

8 March 2018

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

Dear Sir/Madam

**DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT
RECONFIGURING A LOT (BOUNDARY REALIGNMENT)
ON LAND DESCRIBED AS LOT 1 ON RP737778 & LOT 21 ON SP239245
LOCATED AT 5351 KENNEDY HIGHWAY, MAREEBA**

I refer to the aforementioned development and provide herewith an application seeking a Development Permit for Reconfiguring a Lot (Boundary Realignment) on land described as Lot 1 on RP737778 & Lot 21 on SP239245 located at 5351 Kennedy Highway, Mareeba.

Please find attached the following documents to assist with Council's assessment of the application:

Attachment A: DA Form 1;
Attachment B: Smart Maps;
Attachment C: Zoning Map;
Attachment D: Proposal Plan of Reconfiguration

Property Description

Property Description: Lot 1 on RP737778 & Lot 21 on SP239245
Total Subject Area: 24.58 ha
Planning Area: Rural

Title searches for both land parcels subject to this application confirm ownership of the subject lots by Hadzi and Mejreme Selita. Current Smart Maps for both allotments have been sought and are included at *Attachment B*.

Site Characteristics

The subject land parcel is irregular in shape and encompasses a total site area of approximately 24.58 hectares. The subject site is located within the Rural Zone, as identified under the Mareeba Shire Planning Scheme.

Existing Lot 21 is dissected into two (2) distinct areas by an internal service road which runs in a generally straight east/west direction. The north-eastern portion of this lot, north of the internal road contains Category B remnant vegetation as mapped by the Department of Natural Resources and Mines. The overall site is currently void of any agricultural farming practices, with existing Lot 21 incorporating a large open storage shed.

The property is located within a predominately rural area east of the Kennedy Highway, with uses in the locality generally comprising single detached houses situated on medium to large sized allotments. Existing Lot 1 incorporates primary road frontage onto the Kennedy Highway road reserve, while existing Lot 21 has full road frontage access onto Venture Road.

Basic infrastructure such as electricity and telecommunications are located within the road reserve fronting the site and access to these services is readily available. Both land parcels are generally flat and incorporate overland flow paths draining towards the nearby Barron River catchment area.

As identified on Figure 1 below, the subject land is predominately located within a rural landscape setting east of the Kennedy Highway.

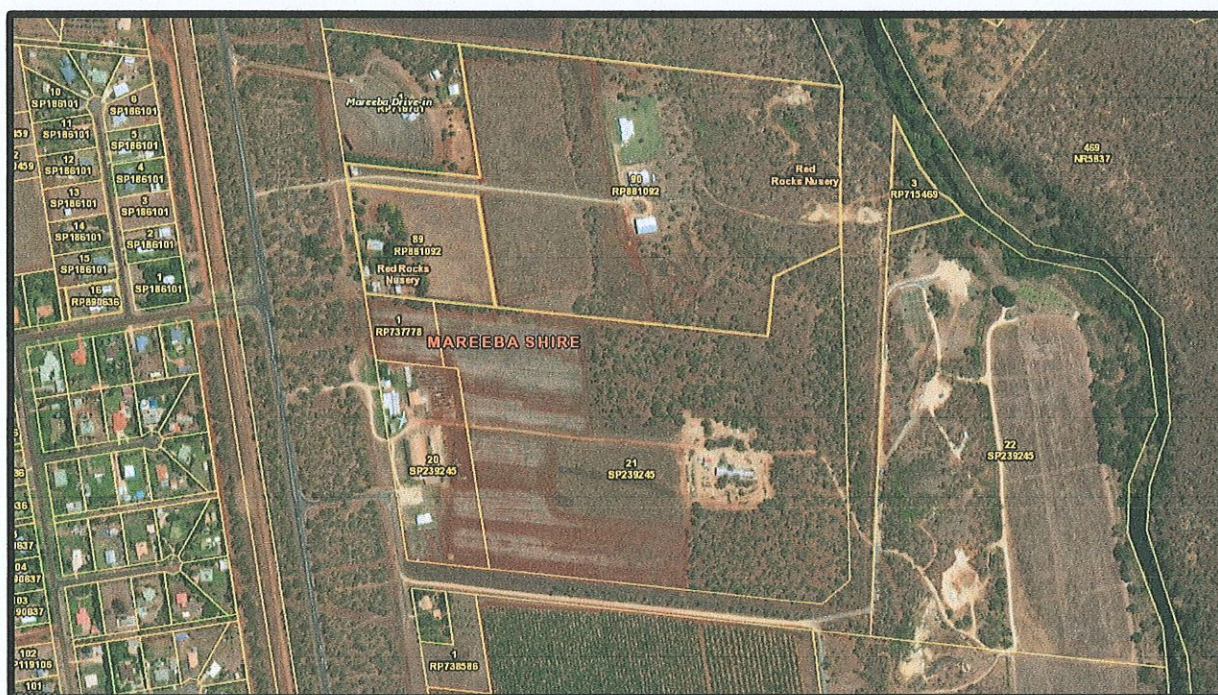


Figure 1: Aerial Photo of the subject site (source – Queensland Globe 2017)

Surrounding Area

The subject site is located within the Mareeba locality and is approximately 6 kilometres south of the Mareeba CBD. The subject site is located directly across the Kennedy Highway from Wylandra Estate, which encompasses rural residential lifestyle allotments.

Furthermore, the subject site is located within 200 metres south of the Mareeba Rodeo Drive-in and approximately 1.7 kilometres north from the Mareeba Aerodrome.

Dominant land uses adjacent to, and/or within proximity to the premises are represented by the surrounding zones which include:-

- North: Rural
- East: Rural
- South: Rural / Rural Residential
- West: Rural / Rural Residential

As demonstrated above, the locality is generally comprised of land uses consistent with both the rural and rural residential designations. Therefore, it is considered that the proposed subdivision, as detailed in this report, will not compromise the local character of the area. *Attachment C* contains a Zoning Map identifying the site in relation to the surrounding area.

Proposal

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (Boundary Realignment) of the subject land parcels.

The current landowners of the allotments wish to rationalise their holdings, with the proposal consisting of a boundary realignment that seeks to redefine the dividing boundary between existing Lot 1 on RP737778 and Lot 21 on SP239245 to ensure a more logical outcome for the site is achieved, which is to provide generally equal portions of land area to each allotment. Furthermore, there is a clear defined line of separation directly through the central extent of existing Lot 21 by the internal road and remaining vegetation dispersed within the eastern portion of the site.

As it currently exists, existing Lot 1 has the current inability to undertake viable agricultural practices given its small site area. By redefining the dividing boundary between the two existing lots, an equal land area of reasonable size can be created in order to offer the potential for sustainable future agricultural cropping.

The proposed boundary realignment will result in two (2) modified lot sizes with proposed Lot 1 incorporating a site area of 13.236 hectares while proposed Lot 2 will encompass a site area of 11.34 hectares. Proposed Lot 1 will ultimately encompass the site area of existing Lot 1 on RP737778.

The proposed reconfigured allotments will have the capacity to be provided with connection to electricity, telecommunications and a reticulated water supply in accordance with the relevant standards.

The proposed reconfiguration has been designed to ensure both reconfigured allotments maintain their existing road access connections onto the surrounding road network.

Proposal Plan of the Reconfiguration at *Attachment D* identifies the proposed realigned layouts and allotment dimensions. The proposed subdivision is generally consistent with the requirements of the planning scheme, with the configuration of the lots having no effect on the existing landscape or amenity of the area.

Mareeba Shire Planning Scheme

Under the Mareeba Shire Planning Scheme the site is included in the **Rural Zone** as identified on **Zone Map – Mareeba East ZM016a**. The Assessment Table for the Rural Zone identifies that the level of assessment required for the proposed Reconfiguration of a Lot is **Code Assessment**. All aspects of the proposed development are considered to be generally compliant with the relevant Overall Outcomes, Performance Outcomes or Acceptable Outcomes of each of the applicable codes identified below:

- Reconfiguring a Lot Code;
- Rural Zone Code;
- Landscaping Code;
- Parking and Access Code;
- Works, Services and Infrastructure Code;
- Agricultural Land Overlay Code; and
- Bushfire Hazard Overlay Code.

Reconfiguring a Lot Code

The proposed reconfiguring a lot application intends to realign the boundary between existing Lot 1 on RP737778 and Lot 21 on SP239245 in order to create two (2) reconfigured allotments incorporating land areas of relatively equal size.

It is considered that the proposed reconfiguration is generally consistent with the relevant overall objectives sought by the code, as justified below;

- The proposed development layout has been designed to ensure that both existing allotments are provided with a relatively equal proportion of land area, while allowing the reconfigured allotments to maintain adequate and direct vehicle access to an existing roadway; and
- By redefining the dividing boundary between the two existing lots through the clear defined line of separation directly through the central extent of existing Lot 21 as proposed, an equal land area of reasonable size can be created in order to offer the potential for sustainable future agricultural cropping.

It should be noted that although the proposal does not achieve the minimum site areas as prescribed in Table 9.4.4.3B, the subdivision proposal adequately accommodates for the existing site constraints and does not cause any effect upon the existing landscape or amenity of the area. Furthermore, there are numerous freehold allotments within the immediate vicinity of the subject lot that address the Kennedy Highway, which incorporate overall lot sizes significantly less than the minimum site areas prescribed in Table 9.4.4.3B.

Clearing of existing vegetation including riparian corridors is not required to be carried out in order to establish the proposed realigned dividing boundary between the existing allotments. Therefore, no vegetation clearing exemptions will be created in order to formalise the proposed new allotments. The extent of the proposed boundary perimeters for each lot has been designed to align outside of the extent of remnant vegetation mapped upon the site.

The proposed development does not intend to modify existing land contours, therefore ensuring that overland flow paths do not directly or indirectly cause nuisance to a downstream or adjoining property.

It is considered that the proposed reconfiguration is largely consistent with the Overall Outcomes for the Reconfiguring a Lot Code as the proposed development generally complies with the Performance Outcomes of the Code.

Rural Zone Code

The proposed subdivision will maintain general compliance with the relevant overall outcomes for the Rural Zone, as justified below;

- The proposal is to rationalise an existing rural zoned site which is currently void of any agricultural farming practices. As it currently exists, existing Lot 1 has the inability to undertake viable agricultural practices given its small site area.

The proposed subdivision layout does not negatively impact the attributes of good quality agricultural land available upon the site, rather offers an enhanced opportunity for sustainable future agricultural cropping to be undertaken. This will ensure that the primary agricultural production of the existing site is conserved and fragmentation below economically viable lot sizes is avoided.

- As identified earlier, clearing of existing vegetation including riparian corridors is not required to be carried out in order to establish the proposed realigned dividing boundary between the subject lots. Therefore, no impacts upon the visual amenity of the area will occur and current natural features over the site and beyond will be maintained as part of this proposal.
- The site has good access to essential road infrastructure and infrastructure services, in order to meet the requirements of existing and future pursuits upon each of the realigned lots.

The proposed development is considered to be generally consistent with the desired character of the Rural Zone and the character of the area. The proposal will not compromise the Performance Outcomes and/or Acceptable Outcomes of the Code.

Landscaping Code

The Landscaping Code seeks to ensure that all development is landscaped to a standard that:

- (a) complements the scale and appearance of the development;*
- (b) protects and enhances the amenity and environmental values of the site;*
- (c) complements and enhances the streetscape and local landscape character; and*
- (d) ensures effective buffering of incompatible land uses to protect local amenity.*

Based on the subject site being located within the Rural Zone and that the extent of the proposed realigned dividing boundary perimeters for each lot have been designed to align outside of the extent of remnant vegetation mapped upon the site, there will be no impact upon the existing landscape character or visual amenity over the site.

Overall it is considered that the proposed development achieves consistency with the applicable acceptable measures and performance criteria of the Landscaping Code.

Parking and Access Code

The Parking and Access Code seeks to ensure that:

- (a) parking areas are appropriately designed, constructed and maintained;*
- (b) the efficient functioning of the development and the local road network; and*
- (c) all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use.*

Based on the subject site being located within the Rural Zone and that no additional roads are to be created in order to facilitate the formalisation of this development proposal, there will be no compromise to the applicable acceptable measures and performance criteria of the Parking and Access Code.

Works, Services and Infrastructure Code

The purpose of the Works, Services and Infrastructure Code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.

The proposal seeks to facilitate a boundary realignment, which would ensure that the proposed realigned allotments will contain existing buildings / structures, infrastructure and vehicular access connections onto the surrounding road network wholly within the lots.

As there will be no significant modifications to existing infrastructure or no operational works to be undertaken in order to facilitate the formalisation of this development proposal, there will be no compromise to the applicable acceptable measures and performance criteria of the Works, Services and Infrastructure Code.

Agricultural Land Overlay Code

The Mareeba Shire Overlay Mapping identifies a portion of the site as being located in the Class 'A' Area. As such the Agricultural Land Overlay Code is applicable.

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.

The proposal seeks to rationalise an existing rural zoned site which is currently void of any agricultural farming practices. As it currently exists, existing Lot 1 has the inability to undertake viable agricultural practices given its small site area.

The proposed subdivision layout does not negatively impact the attributes of good quality agricultural land available upon the site, rather provides an equal land mass area to both allotments of reasonable size in order to offer the potential for sustainable future agricultural cropping to be undertaken. This will ensure that the primary agricultural production of the existing site is conserved and fragmentation below economically viable lot sizes is avoided.

Bushfire Hazard Overlay Code

The Mareeba Shire Overlay Mapping identifies a portion of the site as being located in the Medium Bushfire Potential Intensity Area. As such the Bushfire Hazard Overlay Code is applicable.

The purpose of the Bushfire Hazard Overlay Code is to minimise the threat of bushfire to people and property.

The proposed development is consistent with the Overall Outcomes for the Bushfire Hazard Overlay Code as the proposed development complies with the Performance Outcomes.

In accordance with the code requirements, the subdivision layout adequately allows for building envelopes that are able to comply with setback and safety standards. Adequate vehicular access from both the Kennedy Highway and Venture Road are available, while a reliable reticulated water supply for fire-fighting purposes can also be provided for each proposed allotment in accordance with the acceptable outcomes.

Furthermore, the subject site provides adequate access for the purposes of being serviced by a community Fire Brigade Unit and it is considered that the proposed development will not compromise any of the Overall Outcomes of the Bushfire Hazard Overlay Code.

Referral Agencies

The Development Assessment Process incorporates a referral process, established through the *Planning Regulation 2017*, enabling relevant state agencies to have input in the assessment process.

A review of Schedule 10 of the *Planning Regulation 2017* against the proposed development indicates that there are **no** referral agencies applicable to this application.

Conclusion

The proposal is considered to fulfil the Planning Scheme's intent for the site and will make effective use of what is currently considered as limited use Rural land over a small portion of the site. The following conclusions can be drawn from the above referenced planning aspects of the proposal:

- The proposed development is permissible within the Rural Zone, with the proposed allotments having appropriate areas and dimensions to accommodate the existing and future land uses. The proposal generally complies with the intent of the rural zoning without compromising the character of the area;
- Although the proposed realigned allotments do not meet the minimum lot size prescribed for the land, the proposal will not result in a reconfigured land parcel incorporating a site area less than what existing Lot 1 currently encompasses. Furthermore, by redefining the dividing boundary between the two existing lots as proposed, an equal land area of reasonable size can be created in order to offer the potential for sustainable future agricultural cropping.

- The intention of the proposed subdivision is to allow the current landowners to rationalise their current land tenure holdings to ensure a more logical outcome for the site is achieved, which is to provide generally equal portions of land area to each allotment;
- The proposed realigned dividing boundary follows a clear defined line of separation directly through the central extent of existing Lot 21 by the internal road and remaining vegetation dispersed within the eastern portion of the site;
- The proposed development does not intend to modify existing land contours, therefore ensuring that overland flow paths do not directly or indirectly cause nuisance to a downstream or adjoining property;
- The proposed subdivision adequately addresses the elements of the Reconfiguring a Lot Code, Rural Zone Code, Landscaping Code, Parking and Access Code, Works, Services and Infrastructure Code along with the relevant Overlay Codes including each of the relevant overall outcomes, performance outcomes and/or acceptable outcomes;
- The proposed development is responsive to all environmental constraints and is expected to have minimal impact on the landscape character and visual amenity.
- The proposal will not have a detrimental impact on the function of the existing and future street and traffic network; and
- The proposed use is of a scale and nature that contributes to the proper and orderly development of the locality.

On balance, it is considered that the proposed development is an appropriate response to the site and, subject to the imposition of reasonable and relevant conditions, Council will be able to issue a permit for Reconfiguring a Lot (Boundary Realignment).

Yours faithfully,



HASIM SELITA

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Hasim Selita
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 902
Suburb	Mareeba
State	QLD
Postcode	4880
Country	Australia
Contact number	0438 159 203
Email address (non-mandatory)	selita@activ8.net.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

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
		5351	Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	1	RP737778	Mareeba
b)	Unit No.	Street No.	Street Name and Type	Suburb
		5351	Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		21	SP239245	Mareeba

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

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

Coordinates of premises by longitude and latitude

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

Coordinates of premises by easting and northing

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

3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

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

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

Name of water body, watercourse or aquifer: _____

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

Lot on plan description of strategic port land: _____

Name of port authority for the lot: _____

In a tidal area

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

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

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

Name of airport: _____

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

EMR site identification: _____

<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises? <i>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.</i>
<input type="checkbox"/> Yes – All easement locations, types and dimensions are included in plans submitted with this development application
<input checked="" type="checkbox"/> 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? <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 checked="" 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> : Reconfiguring a Lot – Boundary Realignment
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i> <input checked="" type="checkbox"/> 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? <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 <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i> <input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> 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 <input checked="" type="checkbox"/> Not required

Section 2 – Further development details

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

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

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

Division 2 – Reconfiguring a lot

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

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

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

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

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below
<input type="checkbox"/> No

How many stages will the works include?

What stage(s) will this development application apply to?

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

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

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 1 RP737778	9999	1	132,360
Lot 21 SP239245	235,800	2	113,439

12.2) What is the reason for the boundary realignment?
 Rationalise land holdings

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"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:		

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?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?
Note: A development application will require referral if prescribed by the Planning Regulation 2017.

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

Matters requiring referral to the **chief executive of the Planning Regulation 2017:**

<input type="checkbox"/> Clearing native vegetation
<input type="checkbox"/> Contaminated land (unexploded ordnance)

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

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

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 the development application the subject of this form, or include details in a schedule to this development application (if applicable).

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules

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 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

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

PART 7 – FURTHER DETAILS

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

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 – the yellow local government/private certifier’s 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

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 EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching "EM941" at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

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

Hazardous chemical facilities

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

Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

No

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

Clearing native vegetation

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

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

No

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

Environmental offsets

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

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

No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

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

Yes

No

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

Water resources

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

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

No

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

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

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

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

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

Quarry materials from land under tidal waters

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.

Referable dams

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

Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the *Water Supply Act* is attached to this development application

No

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

Tidal work or development within a coastal management district

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

Yes – the following is included with this development application:

Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)

A certificate of title

No

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

Queensland and local heritage places

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

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

No

Note: See guidance materials at www.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

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

Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*

No**Decision under section 62 of the *Transport Infrastructure Act 1994***

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

 Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied) No**PART 8 – CHECKLIST AND APPLICANT DECLARATION****24) Development application checklist**

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

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

Supporting information addressing any applicable assessment benchmarks is with development application

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

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#). YesThe portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*) Yes Not applicable**25) Applicant declaration** By making this development application, I declare that all information in this development application is true and correct Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001**Note: It is unlawful to intentionally provide false or misleading information.***Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

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

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

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

I, Hadzi Selita and Mejreme Selita

H. Selita

22 January 2018

as owners of the premises identified as follows:

5351 Kennedy Highway, Mareeba – Lot 1 on RP737778 & Lot 21 on SP239245

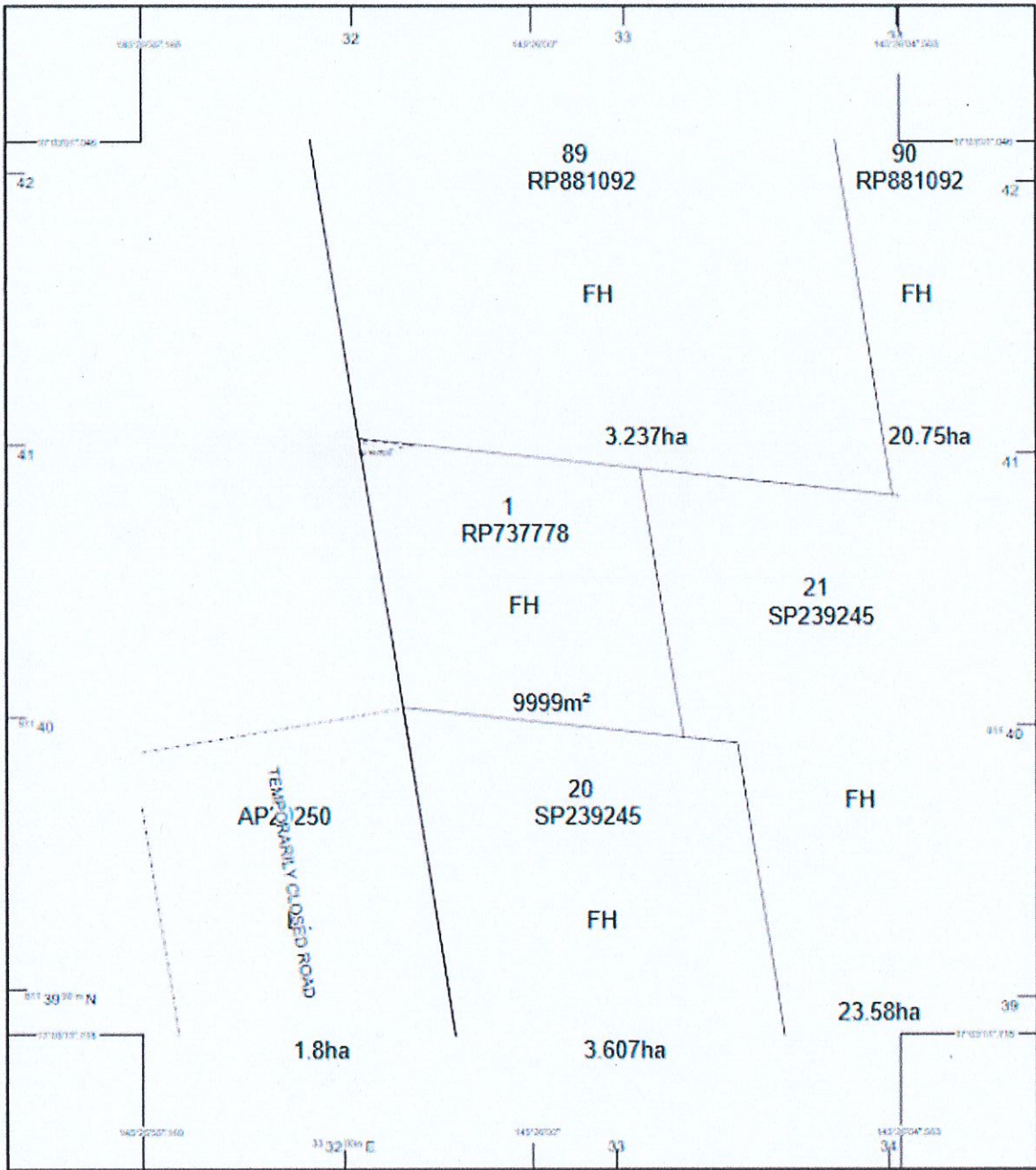
consent to the making of a development application under the *Planning Act 2016* by:

Hasim Selita

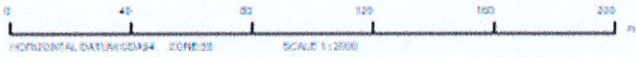
on the premises described above for:

Reconfiguring a Lot – Boundary Realignment

[signature of owner and
date signed]



STANDARD MAP NUMBER
71063-11422



SmartMap

An Essential Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST COORDINATE



SUBJECT PARCEL DESCRIPTION

DOB#	
Lot/Plan	SRP881092
Area/Volume	2223m²
Tenure	FREEHOLD
Local Government	WATERSIA SHIRE
Locality	WATERSIA
Registered Parcel	433153

CLIENT SERVICE STANDARDS

PRINTED: 2018/03/20 10:54:20:17
DOB# 74122017

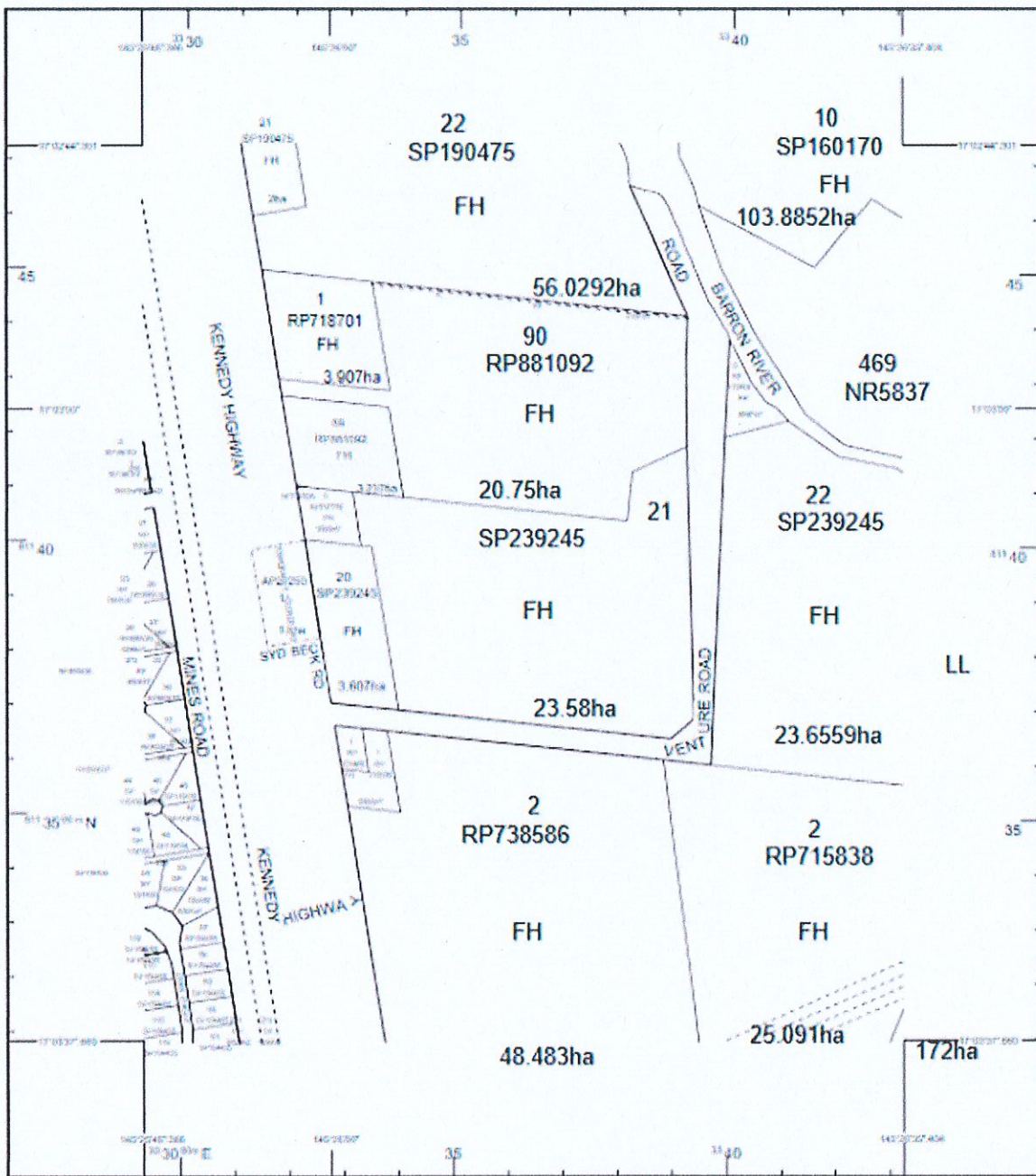
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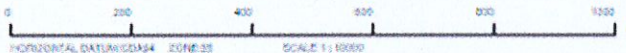
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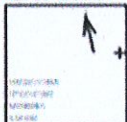
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(Department of Natural
Resources and Mines) 2017.



STANDARD MAP NUMBER
71863-11422



MAP WINDOW POSITION & THE NORTH DIRECTION



SUBJECT PARCEL DESCRIPTION

Block	35/SP033385
Lot/Volume	22/286
Town	FREDRICK
Local Government	MARSDEN SHIRE
Locality	MARSDEN
Regional Point	43301692

CLIENT SERVICE STANDARDS

PRINTED on 14/03/2017
04:08 14/03/2017

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Queensland
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LEGEND

- Zones**
- Centre
 - Community Facilities
 - Conservation
 - Emerging Community
 - Industry
 - Trades and Services Precinct
 - General Industry Precinct
 - Heavy Industry Precinct
 - Low Density Residential
 - Medium Density Residential
 - Recreation and Open Space
 - Rural
 - Rural Residential
 - 4,000 Square Metre Precinct
 - 1 Hectare Precinct
 - 2 Hectare Precinct

Other Elements

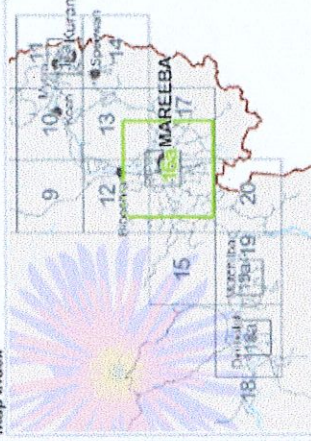
- Catchment
- Local Plan Boundary
- Mareeba Shire Council Boundary
- Watercourse

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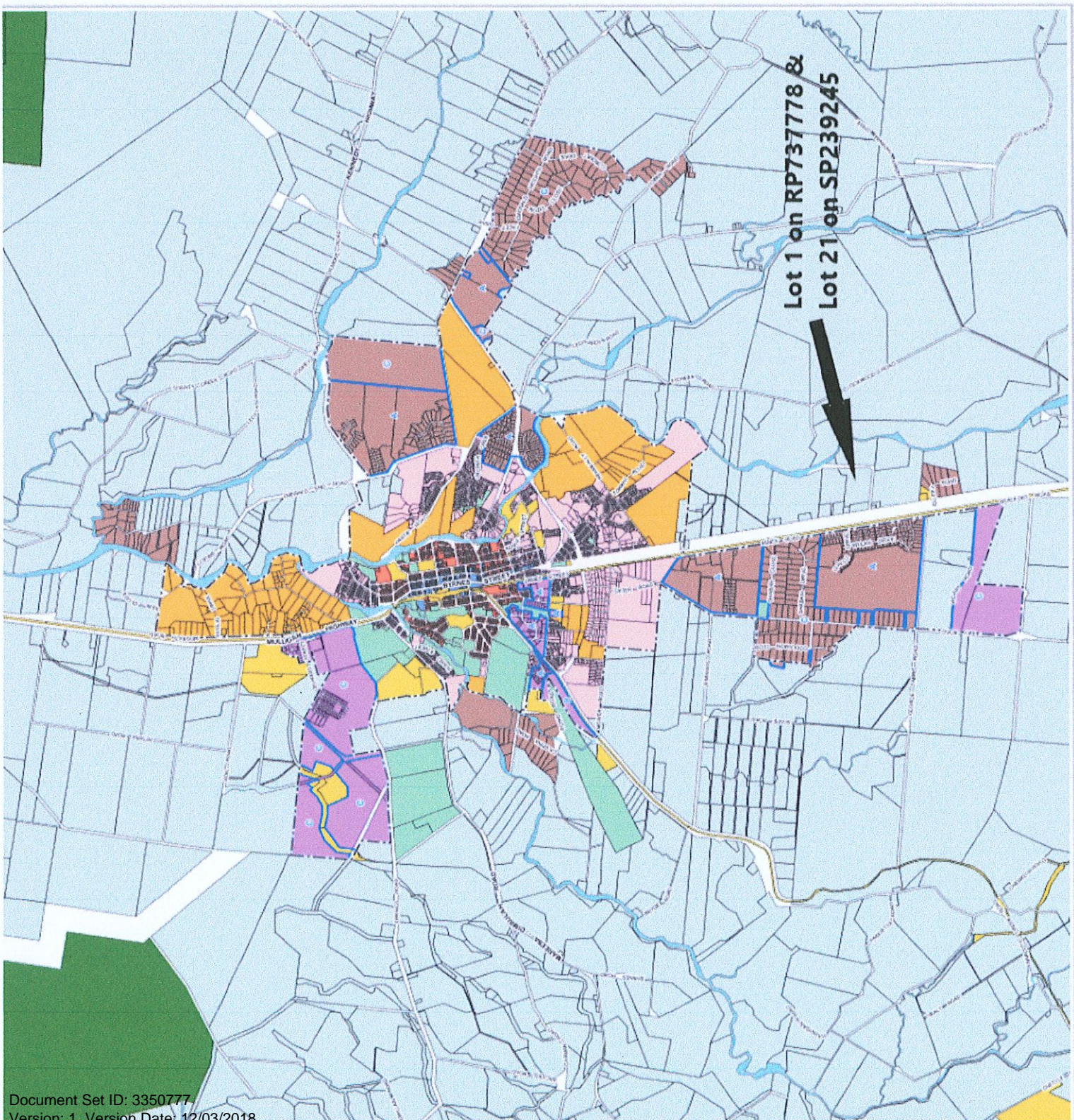
Note
 Where information on this map is inaccurate, please contact the Council Office at 07 4061 1000.



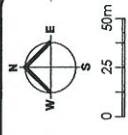
Map Index



**Zone Map -
Mareeba Surrounds**
 ZONE MAP - ZM016a



PROPOSAL PLAN
Lots 1 and 2 - 5351 Kennedy Highway, Mareeba
Cancelling Lot 1 on RP737778 and Lot 21 on SP239245



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.