

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) <i>(individual or company full name)</i>	John Shambler
Contact name <i>(only applicable for companies)</i>	C/- Elizabeth Taylor – Town Planner
Postal address <i>(P.O. Box or street address)</i>	23 Valley Street
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	Liz - 40552548
Email address <i>(non-mandatory)</i>	liz@elizabethtaylor.net.au
Mobile number <i>(non-mandatory)</i>	Liz - 0407584966
Fax number <i>(non-mandatory)</i>	N/A
Applicant's reference number(s) <i>(if applicable)</i>	ET18-009

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
		22	Monaro Close	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	2	RP728461	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)
Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

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

Coordinates of premises by easting and northing

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

3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application
 Not required

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

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

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

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

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

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

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

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

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

Transport Depot

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

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

6.2) Provide details about the second development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

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

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

6.3) Additional aspects of development

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

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" 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 (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Storage of truck and trailers	Transport Depot		

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input checked="" 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?	
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 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)

12.2) What is the reason for the boundary realignment?

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

Yes – specify number of new lots:

No

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

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

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

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

Clearing native vegetation

Contaminated land (unexploded ordnance)

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

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

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

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

Hazardous chemical facilities

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

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

No

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

Clearing native vegetation

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

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

No

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

Environmental offsets

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

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

No

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

Koala conservation

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

Yes

No

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

Water resources

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

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

No

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

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

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

commencing development

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

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

No

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

Quarry materials from land under tidal waters

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

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

No

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

Referable dams

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

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

No

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

Tidal work or development within a coastal management district

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

Yes – the following is included with this development application:

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

A certificate of title

No

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

Queensland and local heritage places

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

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

No

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

Name of the heritage place:		Place ID:	
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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](#).

Yes

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

Yes
 Not applicable

25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

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

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

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

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

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

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

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

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

I, John Shambler

as owner of the premises identified as follows:

22 Monaro Close Kuranda
Lot 2 RP728461

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

Elizabeth Taylor – Town Planner

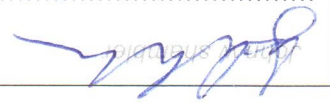
on the premises described above for:

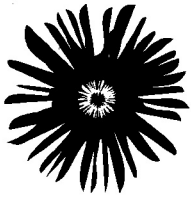
Material Change of Use – Transport Depot

Date

19-3-18

John Shambler





Mareeba

SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: Lot 2 on RP728461

Our Ref: BM:nj

13 February 2018

REGISTERED POST

John William Shambler
22 Monaro Close
KURANDA QLD 4881

SHOW CAUSE NOTICE

PLANNING ACT 2016 - SECTION 163

Dear Sir,

***CARRYING OUT ASSESSABLE DEVELOPMENT WITHOUT PERMIT
LOT 2 ON RP728461
SITUATED AT 22 MONARO CLOSE, KURANDA***

Mareeba Shire Council has formed the view that a Show Cause Notice should be issued to you under Section 167 of the *Planning Act 2016* for contravention of Section 163 of the said Act.

Section 163 of the *Planning Act 2016* states:

"(1) A person must not carry out assessable development, unless all necessary development permits are in effect for the development.

Maximum penalty-4,500 penalty units."

The facts and circumstances forming the basis of this view are:-

1. You are the registered owner of the property situated at 22 Monaro Close, Kuranda, described as Lot 2 on RP728461 ("the subject property").

2. The subject property is zoned *Rural Residential* under the Mareeba Shire Council Planning Scheme 2016 ("the planning scheme").
3. Council has received multiple complaints alleging the establishment and operation of a Transport Depot on the subject property and adjacent road reserve.
4. The planning scheme defines a transport depot as follows:

"Transport depot: Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.

Examples include: Contractor's depot, bus depot, truck yard, heavy machinery yard."
5. Under the Queensland Criminal Code Act 1899, a motor vehicle includes any machine or apparatus designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam or other mechanical power, and also includes a motor cycle, or a caravan, caravan trailer or other trailer designed to be attached to a motor vehicle.
6. Photographic evidence has been provided to Council which shows two (2) truck trailers stored on the subject property. Council considers the storage of more than one (1) truck and one (1) trailer on the subject property to be a transport depot. Additional photographic evidence was provided to Council on 2 February 2018 which further supports the allegation that a transport depot is operating from the subject property.
7. Council officers reasonably believe that you are operating a transport depot on the subject property without all necessary development permits.
8. A transport depot is code assessable development on the subject property and cannot be carried out without an effective development permit.
9. Council has no record of an effective development permit being issued for a transport depot on the subject property.

10. Accordingly, the use of the subject property for a transport depot **must cease immediately** and not recommence unless there is an effective development permit in place authorising this use on the subject property.

The purpose of this Notice is to invite you to make written representations to Council to show cause why an Enforcement Notice under Section 168 of the *Planning Act 2016* should not be given to you.

You may make written representations about this Show Cause Notice by **15 March 2018** to:

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

Should you require any further information, please contact Council's **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully



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TOWN PLANNING REPORT

**APPLICATION FOR
MATERIAL CHANGE OF USE-
DEVELOPMENT PERMIT
(TRANSPORT DEPOT)
ON
LAND DESCRIBED AS
LOT 2 RP728461
AT
22 MONARO CLOSE, KURANDA**

**PREPARED
FOR
MR JOHN SHAMBLER**

**PREPARED
BY
ELIZABETH TAYLOR
TOWN PLANNER**

MARCH, 2018

1.0 INTRODUCTION AND PLANNING LEGISLATION OVERVIEW

This is a code assessable Application for Material Change of Use (MCU) to establish a Transport Depot on Rural Residential zoned land.

This report addresses the relevant sections of the Mareeba Shire Planning Scheme 2016, the FNQ Regional Plan 2009 – 2031 and the Planning Act 2016 and Planning Regulation 2017.

The Mareeba Shire Planning Scheme was adopted by Council in July 2016 and underwent alignment with the Planning Act in 2017. Under the Planning Scheme the site is included in the Rural Residential Zone.

Under the Far North Queensland Regional Plan 2009- 2031 (FNQRP) the site is included in the Rural Living Area designation and the proposed development is considered to be an acceptable form of development on land included in a Rural Residential Zone and in the Rural Living Area designation under the FNQRP.

The Application does not trigger referral to any State Agencies, through the State Assessment Referral Agency (SARA) under the Planning Act 2016 or the Planning Regulation 2017.

1.0 THE SITE AND LOCALITY

1.1 The Site

The site is described as Lot 2 RP728461 and has an area of 1.263 hectares and is generally wedge shaped, being wider at the front than the rear and with a slight deviation along the approximately 80 metre site frontage and it slopes to a creek along the rear boundary. The site is improved with a dwelling, several shed and a horse exercise yard and is cleared with some regrowth trees scattered across the site and vegetation along the creek boundary. Access to the site is direct from Monaro Close at the most southerly point of the lot frontage, removed from the swinging corner of Monaro Close further to the north. The access driveway on site is compacted with 60mm river rock and is well maintained.

Monaro Close is partly bitumen sealed along a central carriageway with grass verges. The lot is serviced with reticulated electricity, telecommunications and town water and has a septic disposal system.

1.2 The Locality

The site is located to the north-west of Kuranda and is in an area developed for rural residential housing with some larger rural lots in the surrounding area.

2.0 PROPOSED DEVELOPMENT

The land owner has received a Show Cause Notice from Council dated 13 February, 2018 and is required to lodge an Application to establish a Transport Depot on the site in association with running his transport business, as an owner operator, from the premises.

The land owner currently operates one (1) prime mover from the premise and has four (4) trailers. The business is an owner operator business and is not intended to become a large operation. The owner is often away for weeks at a time with his business and therefore has minimal impact on the amenity of the area and any perceived detrimental impacts associated with the previous parking of the prime mover and semi-trailer outside the site on the road verge will be negated with the designation and future use of an area on site for the Transport Depot storage of the truck and trailers.

A copy of an Aerial Plan which has been annotated to show the designated area for the Transport Depot is attached at **Appendix 1**.

No major servicing or repairs of the prime mover or trailers will occur on the site. The Transport Depot will operate in accordance with the Transport Depot definition in the Planning Scheme that allows: ancillary servicing, repair and cleaning of vehicles on the site.

3.0 TOWN PLANNING ASSESSMENT

The site has the following classifications and designations under the Mareeba Shire Planning Scheme:

- Zoning – Rural Residential; and
- Environmental Significance Overlay- waterway.

A Transport Depot is defined in the Planning Scheme, as follows:

***"Transport depot:** Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.*

Examples include: Contractor's depot, bus depot, truck yard, heavy machinery yard."

A Transport Depot is Code assessable development under the Planning Scheme. The proposed development is required to be assessed against the following Codes:

- Rural Residential Zone Code;
- Environmental Significance Overlay Code- Waterways.

3.1 Rural Residential Zone Code

Purpose

- (1) The purpose of the Rural Residential Zone Code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural Residential Zone Code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) *The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;*
 - (b) *Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;*
 - (c) *Development avoids areas of ecological significance;*
 - (d) *Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;*
 - (e) *Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;*
 - (f) *Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;*
 - (g) *Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*
 - (h) *Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

Table 6.2.10.3—Rural residential zone code - For self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For self-assessable and assessable development			
Height			
PO1 Building height takes into consideration and respects the following: (a) the height of existing	AO1 Development has a maximum building height of: (a) 8.5 metres; and	✓	Existing development complies and no new structures are proposed in

Performance outcomes	Acceptable outcomes	Complies	Comments
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.	(b) 2 storeys above ground level.		association with the Transport Depot.
Outbuildings and residential scale			
PO2 Domestic outbuildings: (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Rural residential zone.	AO2.1 On lots less than 2 hectares, domestic outbuildings do not exceed: (a) 150m ² in gross floor area; and (b) 5.5 metres above natural ground level.	✓	Existing development complies and no new structures are proposed in association with the Transport Depot.
	AO2.2 On lots greater than 2 hectares, domestic outbuildings do not exceed: (a) 200m ² in gross floor area; and (b) 8.5 metres above natural ground level.	N/A	
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
<p>PO3 Development is sited in a manner that considers and respects:</p> <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) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; (f) appearance of building bulk; and (g) relationship with road corridors. 	<p>AO3 Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State-controlled Road; (b) 6 metres from a frontage to any other road; (c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone; (d) 5 metres from a boundary to an adjoining lot in the 4,000m² precinct; and (e) 3 metres from a side or rear boundary otherwise. 	✓	<p>The designated area for the Transport Depot complies with the setback requirements for buildings and structures, as it is proposed to be located fairly centrally on the site and to the rear of the site just forward of the horse exercise yard.</p>
Accommodation density			
<p>PO4 The density of Accommodation activities:</p> <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site. 	<p>AO4 Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.</p>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
For assessable development			
Site cover			
<p>PO5 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 surrounding buildings; and (c) appropriately balances built and natural features. 	<p>AO5 No acceptable outcome is provided.</p>	✓	Existing development complies and no new structures are proposed in association with the Transport Depot.
Building design			
<p>PO6 Building facades are appropriately designed to:</p> <ul style="list-style-type: none"> (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space. 	<p>AO6 No acceptable outcome is provided.</p>	✓	Existing development complies and no new structures are proposed in association with the Transport Depot.
<p>PO7 Development complements and integrates with the established built character of the Rural residential 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 	<p>AO7 No acceptable outcome is provided.</p>	✓	Existing development complies and no new structures are proposed in association with the Transport Depot.

Performance outcomes	Acceptable outcomes	Complies	Comments
and location.			

Performance outcomes	Acceptable outcomes	Complies	Comments
Non-residential development			
<p>PO8 Non-residential development:</p> <p>(a) is consistent with the scale of existing development;</p> <p>(b) does not detract from the amenity of nearby residential uses;</p> <p>(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and</p> <p>(d) directly supports the day to day needs of the immediate residential community; or</p> <p>(e) has a direct relationship to the land on which the use is proposed.</p>	<p>AO8 No acceptable outcome is provided.</p>	✓	<p>The designated area for the Transport Depot is central on site and towards the rear, removed from nearby residences. It is effectively a storage area to contain the truck and trailers to one area of the site in a neat and tidy manner and off the road verge and removed from direct and immediate view from the street.</p>
Amenity			
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <p>(a) noise;</p> <p>(b) hours of operation;</p> <p>(c) traffic;</p> <p>(d) advertising devices;</p> <p>(e) visual amenity;</p> <p>(f) privacy;</p> <p>(g) lighting;</p> <p>(h) odour; and</p> <p>(i) emissions.</p>	<p>AO9 No acceptable outcome is provided.</p>	✓	<p>The Transport Depot is a modest owner operated business that operates one truck.</p> <p>Traffic movements associated with one truck is common place and considered acceptable in a Rural Residential area, where owner operators of businesses involving trucks</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
			and other machinery and equipment is an anticipated activity.
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	AO10 No acceptable outcome is provided.	✓	No major servicing or repairs will be undertaken on site. The Transport Depot is effectively a storage area for an owner operator.

The proposed development complies with the Code.

3.2 Environmental Significance Overlay Code

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

The site is impacted by a waterway along the rear boundary of the site, so only the relevant provisions of the Code relating to waterways are considered below.

The Environmental significance overlay code ensures that:

- (a) *waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna.*

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

.....

- e) *development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;*

(f) development is appropriately setback from waterways and high ecological significance wetlands to maintain direct and indirect impacts on water quality and biodiversity.

.....

Table 8.2.4.3A – Environmental significance overlay code - For assessable development

Performance outcomes	Acceptable outcomes	Complies	Comment
For accepted development subject to requirements and assessable development			
Waterways and wetlands			
<p>PO4 High ecological significance wetlands identified on and Waterways on Environmental Significance – Waterways Overlay Maps (OM-004pz) and are protected by:</p> <p>(a) maintaining adequate separation distances between waterways/wetlands and development;</p> <p>(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;</p> <p>(c) maintaining waterway bank stability by minimising bank erosion and slumping;</p> <p>(d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and</p> <p>(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</p>	<p>Where within a waterway buffer on Environmental Significance – Waterways Overlay Maps (OM-004pz)</p> <p>AO4.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a waterway.</p> <p>AO4.2 Wetlands.....</p> <p>AO4.3 No stormwater is discharged to the waterway .</p> <p>Wetlands.....</p> <p>AO4.4 No wastewater is discharged to a waterway.</p> <p>Wetlands.....</p>	<p>✓</p>	<p>The proposed location of the designated Transport Depot on the site complies as it is well outside the 25 metre setback specified in Table 8.2.4.3B.</p> <p>No additional stormwater will be discharged as a result of designating an area of the site as a Transport Depot.</p> <p>No wastewater will be discharged as a result of designating an area of the site as a Transport Depot.</p>

The proposed development complies with the Code.

4.0 CONCLUSION

The proposed Transport Depot, is considered to comply with all relevant planning provisions, outlined in the Planning Scheme and achieves full compliance with the Performance outcomes.

The MCU Application is recommended to the Council for approval, subject to reasonable and relevant conditions that reflect the low key nature of the use.



E A TAYLOR
March, 2018

APPENDIX: 1

Untitled Map

Write a description for your map.



Legend

Google Earth

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