Note—Agriculture is appropriately reflected in Overlay Map 1 and is required to be mapped by State Government in response to Economic Growth State Interests.

8.2.1.2 Purpose

- (1) The purpose of the Agricultural land overlay code is to protect or manage important agricultural areas, resources, and processes which contribute to the shire's capacity for primary production.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:
 - (i) an overriding need exists for the development in terms of public benefit,
 - (ii) no suitable alternative site exists; and
 - (iii) the fragmentation or reduced production potential of agricultural land is minimised;
 - (b) 'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;
 - (c) Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and
 - (d) Land with the 'Broadhectare rural' area is maintained in its current configuration.

8.2.1.3 Criteria for assessment

Table 8.2.1.3 – Agricultural land overlay code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For accepted development subject to requirements and assessable development			
<p>PO1 The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) is avoided unless:</p> <p>(a) an overriding need exists for the development in terms of public benefit;</p> <p>(b) no suitable alternative site exists; and</p> <p>(c) loss or fragmentation is minimised to the extent possible.</p>	<p>AO1 Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) unless they are associated with:</p> <p>(a) animal husbandry; or</p> <p>(b) animal keeping; or</p> <p>(c) cropping; or</p> <p>(d) dwelling house; or</p> <p>(e) home based business; or</p> <p>(f) intensive animal industry (only where for feedlotting); or</p> <p>(g) intensive horticulture; or</p> <p>(h) landing; or</p> <p>(i) roadside stalls; or</p> <p>(j) winery.</p>	<p>✓</p>	<p>The subject site is identified as being Class A Agricultural Land. Primary production land is not fragmented.</p> <p>Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits. The existing agricultural production will continue onsite as a result of the boundary realignment.</p> <p>Any future structures within proposed Lot 63 will not diminish the agricultural production of the site.</p>
For assessable development			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO2 Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:</p> <ul style="list-style-type: none"> (a) avoid land use conflict; (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; (c) avoid reducing primary production potential; and (d) not adversely affect public health, safety and amenity. 	<p>AO2 No acceptable outcome is provided.</p>	✓	N/A RAL only. No sensitive land uses proposed.
<p>PO3 Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):</p> <ul style="list-style-type: none"> (a) ensures that agricultural land is not permanently alienated; (b) ensures that agricultural land is preserved for agricultural purposes; and (c) does not constrain the viability or use of agricultural land. 	<p>AO3 No acceptable outcome is provided.</p>	✓	<p>Minor boundary realignment only.</p> <p>Primary production land is not fragmented. The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.</p>
If for Reconfiguring a lot			
<p>PO4 The 'Broadhectare rural area' identified on the Agricultural land overlay maps (OM-001a-n) is retained in very large rural holdings viable for broad scale grazing and associated activities.</p>	<p>AO4 Development does not involve the creation of a new lot within the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n).</p>	✓	Land is not within the broadhectare rural area.

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO5 Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) that is severed by a gazetted road occurs only where it does not fragment land used for agricultural purposes.</p>	<p>AO5 No acceptable outcome is provided.</p>	<p>✓</p>	<p>The proposal is for a minor boundary realignment. The proposal will include the southern severance of Lot 263 with Lot 64.</p> <p>The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.</p>
<p>PO6 Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:</p> <ul style="list-style-type: none"> (a) improves agricultural efficiency; (b) facilitates agricultural activity; or (c) facilitates conservation outcomes; or (d) resolves boundary issues where a structure is built over the boundary line of two lots. 	<p>AO6 No acceptable outcome is provided.</p>	<p>✓</p>	<p>The boundary realignment is a matter of family succession planning to ensure that that agricultural production within the subject land continues.</p> <p>The boundary realignment ensure the vitality of the agricultural land.</p>

9.4.4 Reconfiguring a lot code

9.4.4.1 Application

- (1) This code applies to assessing development where:
 - (a) for Reconfiguring a lot; 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.

9.4.4.2 Purpose

- (1) 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.
- (2) 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 lots equal to or larger than 60ha, except for where:
 - (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
 - (b) The subdivision is limited to the creation of one additional allotment to accommodate a *public reconfiguration purpose*;
 - (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.

9.4.4.3 Criteria for assessment

Table 9.4.4.3A—Reconfiguring a lot code – For assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
Area and frontage of lots – except for Rural zone			
<p>PO1 Lots include an area and frontage that:</p> <ul style="list-style-type: none"> (a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: <ul style="list-style-type: none"> (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints. 	<p>AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</p>		N/A
Area and frontage of lots – Rural zone			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO1.1 No lots are created with an area of less than 60ha, except for where:</p> <p>(a) The subdivision results in no additional lots (boundary realignment) and does not create an additional <i>rural lifestyle</i> lot or <i>rural residential purposes</i> lot; or</p> <p>(b) The subdivision is limited to the creation of one additional allotment to accommodate a <i>public reconfiguration purpose</i>.</p> <p>Note: This also applies to applications for boundary realignment.</p>	<p>AO1.1 No acceptable outcome is provided.</p>	✓	<p>Minor boundary realignment only.</p> <p>Primary production land is not fragmented. The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.</p>
<p>PO1.2 Where for a boundary realignment, the realignment only occurs where it would:</p> <p>(a) Improve agricultural efficiency; or</p> <p>(b) Facilitate agricultural activity or conservation outcomes; or</p> <p>(c) Resolve boundary issues where a house, structure or works is built over the boundary line of the lots.</p>	<p>AO1.2 No acceptable outcome is provided.</p>	✓ / ✗	<p>The boundary realignment is a matter of family succession planning to ensure that that agricultural production and vitality of the subject land continue within the future.</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO1.3 Where for a boundary realignment, the proposed lots are:</p> <ul style="list-style-type: none"> (a) Able to accommodate all buildings, structures and works associated with the rural use; (b) Suitable to allow the site to be provided with sufficient access; (c) Include enough space within the new lots to accommodate buffers from adjoining land uses to mitigate adverse impacts such as chemical spray drift, odour, noise, fire, smoke and ash; (d) Do not constrain existing industries from expanding or new agricultural enterprises from being established; (e) Do not create new lots for <i>rural lifestyle or rural residential purposes</i>; and (f) Are not for the purposes of creating a separate house lot. 	<p>AO1.3 No acceptable outcome is provided.</p>	<p>✓ / x</p>	<p>The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.</p>
<p>PO1.4 Where for the creation of one additional lot to accommodate a <i>public reconfiguration purpose</i>:</p> <ul style="list-style-type: none"> (a) The lot has sufficient area to be able to accommodate all buildings, structures and works associated with the intended use; and (b) The intended use commences on the lot prior to its creation, or a statutory covenant is registered on the title restricting the future use of the lot to the intended purpose. 	<p>AO1.4 No acceptable outcome is provided.</p>	<p>✓ / x</p>	<p>N/A</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO1.5 Reconfiguring a lot that is severed by a gazetted road and that uses the road as the boundary of division only occurs where:</p> <p>(a) The subdivision divides one lot into two; and</p> <p>(b) The existing lot is severed by a road that was gazetted before 9 May 2008; and</p> <p>(c) The resulting lot boundaries use the road as the boundary of division; and</p> <p>(d) The development:</p> <p>(i) facilitates agricultural activity; or</p> <p>(ii) facilitates conservation outcomes; and</p> <p>(e) The development ensures agricultural activity is not compromised.</p>	<p>AO1.5 No acceptable outcome is provided.</p>	<p>✓ / x</p>	<p>The proposal is for a minor boundary realignment. Gilmore severs the subject land.</p> <p>The proposal will include the southern severance of Lot 263 with Lot 64.</p> <p>The existing agricultural production will continue onsite as a result of the boundary realignment. Both lots are of sufficient area and dimensions to allow for continued agricultural pursuits.</p>
<p>PO1.6 All lots include a frontage that allows the site to be provided with sufficient access.</p>	<p>AO1.6 Lots provided a minimum frontage is accordance with Table 9.4.4.3B</p>	<p>✓</p>	<p>Both proposed lots have sufficient road frontage.</p>
Existing buildings and easements			
<p>PO2 Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <p>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</p> <p>(b) any continuing use is not compromised by the reconfiguration.</p>	<p>AO2.1 Each land use and associated infrastructure is contained within its individual lot.</p>	<p>✓</p>	<p>Structures will be contained within the lot that they serve.</p>
	<p>AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	<p>✓</p>	<p>The boundary realignment will not impact upon existing setbacks.</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO3 Reconfiguring a lot which contains an existing easement ensures:</p> <p>(a) future buildings, structures and accessways are able to be sited to avoid the easement; and</p> <p>(b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</p>	<p>AO3 No acceptable outcome is provided.</p>	<p>✓ / x</p>	<p>N/A No existing easements</p>
Boundary realignment			
<p>PO4 The boundary realignment retains all attendant and existing infrastructure connections and potential connections.</p>	<p>AO4 No acceptable outcome is provided.</p>	<p>✓</p>	<p>No changes to site access, services, or infrastructure are required as a result of the boundary realignment.</p>
Access and road network			
<p>PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <p>(a) safety;</p> <p>(b) drainage;</p> <p>(c) visual amenity;</p> <p>(d) privacy of adjoining premises; and</p> <p>(e) service provision.</p>	<p>AO5 No acceptable outcome is provided.</p>	<p>✓</p>	<p>No changes to site access</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO6 Reconfiguring a lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> (a) is consistent with that provided in the surrounding area; (b) maximises efficiency and safety; and (c) is consistent with the nature of the intended use of the lot. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<p>AO6 Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	✓ / x	No changes to site access
<p>PO7 Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> (a) the intended use of the lots; (b) the existing use of surrounding land; (c) the vehicular servicing requirements of the intended use; (d) the movement and turning requirements of B-Double vehicles. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<p>AO7 No acceptable outcome is provided.</p>	✓ / x	N/A
Rear lots			
<p>PO8 Rear lots are designed to:</p> <ul style="list-style-type: none"> (a) provide a high standard of amenity for residents and other users of the site; (b) provide a high standard of amenity for adjoining properties; and 	<p>AO8.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p>	✓ / x	N/A
	<p>AO8.2 No more than two rear lots are created behind any lot with a road frontage.</p>	✓ / x	N/A

Performance outcomes	Acceptable outcomes	Complies	Comments
(c) not adversely affect the safety and efficiency of the road from which access is gained.	AO8.3 Access to lots is via an access strip with a minimum width of: (a) 4 metres where in the Low density residential zone or Medium density residential zone; or (b) 8 metres otherwise.	✓ / x	N/A
	AO8.4 A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street. Note—Figure A provides further guidance in relation to the desired outcome.	✓ / x	N/A
	AO8.5 No more than 1 in 10 lots created in a new subdivision are rear lots.	✓ / x	N/A
	AO8.6 Rear lots are not created in the Centre zone or the Industry zone.	✓ / x	N/A
Crime prevention and community safety			
PO9 Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: (a) sightlines; (b) the existing and intended pedestrian movement network; (c) the existing and intended land use pattern; and (d) potential entrapment locations.	AO9 No acceptable outcome is provided.	✓ / x	N/A
Pedestrian and cycle movement network			
PO10 Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO10 No acceptable outcome is provided.	✓ / x	N/A

Performance outcomes	Acceptable outcomes	Complies	Comments
Public transport network			
<p>PO11 Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <ul style="list-style-type: none"> (a) does not prejudice the future provision of the identified infrastructure; (b) appropriately treats the common boundary with the future corridor; and (c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement. 	<p>AO11 No acceptable outcome is provided.</p>	✓ / x	N/A
Residential subdivision			
<p>PO12 Residential lots are:</p> <ul style="list-style-type: none"> (a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes. 	<p>AO12 No acceptable outcome is provided.</p>	✓ / x	N/A
Rural residential zone			
<p>PO13 New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.</p>	<p>AO13 No acceptable outcome is provided.</p>	✓ / x	N/A
Additional provisions for greenfield development only			
<p>PO14 The subdivision design provides the new community with a local identity by responding to:</p> <ul style="list-style-type: none"> (a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views. 	<p>AO14 No acceptable outcome provided.</p>	✓ / x	N/A

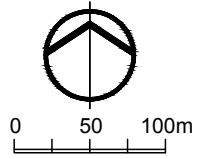
Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO15 The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p>AO15 No acceptable outcome provided.</p>	✓ / x	N/A
<p>PO16 The road network is designed to:</p> <ul style="list-style-type: none"> (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads. <p>Note—Figure B provides further guidance in relation to the desired outcome.</p>	<p>AO16 No acceptable outcome provided.</p>	✓ / x	N/A
<p>PO17 Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p>AO17 The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	✓ / x	N/A
<p>PO18 The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p>AO18 No acceptable outcome provided.</p>	✓ / x	N/A
<p>PO19 Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> (a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected; (b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and (c) meet regional, district and neighbourhood open space requirements. 	<p>AO19.1 A minimum of 10% of the site area is dedicated as open space.</p>	✓ / x	N/A
	<p>AO19.2 A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	✓ / x	N/A

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO20 A network of parks and community land is provided:</p> <ul style="list-style-type: none"> (a) to support a full range of recreational and sporting activities; (b) to ensure adequate pedestrian, cycle and vehicle access; (c) which is supported by appropriate infrastructure and embellishments; (d) to facilitate links between public open spaces; (e) which is co-located with other existing or proposed community infrastructure; (f) which is consistent with the preferred open space network; and (g) which includes a diversity of settings; 	<p>AO20 No acceptable outcome is provided.</p>	<p>✓ / x</p>	<p>N/A</p>

ATTACHMENT E

brazier motti





PROPOSED RECONFIGURATION

Lots 63 & 64
 Cancelling Lot 64 on RP835619 and Lot 263 on NR1920
 Locality of Mareeba
 Mareeba Shire Council

Date: 17/02/2026	
Scale: 1:5000	A3
Drawn: WCHO	
Job No: 36635/001-01	
Plan No:	36635/001 A



braziermotti.com.au

SURVEYING
 TOWNPLANNING
 PROJECT MANAGEMENT
 MAPPING & GIS



This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.