



Cairns Office

135 Abbott Street, PO Box 1949, Cairns QLD Australia 4870

T +61 7 4031 1336 F +61 7 4031 2942 E cairns@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR131590/OLD/SD/L77469
Your Ref:
Date: 2 May 2018

Attn: Brian Millard
Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880

Via: Mail

Dear Sir,

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT,
(2 LOTS INTO 2 LOTS) OVER LAND LOCATED AT BORZI ROAD, MAREEBA,
FORMALLY DESCRIBED AS LOT 34 ON RP909118 AND LOT 47 ON HG73,**

RPS Australia East Pty Ltd confirms that we act on behalf of MSF Sugar Limited (the 'applicant') in relation to the above application to Mareeba Shire Council.

This application seeks Development Approval for Reconfiguration of a Lot in order to realign the boundary of proposed Lot 1 in order to include greater cane production area and to create an access for proposed Lot 1 directly from Borzi Road. In support of this application, please find attached the following:

- Completed Application Form 1, included as **Attachment 1**;
- Certificate of Title and Owner's Consent, included as **Attachment 2**;
- Reconfiguration of a Lot Plan (RPS Drawing No. PR131590-22), included as **Attachment 3**; and
- Regulated Vegetation Management Map, included as **Attachment 4**.

Please find attached a cheque in favour of Mareeba Shire Council, to the value of \$995.00 (no GST), being the applicable application fee for this development.

1.0 Site Information

1.1 Site Details

Key details of the subject site include:

Address:	Borzi Road, Via Mareeba
Real Property Description/ Site Area:	Lot 34 on RP909118 and Lot 47 on HG73
Lot Size:	287.292 hectares
Land Owners:	MSF Sugar Limited and MP Australia Investments Pty Ltd
Easements / Encumbrances:	Lot 34 on RP909118 - Easement B on RP909118

1.2 Planning Context

The planning context relating to the site includes:

Planning Scheme Zone:	"Rural"
Relevant Overlays:	<ul style="list-style-type: none"> ▪ Agricultural Land Overlay ▪ Bushfire Hazard Overlay ▪ Environmental Significance Overlay ▪ Natural Areas Overlay ▪ Potential Landslip Hazard Overlay

1.3 Site Characteristics

Topography:	The site is relatively flat with variances in topography in and adjacent to existing riparian zones.
Vegetation:	The site has been historically cleared for the purposes of sugar cane production. Existing remnant vegetation is located within the riparian zone of the tributary of Murphys Creek. A review of the DA mapping indicated that a stand of Category B (remnant vegetation is located within existing Lot 34 on RP909118. No change to the regulated vegetation within the subject land is proposed under amendments to the Vegetation Management Act.
Waterways:	A tributary of Murphys Creek traverses Lot 34 on RP909118
Road Frontage:	Proposed Lot 2 is divided by Borzi Road and has a road frontage of approximately 550 metres.
Existing Use:	Sugar Cane production

2.0 Surrounding Land Uses

The subject site and the surrounding locality of Arriga are predominately utilised for rural production namely sugar cane, however a significant stand of regulated vegetation is located to the south of the subject site and designated as Category B on the regulated vegetation management map, provided for reference as **Attachment 4**. The site is zoned rural and the intent of the rural zone is for the provision of rural uses including cropping.

Dwellings and ancillary farm buildings associated with Lot 34 on RP909118 and adjoining rural land uses will not be impacted by the proposed development.

3.0 Proposed Development

This application seeks a Development Permit for Reconfiguration of a Lot (2 Lot into 2 Lots) over land located at Borzi Road, Arriga, for the purposes of incorporating the most conducive soil type and productive areas of sugarcane within proposed Lot 1 and creating direct access to proposed Lot 1 from Borzi Road. The applicant's intent is to retain proposed Lot 1 for continued cane

production and to relinquish proposed Lot 2. The proposed development is depicted in RPS Drawing PR131590-22, which is included for reference as **Attachment 3**.

RPS notes that under current arrangements, the applicant is required to access existing Lot 34 on RP909118 via an access easement off Springmount Road. This arrangement presents a significant efficiency concern in terms of harvesters and bin haulers being required to access Springmount Road and the access easement. The proposed creation of an access to proposed Lot 1 via Borzi Road will improve farming efficiency by providing more convenient access for machinery, staff etc.

4.0 Legislative Requirements

4.1 Planning Act 2016

This section provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016*.

4.1.1 Confirmation that development is not prohibited

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under the *Planning Act 2016*.

4.1.2 Assessable Development

The development proposed by this application is "assessable development" pursuant to Section 43 of the *Planning Act 2016*.

4.1.3 Assessment Manager

The Assessment Manager for this development application is Mareeba Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

4.1.4 Level of Assessment

The table below summarises the level of assessment under the provisions of Mareeba Shire Council Planning Scheme 2016:

Aspect of Development	Local Categorising Instrument that determines Level of Assessment	Level of Assessment
Reconfiguration of a Lot (2 Lot into 2 Lots)	Mareeba Shire Council Planning Scheme 2016	Code Assessable

4.1.5 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the proposed development does not trigger referral to the State Assessment Referral Agency.

4.1.6 Public Notification

This application does not require public notification on the basis that it is subject to 'code' assessment.

5.0 Statutory Planning Assessment

5.1 Regional Plan

A review of the proposal against the relevant policies of the FNQ2031 Regional Plan reveals no significant conflicts.

5.2 State Planning Policies

Section 26(2)(a)(ii) of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as having been appropriately integrated.

As outlined in Part 2 of CairnsPlan 2016 v1.2, all aspects of the State Planning Policy have been adequately reflected in Council's current Planning Scheme. Accordingly, assessment against the applicable Planning Scheme provisions will address any relevant State issues.

State Development Assessment Provisions

As the proposed development does not trigger referral to the State Assessment Referral Agency, assessment against the State Development Assessment Provisions is not required for this application.

5.3 Planning Scheme

Under the Mareeba Shire Council Planning 2016, the subject site is included within the "Rural" Zone. The intent of the Rural Zone is for the provision of rural uses, including sugarcane production, and protects or manages the existing natural resources in order to maintain capacity for primary production. RPS notes that the proposed development will not result in the creation of any lots below the minimum lot size and that current primary production operations will continue unabated.

With respect to the assessment benchmarks, it is understood that whilst the areas designated as Category B on the regulated vegetation management map are located within the subject lots (**Attachment 4**), there is no proposal to alter the current production areas, simply to include higher productive soil types within proposed Lot 1. As such no clearing or disturbance of existing vegetation will occur.

5.3.1 Codes

The following codes are applicable to this application:

- Rural Zone Code
- Rural Activities Code
- Agricultural Land Overlay
- Bushfire Hazard Overlay – Medium Potential Bushfire Intensity
- Environmental Significance Overlay – waterways and 100m buffer
- Flood Hazard Overlay – Potential Flood Hazard Area
- Parking and Access Code
- Works, Services and Infrastructure Code

- Landscape Values Overlay
- Natural Areas Overlay

Given the nature of this application, it is the considered opinion of RPS that this proposal does not require detailed assessment of the applicable code provisions. This opinion has been formed on the basis that the current agricultural operations, namely sugarcane production, will continue on the site, the proposed development is purely for the purpose of improving production output through inclusion of higher quality soils within proposed Lot 1 and direct site access from Borzi Road. A review of the applicable codes has been undertaken and the proposal has been found to be consistent with any / all relevant code provisions.

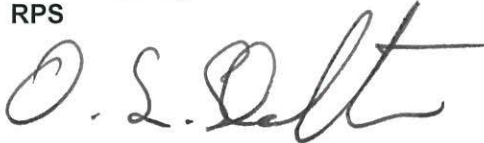
6.0 Summary and Conclusion

This submission has been prepared on MSF Sugar Limited to seek approval for Reconfiguration of a Lot (2 Lots into 2 Lots) over land located at Borzi Road, Arriga, formally described as Lot 34 on RP909118 and Lot 47 on HG73.

In summary, we submit that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community given that the purpose of the development is simply to realign the boundary between two existing lots and to create a new access between Borzi Road and proposed Lot 1. Furthermore, it is envisaged that the proposed development is unlikely to present any significant impacts that cannot be adequately controlled through the application of relevant and reasonable conditions as part of approval. We therefore commend the development for Council approval

Yours sincerely

RPS



Owen Dalton
Principal Planner

enc: **Attachment 1:** DA Form 1
Attachment 2: Certificate of Title and Owner's Consent
Attachment 3: Reconfiguration of a Lot Plan (RPS Drawing No. PR131590-22)
Attachment 4: DA Mapping



Attachment I

DA Form I

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)	MSF Sugar Limited C/- RPS Australia East Pty Ltd
Contact name (only applicable for companies)	Owen Dalton, RPS Australia East Pty Ltd
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address (non-mandatory)	owen.dalton@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR131590

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
			Borzi Road	Arriga
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	34	RP909118	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Borzi Road	Arriga
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	47	HG73	Mareeba Shire Council

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

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

Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

- Material change of use Reconfiguring a lot Operational work Building work

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

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

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

Reconfiguration of a Lot (2 Lots into 2 Lots)

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

- Material change of use Reconfiguring a lot Operational work Building work

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

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

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

8.2) Does the proposed use involve the use of existing buildings on the premises?		
<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
2	
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 34 on RP909118		Lot 1	232.105ha
Lot 47 on HG73		Lot 2	55.142ha
12.2) What is the reason for the boundary realignment?			
To retain higher quality agricultural land, create direct access to Borzi Road and permit the disposal of proposed Lot 2.			

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?
<i>Note: A development application will require referral if prescribed by the Planning Regulation 2017.</i>
<input type="checkbox"/> 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?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

No

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

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



Attachment 2

Certificate of Title and Owner's Consent

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 28370168
Search Date: 10/04/2018 11:18

Title Reference: 50177540
Date Created: 11/07/1997

Previous Title: 50142514

REGISTERED OWNER

Dealing No: 715051732 24/04/2013

MSF SUGAR LIMITED A.C.N. 009 658 708

ESTATE AND LAND

Estate in Fee Simple

LOT 34 REGISTERED PLAN 909118
Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40006839 (Lot 32 on CP 867117)
2. EASEMENT No 702061498 30/06/1997 at 15:03
benefiting the land over
EASEMENT B ON RP 909118
3. EASEMENT No 702061503 30/06/1997 at 15:03
benefiting the land over
EASEMENT B ON RP 909118

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 28370183
Search Date: 10/04/2018 11:19

Title Reference: 20320197
Date Created: 05/01/1938

REGISTERED OWNER

Dealing No: 715294999 04/09/2013

MP AUSTRALIA INVESTMENTS PTY LTD A.C.N. 156 630 527

ESTATE AND LAND

Estate in Fee Simple

LOT 47 CROWN PLAN HG73
Local Government: MAREEBA

For exclusions / reservations for public purposes refer to
Plan CP HG73

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20320197 (POR 47)
2. LEASE No 718359837 26/10/2017 at 16:01
MSF SUGAR PTY LTD A.C.N. 009 658 708
OF THE WHOLE OF THE LAND
TERM: 01/07/2017 TO 30/06/2022 OPTION 5 YEARS

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2018]
Requested By: D-ENQ URBIS PRO

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, **BELINDA MAREE KENNY**

[Insert name in full.]

Director of the company mentioned below.

and I, **KELLY ANNE SLATTERY**
COMPANY SECRETARY

[Insert name in full.]

[Insert position in full—i.e. another director, or a company secretary.]

Of MSF Sugar Limited

A.C.N 009 658 708

the company being the owner of the premises identified as follows:

Lot 34 on RP909118

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


RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguration of a Lot (Boundary realignment)

Company seal [if used]

Company Name and ACN: MSF Sugar Limited
A.C.N 009 658 708


.....
Signature of Director

20/04/18
.....
Date


.....
Signature of Director/Secretary

20/04/18
.....
Date

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, **BELINDA MAREE KENNY**

[Insert name in full.]

Director of the company mentioned below.

and I, **KELLY ANNE SLATTERY**
COMPANY SECRETARY

[Insert name in full.]

[Insert position in full—i.e. another director, or a company secretary.]

Of MP Australia Investments Pty Ltd
A.C.N 156 630 527

the company being the owner of the premises identified as follows:

Lot 47 on HG73

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

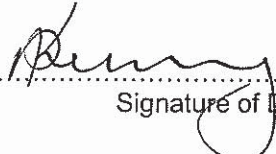
RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguration of a Lot (Boundary realignment)

Company seal *[if used]*

Company Name and ACN: MP Australia Investments Pty Ltd
A.C.N 156 630 527


.....
Signature of Director

20/04/18
.....
Date


.....
Signature of Director/Secretary

20/04/18
.....
Date

Attachment 3

Reconfiguration of a Lot Plan –
(RPS Drawing No. PR131590-22)



<p>DISCLAIMER</p> <p>1. This plan was prepared for the sole purpose of the client for the specific purpose of accompanying an application to the Queensland State Council for a reconfiguration of lot boundaries on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. This plan is prepared without the assumption of a duty of care to any other person (other than the Client) Third Party and may not be relied on by Third Party.</p> <p>2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:</p> <p>A. This Party publishing, using or relying on the plan</p> <p>B. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out of date or unrepresentative</p> <p>C. any inaccuracies or other faults with information or data sourced from a Third Party</p> <p>D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate</p> <p>E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd</p> <p>F. judgement of the plan with any local authority against the recommendation of RPS Australia East Pty Ltd</p> <p>G. the accuracy, reliability, suitability or completeness of any approximations or estimations made or referred to by RPS Australia East Pty Ltd in this plan.</p>	<p>AMENDMENTS</p> <p>3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless the note is clearly displayed on the plan.</p> <p>4. Scale shown is correct for the original plan and any copies of the plan should be verified by checking against the bar scale.</p> <p>5. The dimensions, area, size and location of improvements, fixed information (if shown) and number of lots shown on this plan are approximate only and may vary.</p> <p>6. Cadastral boundaries are obtained by file dimensions and DCSB. These boundaries have not been verified and are approximate only.</p>	<p>PROJECT MANAGER O. Dalton</p> <p>SURVEYED</p> <p>COMPLETED RMS</p> <p>SHEET 1 OF 1 SHEET SIZE A3</p> <p>CAD REF PR131590-22.DWG</p>	<p>MSF Sugar Limited</p> <p>Proposed Reconfiguration of a Lot</p> <p>Lots 1 & 2 Cancelling Lot 34 on RP909118 & Lot 47 on HG73 Borzi Road</p>	<p>RPS</p> <p>RPS Australia East Pty Ltd ACN 140 292 762 135 Abbot St PO Box 1849 CAIRNS QLD 4870 T +61 7 4031 1336 F +61 7 4031 2842 W rpsgroup.com.au</p> <p><small>© COPYRIGHT PROTECTS THIS PLAN. All rights reserved. Reproduction or use without permission is prohibited. Please contact the author.</small></p> <p>SCALE 1:10,000 DATE 6/4/2018 DRAWING NO. PR131590-22 ISSUE</p>
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Attachment 4

Regulated Vegetation Management Map

State Assessment and Referral Agency

Date: 26/04/2018



Department of State Development
Manufacturing, Infrastructure
and Planning

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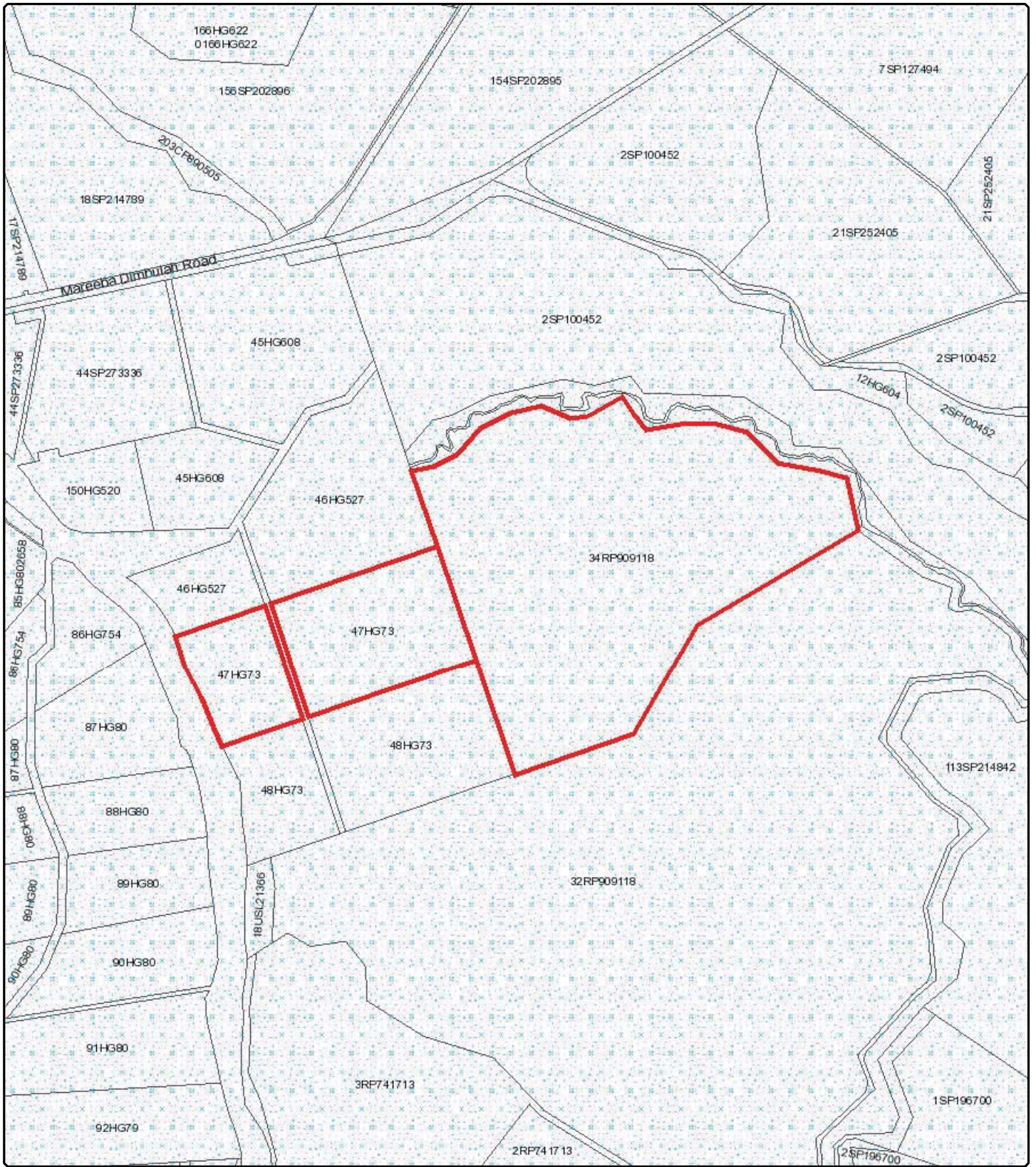
Matters of Interest for all selected Lot Plans

Queensland waterways for waterway barrier works
Water resource planning area boundaries
Regulated vegetation management map (Category A and B extract)

Matters of Interest by Lot Plan

Lot Plan: 34RP909118 (Area: 2162000 m²)
Queensland waterways for waterway barrier works
Water resource planning area boundaries
Regulated vegetation management map (Category A and B extract)

Lot Plan: 47HG73 (Area: 706180 m²)
Queensland waterways for waterway barrier works
Water resource planning area boundaries
Regulated vegetation management map (Category A and B extract)



State Assessment and Referral Agency

Date: 26/04/2018



Department of State Development
Manufacturing, Infrastructure
and Planning

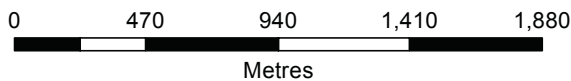
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Legend

Water resource planning area boundaries

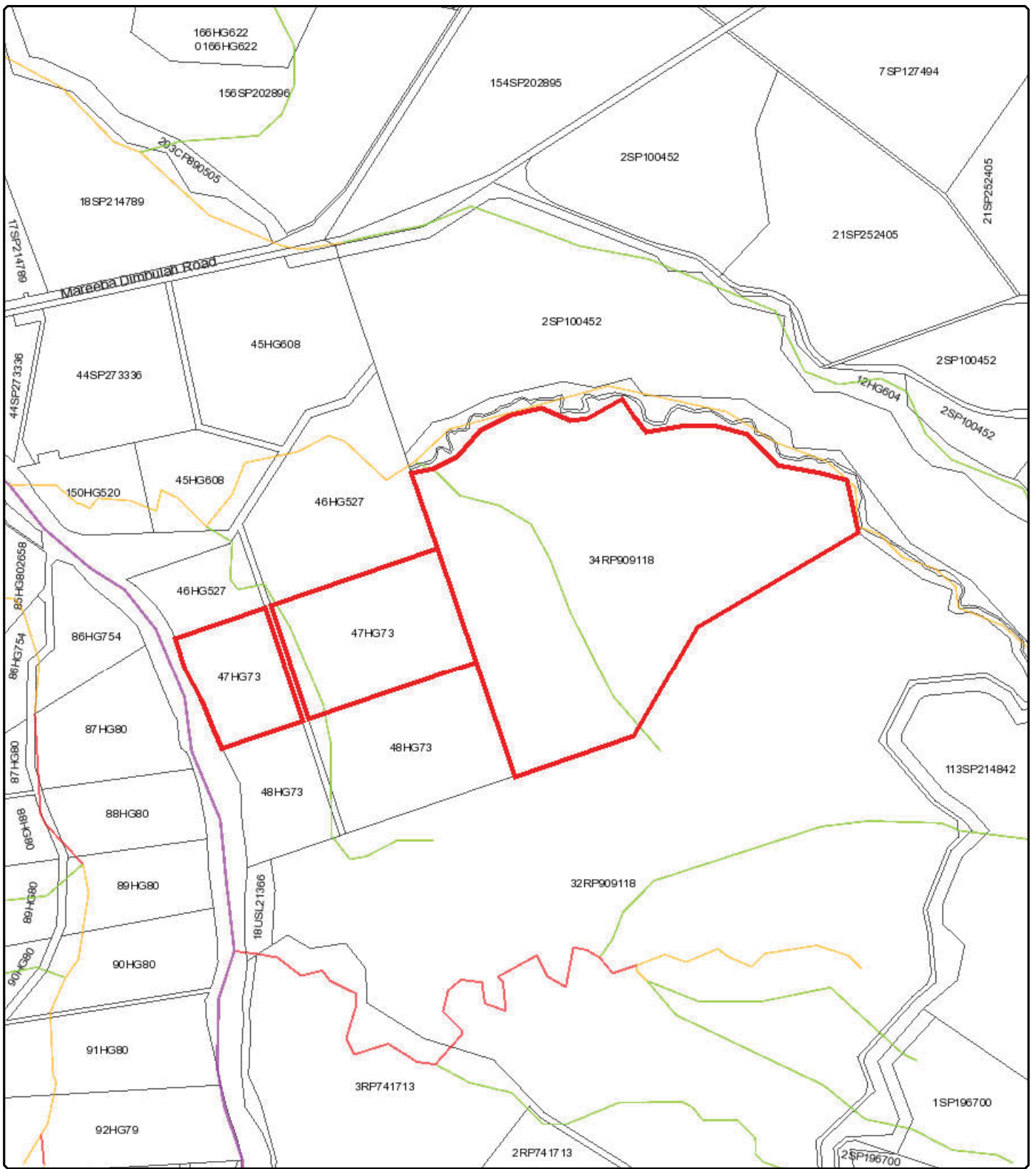


Water resource planning area boundaries



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State Assessment and Referral Agency

Date: 26/04/2018



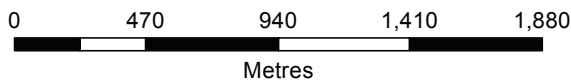
Department of State Development
Manufacturing, Infrastructure
and Planning

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Legend

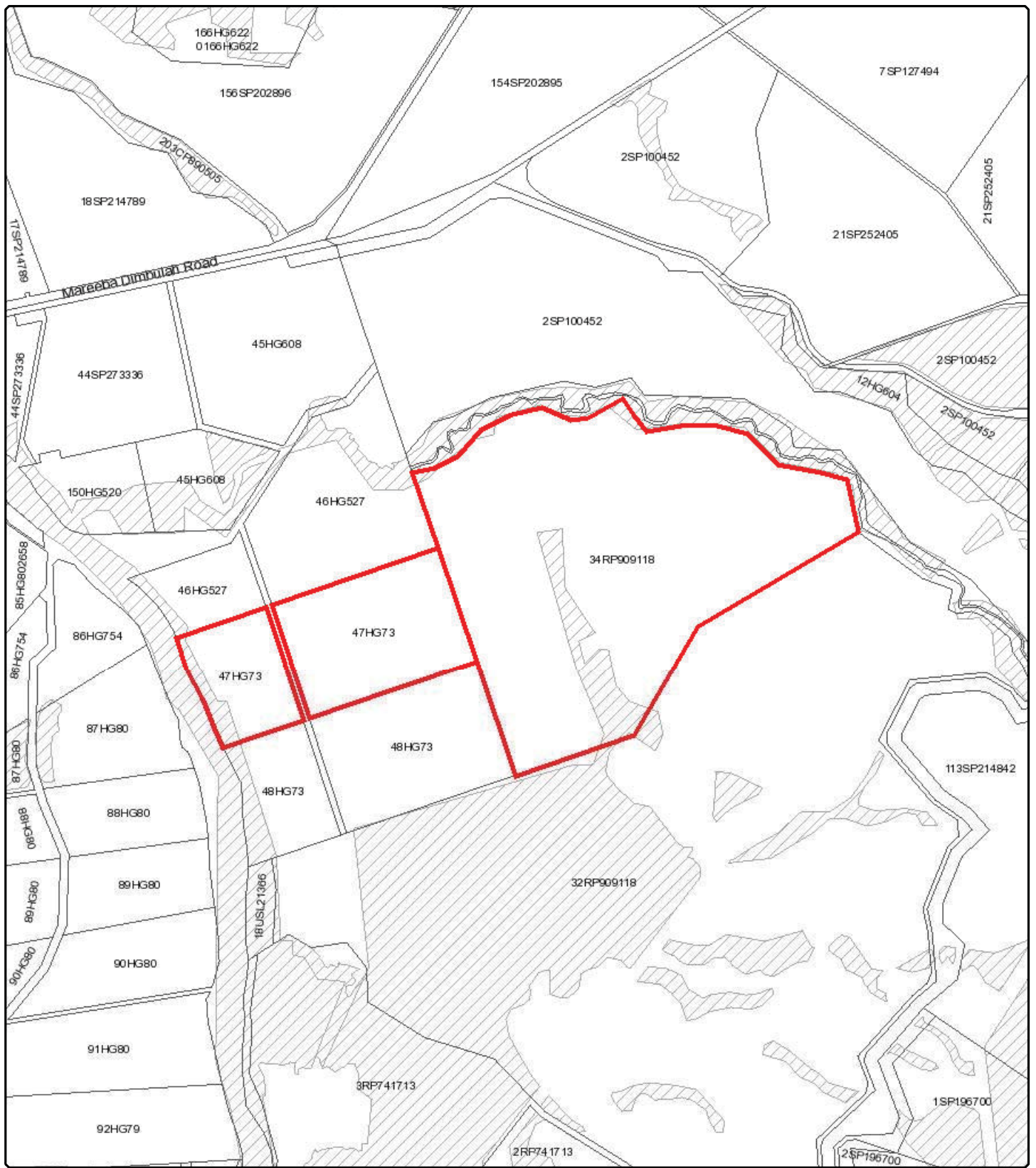
Queensland waterways for waterway
barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major



Disclaimer:

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State Assessment and Referral Agency

Date: 26/04/2018





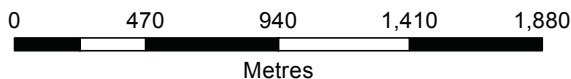
Department of State Development
Manufacturing, Infrastructure
and Planning

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Legend

Regulated vegetation management map
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map



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