



Planning Report

Proposed Expansion of Sand Extraction Operations by PNQ on Land Known as Camano's Farm

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I.0 Introduction

RPS Australia East Pty Ltd has been engaged by Pioneer North Queensland Pty Ltd (the 'applicant') to seek a Material Change of Use (MCU) to facilitate the clearing of mapped regulated vegetation and expansion of sand extraction activities on land known as Camano's Farm, described as Lot 77 on CP902753. The subject site has an overall area of 157.4 hectares and recently approved sand extraction activities have been established on an area of approximately 19.8 hectares. The additional area proposed for the expanded sand extraction activities is an area of approximately 2.0 hectares, as per RPS Drawing No. 9369-24 (refer to **Annexure A**).

The proposed sand extraction is prescribed as an Environmentally Relevant Activity (ERA) in accordance with Schedule 2 of the *Environmental Protection Regulation 2008*. Given that the existing and proposed sand extraction operations seek to extract and process not more than 100,000 tonne of material per year, the ERA's for the site are as follows:

- ERA 16 2(a) Extracting more than 5,000t but less than 100,000t of material per year; and
- ERA 16 3(a) Screening more than 5,000t but less than 100,000t of material per year.

The scale of the proposed extraction activity does not constitute a Concurrence ERA. An amendment to the existing Environmental Authority that relates to the land has been arranged with the Department of Environmental and Heritage Protection (EHP). Potential environmental impacts will be managed in accordance with the amended Environmental Authority.

The proposal is appropriately located in the State Government's Extractive Industry Key Resource Area (KRA 151) and is compliant with Council's Planning Scheme which also incorporates mapping and regulatory provisions relating to the State's KRA designation. The Extractive Industry activity will require the clearing of Regulated Vegetation and in respect of that matter, it is noted that the Extractive Industry proposal has been deemed a Relevant Purpose under the Vegetation Management Act (refer to NRM&E's response in **Annexure B**). The clearing of vegetation will be undertaken in accordance with the applicable State Code Provisions (refer to State Code Assessment prepared by RPS in **Attachment C**).

To facilitate Council's assessment of the proposal, the completed DA Form 1 and owners consent is provided for reference in **Annexure D**.

2.0 The Site

The subject land, known locally as Camano's Farm and more formally described as Lot 77 on CP902753, is located off Kimalo Road, approximately 14.5 km west of Mareeba. The site is located within the Rural Zone and surrounded by agricultural activities, primarily sugar cane and horticultural production.

The subject site has an overall area of 157.4 hectares and recently approved sand extraction activities have been established on an area of approximately 19.8 hectares. The additional area proposed for the expanded sand extraction activities is an area of approximately 2.0 hectares and is currently mapped as an area of regulated vegetation.

The land subject of the development application slopes gently to Kimalo Road. The Mareeba Shire Council Environmental Significance - Waterways Overlay depicts waterways traversing the subject land to a drainage line immediately adjacent to Kimalo Road. The subject site has been inspected by the Department of Natural Resources and Mines (DNR&M) and it has been determined that the mapped waterways are Drainage Features pursuant to the *Water Act 2000* and not a watercourse pursuant to the Water Act.

The applicant proposes to expand the existing sand extraction operations into the area identified on RPS Drawing No. 9369-24 (refer to **Annexure A**), which seeks approval to expand the existing sand extraction operations into an area mapped as regulated vegetation and requires the applicable assessment to be completed.

A residential dwelling and ancillary farming sheds exist on the site, approximately 380 metres, north of Kimalo Road and reasonably remote from the closest point of proposed additional extraction area.

3.0 The Proposal

The proposal relates to the expansion of an existing sand extraction operation requiring the clearing of mapped regulated vegetation and the extraction and screening of fine sand from the south-eastern portion of the land.

The subject site has an overall area of 157.4 hectares and recently approved sand extraction activities have been established on an area of approximately 19.8 hectares. The additional area proposed for the expanded sand extraction activities is an area of approximately 2.0 hectares, as per RPS Drawing No. 9369-24 (refer to **Annexure A**) and is currently mapped as an area of regulated vegetation.

The scale of the proposed extraction activity does not constitute a Concurrence ERA. An amendment to the existing Environmental Authority that relates to the land has been arranged with the Department of Environmental and Heritage Protection (EHP). Potential environmental impacts will be managed in accordance with the amended Environmental Authority.

The proposal is appropriately located in the State Government's Extractive Industry Key Resource Area (KRA 151) and is compliant with Council's Planning Scheme which also incorporates mapping and regulatory provisions relating to the State's KRA designation. The Extractive Industry activity will require the clearing of Regulated Vegetation and in respect of that matter, it is noted that the Extractive Industry proposal has been deemed a Relevant Purpose under the Vegetation Management Act (refer to NRM&E's response in **Annexure B**). The clearing of vegetation will be undertaken in accordance with the applicable State Code Provisions (refer to State Code Assessment prepared by RPS in **Attachment C**).

4.0 Legislative Requirements

4.1 Assessment Manager

In accordance with Schedule 8 of the Planning Regulation 2017, the assessment manager for this application is Mareeba Shire Council.

4.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

Aspect of development	Categorising instrument	Category of assessment
Development Permit for Material Change of Use	<i>Mareeba Shire Council Planning Scheme 2016</i>	Code

4.3 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that referral is triggered by the proposed development, the following referrals apply:

Schedule 10:

Part	Division	Table	Referral trigger (Item 1)	Referral agency
Part 3 – Clearing native vegetation	Division 4 – Referral agency assessment	Table 3 – MCU that is assessable development under a local categorising instrument	Development application for a MCU on a lot larger than 5ha that is not a variation request	The Chief Executive (SARA)
Part 9 – Infrastructure related referrals	Division 4 – State transport infrastructure	Table 1 – Aspect of development stated in Schedule 20	Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument	The Chief Executive (SARA)

With regard to the native vegetation clearing aspect of the development, the Department of Natural Resources, Mines and Energy have confirmed that the proposed vegetation clearing is for a relevant purpose pursuant to the Vegetation Management Act (refer to NRM&E's response in **Annexure B**).

4.4 Public Notification

The proposal is Code Assessable and public notice is not required.

5.0 Statutory Planning Assessment

5.1 State and Regional Assessment Benchmarks

5.1.1 Regional Plan

Section 2.2 of the Planning Scheme states that, *“The minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area”*. Accordingly, assessment against the applicable Planning Scheme provisions will address any relevant Regional Plan matters.

5.1.2 State Planning Policy

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

5.1.3 State Development Assessment Provisions

The State Code applicable to the clearing of native vegetation is State Code 16: Native vegetation clearing.

An assessment of the applicable Code provisions (the Property Vegetation Management Plan) has been undertaken by RPS in consultation with NRM&E's Laura Shucksmith and is provided for reference in **Annexure C**. It is evident from the Code Assessment provided that the vegetation clearing is able to be undertaken in accordance with the applicable Code provisions.

Given the quantity of material to be extracted, the proposal triggers referral and assessment against the applicable State Development Assessment Provisions to facilitate the assessment of potential impacts on the State Controlled Road, the Mareeba-Dimbulah Road.

However, given that;

- 1) The proposal relates to extractive industry activity of not more than 100,000t per year; and
- 2) The existing intersection between North Walsh Road, which provides access from Kimalo Road and the State Controlled Road, the Mareeba-Dimbulah Road, has already been adequately upgraded to accommodate the extractive industry haul access requirements for other extractive industry operations that have now been exhausted (refer to photos provided for reference in **Annexure E**);

It is considered that completion of the applicable State Development Assessment Provisions is not necessary to facilitate the State's assessment of the proposed development and that no additional requirements should be imposed to facilitate the use of the State Controlled Road.

It is further noted that the State assessment recently undertaken for the existing approved sand extraction operation (SARA Ref: 1710-1961 SRA) had no requirements. On that basis, it is expected that SARA will have no requirements for the subject smaller scale addition and it is noted that a refund of the referral fee will be requested.

5.2 Local Authority Assessment Benchmarks

This application is to be assessed against the current Mareeba Shire Council Planning Scheme, July 2016. The assessment benchmarks applicable under the Planning Scheme are addressed below.

5.2.1 Zone

The Mareeba Shire Council Planning Scheme 2016 includes the subject land within the Rural Zone where the proposed operation of a sand extraction and screening facility, is Code Assessable Development where it is the expansion of an existing facility. The intent of the Rural Zone is to provide opportunities for non-rural uses that are compatible with agricultural production, including extractive industries, provided environmental impacts and land-use conflicts are minimised.

5.2.2 Codes

Mareeba Shire Council Planning Scheme codes applicable to the proposal are identified below:

- Rural Zone Code;
- Agricultural Land Overlay Code;
- Environmental Significance – Waterways Overlay Code;
- Extractive Resources Overlay Code;
- Industrial Activities Code;
- Landscaping Code;
- Parking and Access Code;
- Works Services and Infrastructure Code.

A review of the applicable Codes has been completed and the following commentary is provided in respect of the proposals compliance each Code:

Rural Zone Code

The majority of the Rural Zone Code provisions relate to building development and are not applicable to the extractive industry proposal. The Code provisions that are applicable seek to ensure that development does not detract from the local amenity and that development ameliorates any negative impacts arising from the development and in respect of those provisions, it is noted that;

- 1) The extraction activities and rehabilitation will be staged which will limit visual amenity impacts;
- 2) The subject locality's positioning within KRA 151, suggests that extractive industry activities are common within this vicinity and as such comprise part of the rural landscape; and
- 3) Any adverse impacts related to the extractive industry activity will be addressed in accordance with the Environmental Authority and the site's Environmental Management Plan.

Agricultural Land Overlay Code

The Code provisions applicable to the proposal seek to ensure that development does not impinge upon the lands suitability for agricultural purposes. It is noted that the proposed operation of a staged sand extraction operation will enable the site to be progressively rehabilitated to facilitate future agricultural production.

Environmental Significance – Waterways Overlay Code

The Mareeba Shire Council Environmental Significance - Waterways Overlay depicts unnamed waterways traversing the subject land to a drainage line immediately adjacent to Kimalo Road.

As detailed in s. 2.0 of this report, the subject site has been inspected by the Department of Natural Resources and Mines (DNR&M) and it has been determined that the mapped waterways are a Drainage Feature pursuant to the *Water Act 2000* and are not watercourses pursuant to the Water Act.

Therefore, the Waterway would not have been identified on the Overlay Map and given the separation between the proposed extraction area and the mapped Waterway, there is no specific provision intended to be made for the mapped Waterways except for adopting appropriate erosion and sediment control provisions in the site's Environmental Management Plan.

Extractive Resources Overlay Code

Extractive Resources Overlay Code refers in detail to the protection of Key Resource Area (KRA) and associated haulage routes for both existing and future extractive operations. The following commentary is provided in respect of the Code's provisions:

- 1) The proposal is appropriately located in the KRA and proposes to use nominated extractive industry haul routes;
- 2) With the exception of the landowner's residential dwelling, there are no sensitive receptors located near to the existing/proposed haulage route;
- 3) The proposal relates solely to the operation of a sand extraction and screening operation, it is intended that only persons associated with this operation will be present; and
- 4) The proposed extractive industry and screening operation will be adequately separated from adjoining sensitive receptors to mitigate any adverse impacts.

Industrial Activities Code

With regard to the Industrial Activities Code, the following commentary is provided in respect of the Code's provisions;

- 1) Except for the land owners residence, the nearest sensitive receptors to the proposed extraction area are rural residences, located:
 - a. Approximately 900m to the north north east;
 - b. 700m to the north east; and
 - c. 650m to the south west.

As such, the proposed extractive industry operation is appropriately located to mitigate potential impacts upon sensitive receptors;

- 2) Given the subject site's location with the KRA 151 and the staged progression of the extraction and rehabilitation, the visual amenity impacts of the proposed operation are expected to be minimal;
- 3) The site is of a size that is able to accommodate the proposed use;

- 4) The extractive industry use is to be established within the surrounds of existing farming land and safety fencing would not be required in this instance to maintain public safety; and
- 5) Management of potential environmental impacts and rehabilitation of the land will be undertaken in accordance with the Environmental Management Plan and associated Environmental Authority which is administered by the Department of Environment and Heritage Protection.

Landscaping Code

While these Codes are identified as applicable Codes, it is suggested that they are not particularly relevant to the extractive industry proposal that is located within the Rural Zone and KRA 151.

Parking and Access Code

If required, the existing access to Kimalo Road and proposed Alternate Access will be upgraded to meet the vehicle crossover requirements in accordance with FNQROC Regional Development Manual.

Works Services and Infrastructure Code

With respect to the Works Services and Infrastructure Code, the following commentary details compliance with the applicable code provisions:

- 1) Excavated areas associated with the sand extraction operation will be progressively rehabilitated in accordance with the EMP;
- 2) The EMP provides detailed provisions for the management of water quality discharge from the site through an erosion and sediment control plan, inclusive of monitoring and maintenance requirements; and
- 3) The EMP provides detailed provisions for the mitigation of potential air quality impacts associated with the proposed extraction and screening operations, inclusive of monitoring requirements.

6.0 Conclusion

This town planning report supports a development application made on behalf of Pioneer North Queensland Pty Ltd to Mareeba Shire Council for a Material Change of Use for operation of an extractive industry, over part of the land locally known as Camano's Farm and described as lot 77 on CP902753.

The proposal seeks a MCU Development Approval to facilitate the expansion of an existing sand extraction and screening operation into an area of approximately 2.0 hectares, as per RPS Drawing No. 9369-24 (refer to **Annexure A**). The proposal will require the clearing of vegetation currently mapped as regulated vegetation.

The report demonstrates the proposal's consistency with the applicable Mareeba Shire Council Planning Scheme 2016 Code provisions and the applicable State Code 16 provisions.

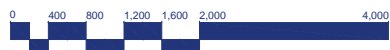
The subject site is appropriately located within the State's Key Resource Area and it is considered evident that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be adequately addressed through the imposition of reasonable and relevant conditions. We therefore commend the development for approval.

Annexure A

Proposal Plan - RPS Drawing No. 9369-24



Site Layout Plan



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Scale 1:4,000 @ A3 | Date 3-05-2018 | Drawing 9369-24

RPS

Annexure B

NRM&E's Relevant Purpose response



Department of
Natural Resources,
Mines and Energy

06 April 2018

RPS Australia Pty Ltd
P.O.Box 1949
Cairns Qld 4870

For attention: Owen Caddick-King

Dear Mr Caddick-King

RE: Proposal to undertake vegetation clearing for the relevant purpose of an extractive industry, on Lot 77 on Plan CP902753, Mareeba Shire Council.

I refer to your request received by the Department of Natural Resources, Mines and Energy (the department) on 29 March 2018 to determine if proposed vegetation clearing on Lot 77 on Plan CP902753 is for a relevant purpose under section 22A of the *Vegetation Management Act 1999* (VMA).

The department has considered the application and is satisfied that the proposed clearing for the purpose of an extractive industry meets the relevant purpose requirements of section 22A of the VMA. Please note that this determination is not a development approval to carry out vegetation clearing.

It is strongly advised that, prior to lodging a development application, you arrange a pre-lodgement meeting through the State Assessment and Referral Agency (SARA) to identify all relevant State legislation, approvals and application requirements. Other legislation, such as those listed in Attachment 1, may be relevant to the proposed vegetation clearing. Should you require any additional information please contact your local SARA office as below:

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority Building, Cnr Grafton and Hartley Streets, Cairns
PO Box 2358, Cairns QLD 4870
(07) 4037 3214
e-mail: CairnsSARA@dnrm.qld.gov.au

On accepting your application, SARA will request relevant technical advice from the department. That advice will be prepared in consideration of the State Development Assessment Provisions (SDAP) State code 16 - Native vegetation clearing. A copy of SDAP State code 16 is available on the internet at <http://www.dsdmip.qld.gov.au/planning/development-assessment/state-development-assessment-provisions.html>. The information you provide to support your application should address these assessment provisions where they relate to the proposal.

DNRME Townsville
Verde Tower, Level 9
445 Flinders Street
PO Box 5318
Townsville QLD 4810

Telephone: (07) 4447 9150
Website: www.dnrme.qld.gov.au
ABN: 59 020 847 551

Should you have any further enquiries, please do not hesitate to contact Gus Maclaurin, Natural Resource Management Officer, North Region of the department, on telephone (07) 4222 5435.

Yours sincerely



Senior Natural Resource Management Officer

North Region

DNRME Townsville
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Attachment 1 - Legislation and Acts

Act(s)	Agency
<ul style="list-style-type: none">• <i>Water Act 2000</i>• <i>Soil Conservation Act 1986</i>	Department of Natural Resources, Mines and Energy
<ul style="list-style-type: none">• <i>Aboriginal Cultural Heritage Act 2003</i>• <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander Partnerships
<ul style="list-style-type: none">• <i>Nature Conservation Act 1992</i>• <i>Environmental Protection Act 1994</i>• <i>Coastal Protection and Management Act 1995</i>• <i>Queensland Heritage Act 1992</i>	Department of Environment and Science
<ul style="list-style-type: none">• <i>Fisheries Act 1994</i>• <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries
<ul style="list-style-type: none">• <i>Environment Protection and Biodiversity Conservation Act 1999</i>	Australian Government - Department of the Environment
<ul style="list-style-type: none">• <i>Wet Tropics World Heritage Protection and Management Act 1993</i>• <i>Wet Tropics Management Plan 1998</i>	Wet Tropics Management Authority
<ul style="list-style-type: none">• <i>Local Government Act 2009</i>• <i>Regional Planning Interests Act 2014</i>• <i>Planning Act 2016</i>• <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Manufacturing, Infrastructure and Planning

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Annexure C

State Code 16 Assessment prepared by RPS

Kimalo Road Extraction and Screening

State Code 16: Native Vegetation Clearing Code Assessment

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2	State Code 16: Native Vegetation Clearing	O. Caddick-King	O. Caddick-King	3 May 2018

Approval for issue

Name	Signature	Date
Owen Caddick-King		3 May 2018

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1 Introduction

This Property Vegetation Management Plan has been produced to support a MCU Development Application for an Extractive Industry (the extraction of sand) which requires the clearing of native vegetation over part of Lot 77 on CP902753, situated on Kimalo Road, Arriga (the site), in the Mareeba local government area.

1.1 Land description

Lot 77 is located on Kimalo Rd in Arriga, approximately 14 km west of Mareeba via the Mareeba-Dimbulah Rd. It is a freehold lot of 147 ha, predominately utilised for growing sugar cane, with a centre pivot irrigation system in the north of the lot (refer to **Figure 1**). The southern section contains areas of improved pasture.



Figure 1 Lot 77 on CP902753 (Google Earth, 2017)

The MCU application and associated vegetation clearing is concerned only with only one remnant polygon, the polygon in the far south eastern corner of Lot 77 (refer to **Figure 2**).



Figure 2 Remnant Vegetation Polygon

1.2 Vegetation Description

The majority of lot 77 is mapped as non-remnant vegetation, with approximately 12 ha mapped in two separate polygons as least concern heterogenous polygons of 9.5.9a/9.5.15a.

These REs are described as follows:

- 9.5.9a: Woodland to open woodland of *Corymbia clarksoniana* (Clarkson's bloodwood) +/- *Eucalyptus platyphylla* (poplar gum) +/- *E. leptophleba* (Molloy red box) +/- *C. tessellaris* (Moreton Bay ash) with a distinct to sparse sub-canopy layer often including *Melaleuca viridiflora* (broad-leaved paperbark), *Grevillea glauca* (bushman's clothes peg), *Petalostigma pubescens* (quinine) and *Alphitonia pomaderroides* (soapbush). An open to sparse shrub layer includes *Melaleuca* spp., *Persoonia falcata*, *Grevillea* spp. and *Petalostigma pubescens* (quinine). The sparse to mid-dense ground layer is dominated by *Themeda triandra* (kangaroo grass), *Aristida* spp., *Heteropogon contortus* (black speargrass), *H. triticeus* (giant speargrass), and *Sarga plumosum* (plume sorghum). Occurs on undulating plains. (BVG1M: 9e)
- 9.5.15a: Mixed low woodland to low open forest of *Melaleuca monantha*, *M. viridiflora* (broad-leaved paperbark), *Callitris intratropica* (cypress pine) and *Allocasuarina luehmannii* +/- *Grevillea parallela* (silver oak) +/- *G. pteridifolia* (toothbrush grevillea), often with emergent *Eucalyptus cullenii* (Cullen's ironbark), *E. leptophleba* (Molloy red box), *Corymbia clarksoniana* (Clarkson's bloodwood) or *C. dallachiana* (Dallachy's gum). An open to mid-dense sub-canopy or shrub layer usually includes canopy species +/- *Petalostigma banksii* (smooth-leaved quinine), *Jacksonia thesioides* and *Grevillea* spp. The mid-dense to dense grassy ground layer is usually dominated by *Themeda triandra* (kangaroo grass). Occurs on valley infill between metamorphic hills.

The vegetation in the proposed expansion area (i.e. 'on the ground') occupies approximately two (2) hectares of mapped remnant vegetation comprised of low open woodland. This low open woodland is dominated by *Melaleuca viridiflora* with *Eucalyptus platyphylla*, *Corymbia clarksoniana*, *Pandanus cookii*, *Petalostigma pubescens* and *Grevillea pteridifolia* present as associates (ie, as scattered individuals), refer to site sheet for transects 1 and 2 in **Appendix A**.

It is apparent that the PMAV area has experienced significant canopy dieback in the last five years, based on aerial photo history available for the site in Google Earth (the most recent image for lot 77 in QImagery is dated 2004). Images dated 13/5/2011 (refer to **Figure 3**) and 14/8/2013 (refer to **Figure 4**) in Google Earth appear to show the PMAV area relatively intact.



Figure 3 2011 Google Earth Image



Figure 4 2013 Google Earth Image

However, it is also clear that the land use in the area upslope of the PMAV area has changed – from the 2013 aerial image onward the area immediately upslope of the PMAV area has been progressively planted out with tree crops, whereas prior to 2013 sugar cane was the predominant land use (and tobacco prior to the 2000s) (visible to the north of the additional extraction area in **Figure 2**).

Associated with this change was a change in irrigation practices, and possibly a change in fertiliser regimes. Increased mobilisation of soil salinity may also be a factor. Groundwater appears to be quite shallow (pits only 2-3 m deep fill with water) and soils are highly permeable (fine sands), leading to a high downslope transmission of excess irrigation water at a depth that is accessible to trees. Certainly, this pattern of localised dieback of remnant vegetation (specifically this RE, 9.5.9) downslope from new tree crops has been noticed elsewhere in the Mareeba-Arriga area.

In addition, there is no evidence within the proposed extraction area of clearing activities (such as ringbarking, poisoning scars, or other direct methods), and this dieback appears to be the natural but unintentional result of a neighbouring legitimate land use (ie farming tree crops). Other indications of increased ground/soil water are the almost complete replacement of the ground layer with exotic weeds such as giant rat's tail grass (*Sporobolus pyramidalis*) (refer to site sheet for transects 1 and 2 in **Appendix A**).

The community present on site fits the description of the mapped RE, 9.5.9, albeit missing some of the canopy structure and species composition due to dieback.

1.2.1 Canopy Measurements

A site inspection was undertaken on 13 July 2017 which identified that the native vegetation within the mapped remnant vegetation area does not meet the requirement for remnant vegetation under the Schedule Dictionary to the *Vegetation Management Act 1999* (the VM Act):

- canopy cover must be at least 50% of the undisturbed canopy cover of the predominant vegetation, or
- canopy height must be at least 70% of the undisturbed canopy height of the predominant vegetation.

The canopy in the additional extraction area was measured across two 100 m transects (refer to **Figure 5** and **Appendix A**).



Figure 5 Transects

The results of the survey are summarised in **Table 1** below. Photographs of the reference transects are provided in **Plate 1** and **Plate 2**.

Table 1 Summary of Reference Transects

Transect	Characteristic Species	Canopy Height Range (median)	Canopy Cover
Ref 1	E: <i>Corymbia tessellaris</i> T1: <i>Eucalyptus tereticornis</i> , <i>Melaleuca viridiflora</i> , <i>C. tessellaris</i> S1: <i>M. viridiflora</i> , <i>Petalostigma pubescens</i> G: <i>Panicum mindanaense</i> , <i>Sporobolus pyramidalis</i> *, <i>Hyptis suaveolens</i> *	Table Text	Table Text

Transect	Characteristic Species	Canopy Height Range (median)	Canopy Cover
Ref 2	E: <i>Eucalyptus tereticornis</i> T1: <i>Melaleuca viridiflora</i> , <i>Corymbia clarksoniana</i> , <i>Petalostigma pubescens</i> S1: <i>M. viridiflora</i> , <i>Pandanus cookii</i> , <i>Grevillea pteridifolia</i> G: <i>Urochloa decumbens</i> *, <i>Cenchrus polystachyos</i> *, <i>Sporobolus pyramidalis</i> *	E: 16-20 m (18 m) T1: 5-8 m (6 m) S1: 2-4 m (3 m)	E: 0% (not in transect) T1: 6% S1: 6%



Plate 1 Transect 1



Plate 2 Transect 2

Canopy measurement comparisons are as follows:

- Transect 1 in the PMAV area:
 - Median predominant canopy height of the T1 is 6 m, which is 50% of Ref1 and 37.5% of Ref 2,
 - Measured predominant canopy cover of the T1 is 8%, which is 28.6% of that recorded for Ref1 and 16% of that recorded for Ref 2.
- Transect 2 in the PMAV area:
 - Median predominant canopy height of the T1 is 6 m, which is 50% of Ref1 and 37.5% of Ref 2,
 - Measured predominant canopy cover of the T1 is 6%, which is 21.4% of that recorded for Ref1 and 12% of that recorded for Ref 2.

This demonstrates that both transects recorded in the PMAV area do not have the canopy height or the canopy cover to be defined as remnant under the VM Act.

2 Assessment Against State Code 16

This chapter outlines how the proposed clearing meets State Code 16: Native Vegetation Clearing. Table 16.2.1 of State Code 16 outlines the Performance Outcomes (POs) that an MCU Application for an extractive industry must meet. These POs are addressed in the sections below.

2.1 PO1: Clearing avoids or minimises impacts

The clearing area (refer to **Figure 2**) for the proposed extractive industry is located in a mapped Key Resource Area (KRA15) and has been proposed over a bed of fine to medium sand of granitic origin that is of regional significance, given that fine sand sources are scarce in the Cairns/Tablelands region.

A sand extraction operation has been established adjacent to this portion of the site and if the sand is to be accessed, clearing of the least concern RE is necessary and cannot be avoided. This sand is not present elsewhere on the lot in commercially viable beds (the beds are either too narrow or contain extensive impurities) except where the sand extraction has been established and the area subject of this Application, refer to **Appendix A** for a plan showing the estimated sand profile and volumes.

The location of the sand resource necessitates the clearing of vegetation to allow the extraction of the sand and as is considered evident from the assessment provided, the clearing of the vegetation would have an overall limited impact. As a result, PO 1 will be met.

2.2 PO2-PO4: Clearing on land in particular circumstances

No compliance notice has been issued over Lot 77, therefore, clearing complies with PO2.

Lot 77 does not contain a particular regulated area or a legally secured offset area. Therefore, PO3 and PO4 are met.

2.3 PO7: Clearing associated with wetlands

Lot 77 contains a mapped lacustrine wetland, refer to **Figure 6** below which shows yellow lacustrine waterbody. A palustrine waterbody is present approximately 3km to the south west of the site. There is no mapped wetland in the proposed clearing area.

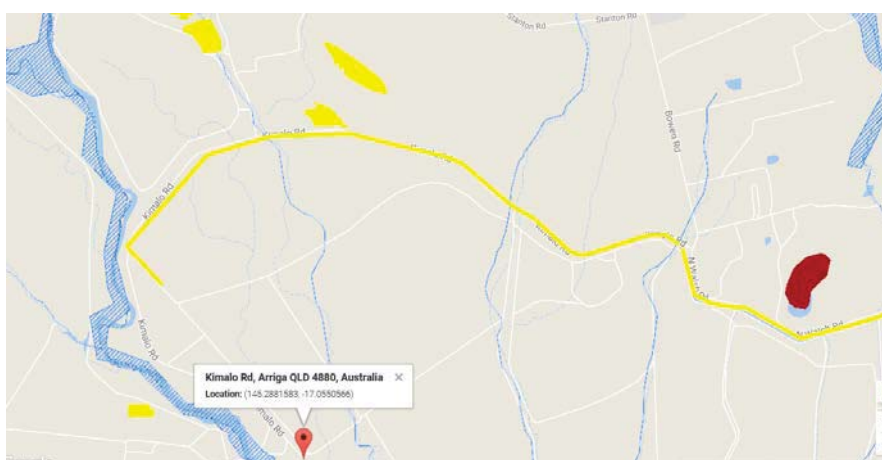


Figure 6 Wetland Mapping

The lacustrine wetland area is within an area previously approved for sand extraction and is not within the proposed additional extraction area. The proposed clearing of remnant vegetation is not likely to have an impact on wetlands. Therefore, the clearing meets AO7.1.

2.4 PO11: Clearing associated with watercourses and drainage features

No mapped watercourse is located on Lot 77. Department of Agriculture and Fisheries officers inspected the site in 2017 and determined that there is no mapped watercourse under the *Water Act 2000* on the site.

Lot 77 is located approximately 12 km west south west of the township of Mareeba, in the Hodgkinson Basin subregion of the Einasleigh Uplands bioregion. Therefore, it is located in a coastal area. As clearing is proposed at least 50 m from the defining bank of a first order watercourse, AO11.1 will be met.

2.5 PO16: Maintaining connectivity

PO 16 *In consideration of **vegetation** on the land subject to the development application and on adjacent land, sufficient **vegetation** is retained to maintain **ecological processes** and remains in the landscape despite **threatening processes**.*

The proposed clearing will meet AO 16.1, which requires proponents address Table 16.3.3 in State Code 16. As outlined above in Section 2.4, lot 77 is located in a coastal area. The requirements for coastal areas outlined in Table 16.3.3 are met as follows :

- The area of mapped remnant vegetation on Lot 77 is 12 ha with 1.9ha proposed to be cleared. In addition, the area to be cleared is connected to the adjoining state land reserve which has an area of remnant vegetation that is approximately 200 ha.
- After the proposed clearing, 10 ha of remnant vegetation will be retained on Lot 77.
- The proposed clearing will not reduce any area of mapped remnant vegetation on lot 77 or that is contiguous with Lot 77 to less than 100 m width,
- The total area of lot 77 is 157.4 ha (as provided in Queensland Globe), 7.6% of which is currently mapped as remnant vegetation (12ha). 1.9 hectare is proposed to be cleared which is less than 10% of the existing mapped vegetation on the site.

Given that 10 of the 12 hectare will be retained and the area to be cleared is weed-infested and does not meet the RE criteria, it is considered that the proposed clearing meets the PO as sufficient vegetation will be retained to maintain ecological processes and remain in the landscape despite threatening processes.

Therefore, the clearing will meet PO16.

2.6 PO22: Salinity

The proposed clearing site is in a downslope location, between 510 and 515 m elevation, on sandy soils. In this instance, clearing is proposed for the purpose of extracting sand to a depth of approximately two metres. After clearing, these areas will be rehabilitated, and the land returned to an agricultural use. Therefore, waterlogging is not likely to occur as a result of this clearing. Groundwater monitoring undertaken in 1994 on the site within 200 m of the proposed clearing site recorded conductivity of 2750 $\mu\text{S}/\text{cm}$.

Guidelines for irrigation water published by ANZECC (2000) state that conductivity of 1900 $\mu\text{S}/\text{cm}$ to 4500 $\mu\text{S}/\text{cm}$ has a 'medium' salinity level and should be used for moderately tolerant crops. The result of 2750

µS/cm would indicate that the groundwater is somewhat saline but still considered to be well within the freshwater range.

Clearing for the purpose of sand extraction has occurred in the adjoining lot to the north of lot 77 (Stanton Road). Land degradation due to salinity has not been observed to have occurred at or downslope of this site as a result of this activity. Therefore, the proposed clearing is not expected to result in land degradation from salinity or waterlogging, and PO 22.1 is met.

2.7 PO23: Conserving endangered and of concern regional ecosystems

No endangered or of concern REs are located on or within 500 m of Lot 77. Therefore, clearing meets AO23.1.

2.8 PO24: Essential habitat

No essential habitat is mapped on, or within 500m of Lot 77, therefore, clearing meets AO24.1.

2.9 PO27: Acid sulfate soils

Clearing is proposed in REs located on land zone 5, on a lot with a minimum elevation above sea level of approximately 510 m. Therefore, clearing meets AO27.1.

2.10 PO28: Clearing is staged

Clearing will be staged in line with operational requirements and will be restricted to the areas required for current operational needs. It will only occur in areas mapped in **Figure 2**, which encompass areas required for sand extraction and reasonably associated infrastructure. Clearing will not commence until all required permits are in place. Therefore, clearing meets PO28.1.

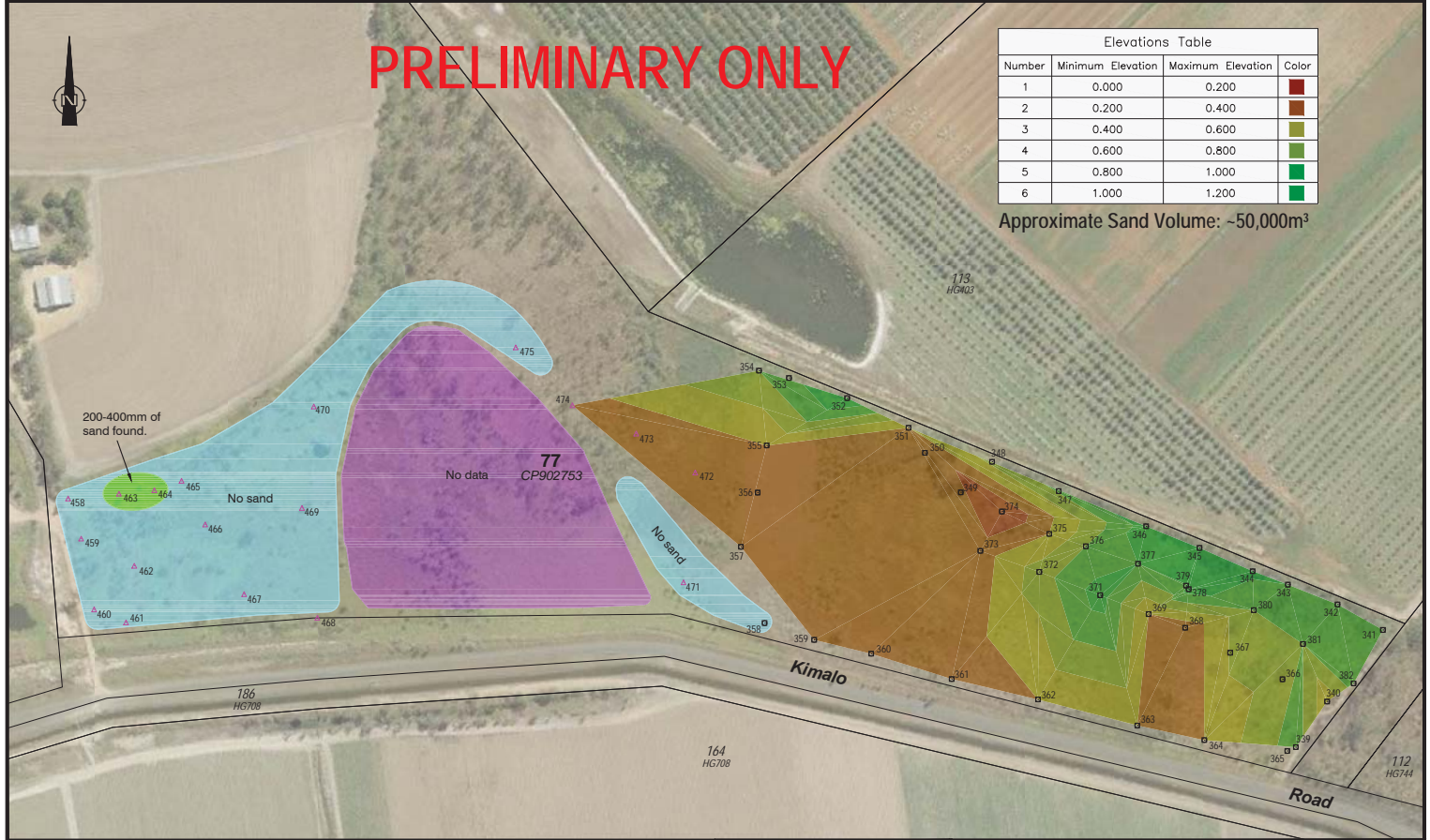
Appendix A

Sand Profile and Volume Plan

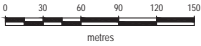
PRELIMINARY ONLY

Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	0.000	0.200	Red
2	0.200	0.400	Brown
3	0.400	0.600	Dark Green
4	0.600	0.800	Light Green
5	0.800	1.000	Medium Green
6	1.000	1.200	Dark Green

Approximate Sand Volume: ~50,000m³



IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



SCALE 1:3000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS

A: RMS: Added further bore data

PROJECT MANAGER

O. Caddick-King

SURVEYED

COMPILED

RMS

SHEET 1

OF SHEETS 1

SHEET SIZE

A3

CAD REF

9369-18a.DWG

Pioneer North QLD Pty Ltd

Sand Profile & Volume
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Kimalo Road

RPS

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SCALE

DATE

DRAWING NO.

ISSUE

1:3000

9/1/2018

9369-18

A

Annexure D

Completed DA Form I & Owners Consent

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>	Pioneer North Queensland Pty Ltd c/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	9369-7

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
			Kimalo Road	Arriga
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	77	CP902753	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:

☐ 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):*

Material change of use for the expansion of an Extractive Industry into an additional sand resource area where the activity will include the extraction and processing of sand at a scale of not greater than 100,000t per year.

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)*

Clearing of mapped regulated vegetation from part of the land.

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)
Proposed expansion of sand extraction and screening activities that have been established on the land at a scale of not more than 100,000t per year into an additional sand resource area.	Extractive industry	N/A	N/A

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: <table border="1" style="display: inline-table; width: 600px; height: 20px;"></table> | | |

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

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

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

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

PART 6 – INFORMATION REQUEST**19) Information request under Part 3 of the DA Rules**

- ☒ I agree to receive an information request if determined necessary for this development application
- ☐ I do not agree to accept an information request for this development application

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

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

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

PART 7 – FURTHER DETAILS**20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)**

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

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval	MCU/17/0009	20 December 2017	Mareeba Shire Council
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

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

- ☐ Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application
- ☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- ☒ Not applicable

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

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

- ☐ Yes – show cause or enforcement notice is attached
- ☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

☒ No

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

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

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

Hazardous chemical facilities

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

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

☒ No

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

Clearing native vegetation

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

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

☐ No

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

Environmental offsets

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

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

☒ No

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

Koala conservation

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

☐ Yes

☒ No

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

Water resources

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

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

☒ No

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

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

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

commencing development

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

☒ No

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

Quarry materials from land under tidal waters

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

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

☒ No

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

Referable dams

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

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

☒ No

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

Tidal work or development within a coastal management district

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

☐ Yes – the following is included with this development application:

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

☐ A certificate of title

☒ No

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

Queensland and local heritage places

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

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

☒ No

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

☒ No

Decision under section 62 of the *Transport Infrastructure Act 1994*

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

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☒ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION**24) Development application checklist**

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

☒ Yes**Note:** See the *Planning Regulation 2017* for referral requirementsIf 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

Note: For completion by assessment manager if applicable

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.

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

I, Kelly Anne Slattery

Company Secretary of the company mentioned below.

and I, Belinda Maree Kenny - Director

Of

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

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

Lot 77 on CP902753, Kimalo Road

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

Pioneer North Queensland Pty Ltd

on the premises described above for:

Material Change of Use for an Extractive Industry on part of the above described land

Company seal *[if used]*

Company Name and ACN: MP AUSTRALIA INVESTMENTS PTY LTD A.C.N. 156 630 527

K. Platt

Signature of Director
COMPANY SECRETARY

02/05/2018

Date

Benny

Signature of Director

02/05/2018

Date

Annexure E

Photos of the intersection of North Walsh Road and the Mareeba-Dimbulah Road

