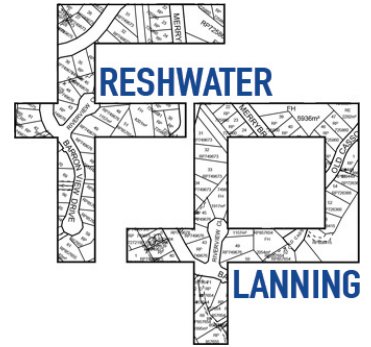


Your Ref:
Our Ref: F18/23



04 August, 2018

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

Attention: Regional Planning Group

Dear Sir,

**RE: APPLICATION FOR A MATERIAL CHANGE OF USE – TRANSPORT DEPOT
LOT 9 ON SP210185, LOT 9 SHABAN CLOSE, MAREEBA.**

This application is for a Material Change of Use – Transport Depot over land described as Lot 9 on SP210185, situated at Lot 9 Shaban Close, Mareeba is submitted on behalf of Michael and Narelle Baksaj.

The application comprises of Application Forms, Proposal Plans, SmartMap and this Town Planning Submission. It is understood that the proponent will provide payment of the Application Fee of \$1,530.00.

The Site

The subject land is described as Lot 9 on SP210185, Locality of Mareeba and situated at Lot 9 Shaban Close, Mareeba. The site is owned by Michael Brian and Narelle Baksaj who are also the applicants for the proposed development. The subject site comprises of a single generally regular shaped FreeHold allotment, has an area of 2.492 hectares and encompasses an existing structure. The site contains frontage to the Shaban Close and is accessed from the existing Road Network being Shaban Close. The site is understood to be provided with all available and necessary services.

In relation to the current State Governmental Mapping the site is Mapped as containing Remnant 'least concern' Vegetation over the majority of the site. The site is not Mapped as containing Regrowth Vegetation and Essential Habitat nor is the site designated as including a Referable Wetland or Wetland Protection Area. The site is not located within 25 metres of a State Controlled Road nor a Railway Corridor.

Referral Agencies

The site is Mapped as containing Remnant Vegetation that is 'least of concern' even though this is not reflected on the ground (ground-truthed). However, the site is not greater than 5.0 hectares and therefore does not trigger Referral for Vegetation Concerns. It is considered that the Development Application **does not** require Referral to the Department of State Development, Manufacturing, Infrastructure and Planning for Vegetation Purposes.

The Proposed Development

The proposed development is for a Material Change of Use – Transport Depot in the 2.0 hectare Precinct of the Rural Residential Zone within the Mareeba Shire Council's Planning Scheme. The site is located at Lot 9 Shaban Close, Mareeba and is more particularly described as Lot 9 on SP210185. The site is generally regular in shape, has an area of 2.492 hectares and an existing structure.

A Development Permit for a Material Change of Use is sought to facilitate the construction of Transport Depot over the site. The proposed development will provide parking for a total of four (4) school buses over the property. The construction of a Transport Depot approximately 21 metres x 20 metres as per provided on the Proposal Plans is required to house the buses. The location of the proposed Depot is to be erected in front of the existing structure.

The proponents have provided Freshwater Planning Pty Ltd with the following outline of the general day to day running of the Transport Depot.

The proposal is to house a total of four (4) buses over the property with one (1) bus provided as a spare vehicle and would not be used unless it had to; Two (2) buses would leave the property at approx. 6.40am and 7.15am returning at 9.00am. The same two buses would again leave at 2.40pm returning at 4.30pm and 4.50pm to end the school day; The last (4th) bus leaves from Dimbulah, picking up school kids along the way taking them to school in Mareeba. This bus departs from Mareeba in the afternoon returning to Dimbulah. This bus stays in Dimbulah overnight so only needs to be kept at the proposed Transport Depot between the hours of 9.00pm and 3.00pm on school days.

A total of two staff need to attend the site to access the buses. No customers or other members of the public need to access the block for any reason what so ever for the day to day running of the business.

The proponents have also informed Freshwater Planning Pty Ltd that they have undertaken discussions with the adjoining and adjacent neighbours noting that *'the owners on the eastern boundary are fine with having the buses next door; The owner of the property on the western boundary lives in Melbourne of which I have informed him about the buses and he said he doesn't have an issue; The neighbour directly across the road also does not have an issue with the buses. I have had discussions with many other people living on Shaban Close and they have all said the buses are not an issue. The proposal is definitely only going to be used as a storage facility and not a workshop for the buses'*. In relation to the possible noise of the proposed Use the proponents note that *'Audibly, the only noise is buses leaving and entering the property. Surrounding and other properties house are generally not too close to the road. Also, I believe most people are either at work or school etc... at most occasions when the buses are leaving or returning, accept for the two morning starts which leave at 6.40am and 7.15 am.'*

The site contains frontage to the existing Road Network, being Shaban Close with no change to the existing crossover required. The site is connected to all available services and provided with the necessary services with the proposed development connecting to these provided services. The site is large enough to ensure the appropriate disposal of stormwater occurs.

The proposed development is for the construction of a Transport Depot within Mareeba ensuring that the day to day needs and services of Mareeba and surrounding Townships are met by providing a transport service so that residents can access appropriate education services. This helps to cement Mareeba as a Major Urban Area and Regional Centre of the Tablelands while providing a much needed and relied upon service within the Township.

The site is located in the Rural Residential Zone within the Mareeba Shire Council's Planning Scheme. A Material Change of Use for a Transport Depot is a Code Assessable Use within this Zone. The application is Code Assessable.

This Submission provides a comprehensive assessment of the relevant planning instruments and site context for the proposed Uses. This is supported by the attached Proposal Plans and the assessment against the relevant aspects of the Mareeba Shire Council's Planning Scheme. It is considered that the proposed development is an appropriate land Use for the site, immediate vicinity and surrounding environs providing a supporting Use to the Mareeba Township and its Residents.

Far North Queensland Regional Plan 2009-2031

Lot 9 on SP210185 is identified as being in the Rural Living Area designation of the FNQ Regional Plan Mapping.

The Material Change of Use is within the Rural Living Area designation and results in the provision of a necessary Use supporting the Township and surrounding Environs without affecting the existing natural environment. The proposal is for a Material Change of Use to provide a necessary service to Mareeba and surrounds which will continue to support the Mareeba Township and Region by allowing children to obtain access to Educational Establishments within Mareeba.

It is considered that the proposed Material Change of Use is not in conflict with the Intent for Rural Living Area designation of the FNQ Regional Plan 2009-2031.

Rural Residential Zone Code

The proposal is for a Development Permit for the construction of a Transport Depot to house school buses supporting Mareeba and surrounding Townships. The site is designated within the Rural Residential C (2.0 hectares) Zone of the Mareeba Shire Planning Scheme and no change to the Rural Residential Zone is proposed with the Material Change of Use. The proposal will provide a supporting service to Mareeba by allowing residents to access Educational Establishments within Mareeba while maintaining the existing amenities and aesthetics of the site.

Performance outcomes	Acceptable outcomes	Comments
For self-assessable and assessable development		
Height		
<p>PO1 Building height takes into consideration and respects the following:</p> <ul style="list-style-type: none"> (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length. 	<p>AO1 Development has a maximum building height of:</p> <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	<p>Complies, The proposed Transport Depot is 6 metres in height and of single storey.</p>

Performance outcomes	Acceptable outcomes	Comments
Outbuildings and residential scale		
PO2 Domestic outbuildings: (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Rural residential zone.	AO2.1 On lots less than 2 hectares, domestic outbuildings do not exceed: (a) 150m ² in gross floor area; and (b) 5.5 metres above natural ground level.	Not Applicable. The site is greater than 2.0 hectares.
	AO2.2 On lots greater than 2 hectares, domestic outbuildings do not exceed: (a) 200m ² in gross floor area; and (b) 8.5 metres above natural ground level.	Can Comply. If any Domestic Outbuildings are provided within the future they can ensure to comply with the Rural Residential Zone Code.
Siting, where not involving a Dwelling house		
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.		
PO3 Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; (f) appearance of building bulk; and (g) relationship with road corridors.	AO3 Buildings and structures include a minimum setback of: (a) 40 metres from a frontage to a State-controlled Road; (b) 6 metres from a frontage to any other road; (c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone; (d) 5 metres from a boundary to an adjoining lot in the 4,000m ² precinct; and (e) 3 metres from a side or rear boundary otherwise.	Complies, The proposal provides for the construction of a Transport Depot to house four (4) school buses in front of the existing structure provided onsite. The proposed Depot is setback 25 metres from the Shaban Close Frontage and greater than 10 metres from the side and rear boundaries.
Accommodation density		
PO4 The density of Accommodation activities: (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site.	AO4 Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.	Complies, The proposal is not considered to provide additional accommodation densities over the site.
For assessable development		
Site cover		
PO5 Buildings and structures occupy the site in a manner that:	AO5 No acceptable outcome is provided.	Complies. The site already contains an existing structure with the proposed Transport

Performance outcomes	Acceptable outcomes	Comments
<p>(a) makes efficient use of land;</p> <p>(b) is consistent with the bulk and scale of surrounding buildings; and</p> <p>(c) appropriately balances built and natural features.</p>		<p>Depot not considered to be overly bulk to the existing and surrounding vicinity. The proposal is considered to comply with the Performance Outcomes. Any future dwelling provided over proposed the site can be provided in accordance with the Code.</p>
Building design		
<p>PO6 Building facades are appropriately designed to:</p> <p>(a) include visual interest and architectural variation;</p> <p>(b) maintain and enhance the character of the surrounds;</p> <p>(c) provide opportunities for casual surveillance;</p> <p>(d) include a human scale; and</p> <p>(e) encourage occupation of outdoor space.</p>	<p>AO6 No acceptable outcome is provided.</p>	<p>Complies, The proposed Transport Depot is considered to contain visual interest and architectural variation with the changing heights and open front. This will ensure appropriate surveillance and enhance the character of the immediate surrounds.</p>
<p>PO7 Development complements and integrates with the established built character of the Rural residential zone, having regard to:</p> <p>(a) roof form and pitch;</p> <p>(b) eaves and awnings;</p> <p>(c) building materials, colours and textures; and</p> <p>(d) window and door size and location.</p>	<p>AO7 No acceptable outcome is provided.</p>	<p>Complies, The proposal provides for a Transport Depot similar to the existing structure onsite and those within the balance of Shaban Close and the surrounding Rural and Rural Residential Areas. The proposed Depot provides appropriate built form.</p>
Non-residential development		
<p>PO8 Non-residential development:</p> <p>(a) is consistent with the scale of existing development;</p> <p>(b) does not detract from the amenity of nearby residential uses;</p> <p>(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and</p> <p>(d) directly supports the day to day needs of the immediate residential community; or</p> <p>(e) has a direct relationship to the land on which the use is proposed.</p>	<p>AO8 No acceptable outcome is provided.</p>	<p>Complies, The proposal is considered to be of appropriate scale and is not considered to detract from the amenity of nearby residents. The proposed Transport Depot provides a Use that supports the day to day needs of the immediate and surrounding residential locations of the Shire by allowing the residents access to Schools within Mareeba.</p>

Performance outcomes	Acceptable outcomes	Comments
Amenity		
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO9 No acceptable outcome is provided.</p>	<p>Considered to Comply, The proposal will provide a limited Use over the site restricted to School Days and generally between the hours of 6.40am and 7.15am returning at 9.00am and 2.40pm returning at 4.30pm and 4.50pm. It is not considered that the proposed Use will have significant impact on the adjoining properties or those within Shaban Close. The adjoining dwellings are setback on average 89 metres with the western adjoining property of which the Transport Depot fronts contains natural vegetation buffering. It is considered that the proposed development will not have a significant affect on the amenity of the immediate area.</p>
<p>PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO10 No acceptable outcome is provided.</p>	<p>Considered to Comply, The proposal will provide a limited Use over the site restricted to School Days and generally between the hours of 6.40am and 7.15am returning at 9.00am and 2.40pm returning at 4.30pm and 4.50pm. It is not considered that the proposed Use will have significant impact on the adjoining properties or those within Shaban Close. The adjoining dwellings are setback on average 89 metres with the western adjoining property of which the Transport Depot fronts contains natural vegetation buffering. It is considered that the proposed development will not have a significant effect on the amenity of the immediate area and is considered to take into account the existing negative environmental impacts ensuring to ameliorate these impacts.</p>

It is not considered that the proposed Transport Depot is in conflict with the Intent and the proposal complies with the Acceptable Outcomes and where there are no Acceptable Outcomes or they are unable to be met, the Performance Outcomes of the Rural Residential Zone Code.

Industry Activities Code

The proposed development facilitates the construction of a Transport Depot Use. Assessment against the Industry Activities Code is provided below. It is considered that the proposed Transport Depot complies with the Intent of the Industry Activities Code and is acceptable.

Performance outcomes	Acceptable outcomes	Comments
For self-assessable and assessable development		
Separation		
<p>PO1 Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) odour; (c) light; and (d) emissions. <p>Note—Development proposed to be located closer than the separation distances specified in AO2 requires supporting investigations to demonstrate that the expected impacts from the industry use have been adequately mitigated in consideration of the local context.</p>	<p>AO1 Development is separated from sensitive uses as follows:</p> <ul style="list-style-type: none"> (a) medium impact industry—250 metres; or (b) high impact industry—500 metres; or (c) special industry— 1.5 kilometres. 	<p>Not Applicable. The proposal is not considered to provide a Medium or High Impact Industry Use nor a Special Industry Use. The proposal is considered not to be a significant Industrial Use. In addition, a setback on average of 89 metres is provided from the proposed Shed to the adjoining Dwellings.</p>
For assessable development		
Amenity		
<p>PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of:</p> <ul style="list-style-type: none"> (a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (d) refuse bin storage areas. 	<p>AO2 No acceptable outcome is provided.</p>	<p>Can Comply, Appropriate screening can be provided to any plant, air conditioning and refuse storage areas.</p>
If for Extractive industry		
<p>PO3 The site has sufficient area and dimensions to safely accommodate:</p> <ul style="list-style-type: none"> (a) the extractive use; (b) vehicular access and on site vehicular movements; (c) buildings including staff facilities; (d) parking areas for visitors and employees; (e) storage areas and stockpiles; (f) any environmentally significant land; and (g) landscaping and buffer areas. 	<p>AO3 No acceptable outcome is provided.</p>	<p>Not Applicable. No Extractive Industries proposed.</p>

Performance outcomes	Acceptable outcomes	Comments
<p>Note—Refer to Planning Scheme Policy 3 - Extractive Industry.</p>		
<p>PO4 Extractive industry is established and operated in a way that does not impact on public safety.</p>	<p>AO4 Safety fencing is provided for the full length of the perimeter of the site and is appropriately signed with warning signs advising of the nature of the use and any danger or hazard.</p>	<p>Not Applicable. No Extractive Industries proposed.</p>
<p>PO5 Extractive industry is appropriately located to adequately mitigate visual, noise, vibration and dust impacts on sensitive uses.</p>	<p>AO5 All aspects of the Extractive industry are setback from all boundaries: (a) 200 metres where not involving blasting or crushing; and (b) 1,000 metres for where involving blasting or crushing.</p> <p>Note—Refer to Planning Scheme Policy 3 - Extractive Industry.</p>	<p>Not Applicable. No Extractive Industries proposed.</p>
<p>PO6 The Extractive industry is designed and managed to appropriately address its interface with the natural environment and landscape, having regard to: (a) water quality; (b) existing vegetation; and (c) declared plants.</p>	<p>AO6.1 The Extractive industry does not cause a reduction in the quality of ground water or receiving surface waters.</p> <p>AO6.2 Vegetation is retained on site that contributes towards alleviating the impact of the development on the visual amenity of surrounding sensitive land uses.</p> <p>AO6.3 No declared plants are transported from the site.</p>	<p>Not Applicable. No Extractive Industries proposed.</p>
<p>PO7 Extractive industry actively integrates rehabilitation into the ongoing operations on the site to progressively restore the site to its original (or an improved) condition, having regard to matters of: (a) locally prevalent plant species; (b) plant spacing; (c) local climatic conditions; (d) locations of waterways and wetlands; (e) ongoing maintenance; (f) potential habitat opportunities; (g) erosion and sediment control; and (h) fencing.</p> <p>Note—A revegetation plan must be prepared by a suitably experienced person in the field of natural area revegetation and rehabilitation, at a standard acceptable to Council, which addresses the items identified in Performance Outcome PO7.</p>	<p>AO7 No acceptable outcome is provided.</p>	<p>Not Applicable. No Extractive Industries proposed.</p>

Airports Environs Overlay Code

The site is located inside the 3km Bird and Bat Zone of the Bird and Bat Strike Zones and inside the 6 km Light Intensity and OLS on the Mareeba Overlay Mapping. The proposal is not considered to contribute to the potentially serious hazard from wildlife (bird or bat) strike and will ensure that potential food and waste sources are covered and collected so that they are not accessible to wildlife. No significant lighting infrastructure is to be provided to affect the Light Intensity OLS. The site is also located within the Inner Horizontal Surface of the Mareeba Aerodrome however, the proposed Transport Depot contains an acceptable height of 6.0 metres. It is considered that the Airports Environs Overlay Code is Not Applicable to the proposed Material Change of Use for a Transport Depot as the proposed Transport Depot not affect the Bird and Bat Strike Zone, Inner Horizontal Surface and Light Intensity Zone.

Landscaping Code

The proposed development is for the facilitation of a Transport Depot located at Lot 9 Shaban Close, Mareeba. The proposal is provided over a site of 2.492 hectares which contain natural vegetation. Appropriate Landscaping can be provided to achieve an attractive streetscape and assists in breaking up and softening the built form of the proposed Transport Depot in addition to appropriate Fencing. Any required plantings provided over the site will ensure suitability of the intended Transport Depot Use and will not include the provision of invasive weeds and can be easily maintained while allowing for casual surveillance and enhance the safety of pedestrians through the Crime Preventions Through Environmental Design (CPTED) principles.

Parking and Access Code

The site contains frontage to the existing Road Network, being Shaban Close with an existing crossover provided from Shaban Close. The proposed development will utilise the existing access crossover to service the site. The Proposed Transport Depot Use's Proposal Plans nominates that four (4) bus parking spaces and ample staff parking are provided onsite for the overall development. The proponents note that *'a total of two staff need to attend the site to access the buses. No customers or other members of the public need to access the block for any reason what so ever for the day to day running of the business.'*

The dimensions of any car parking spaces can satisfy the requirements of Australian Standard AS2890.1 and all parking spaces/driveway areas are appropriately sealed/treated. It is considered that the proposed development is not in conflict with the Purpose or Intent of the Parking and Access Code and is acceptable.

Works, Services and Infrastructure Code

The proposal is for a Material Change of Use for the facilitate the construction of a Transport Depot in the Rural Residential Zone of the Mareeba Shire Council's Planning Scheme. The site is connected to all available services and provided with the necessary services with no change to the existing envisaged. The site is large enough to ensure appropriate and suitable stormwater drainage.

The site is generally flat with any Filling or Excavation anticipated to be limited to site preparation, levels and internal servicing or be provided as a part of an Operational Works Approval.

The site contains frontage to the existing Road Network, being Shaban Close and will maintain the existing access with the proposal. It is considered that the existing crossover is appropriate and allow for the safe provision of access without effecting the existing Road Network.

It is considered that the proposed Transport Depot is not in conflict with the Purposes of the Works, Services and Infrastructure Code. The proposal is considered acceptable and appropriate.

Conclusion

It is considered that the proposed development being a Material Change of Use to facilitate the construction of a Transport Depot over land described as Lot 9 on SP210185 is appropriate. The proposed design of this Transport Depot represents a development that has mitigated all possible negative effects of the surrounding environment and is considered acceptable. In particular, the proposed development:

- Is not in conflict with the Intent or Purposes for land designated in the 2.0 hectare Precinct of the Rural Residential Zone;
- Will encompass no significant negative impacts to the existing nature and amenity of the area, instead enhancing the amenity and character as the Material Change of Use provides an important local service to support the Residential population, surrounding industries and Townships;
- Can meet the Performance Outcomes and the Purpose of the Industrial Activities Code;
- Is for the construction of a Transport Depot within the Mareeba Township ensuring an important service that supports the surrounding Mareeba Township and environs. This helps to cement Mareeba as a Major Urban Area and Regional Centre of the Tablelands; and
- Provides for appropriate and acceptable level of servicing without compromising the environmental values of the Shire and Mareeba;

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice over the site. If you have any queries, please do not hesitate to contact Freshwater Planning Pty Ltd.

Yours faithfully,



MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

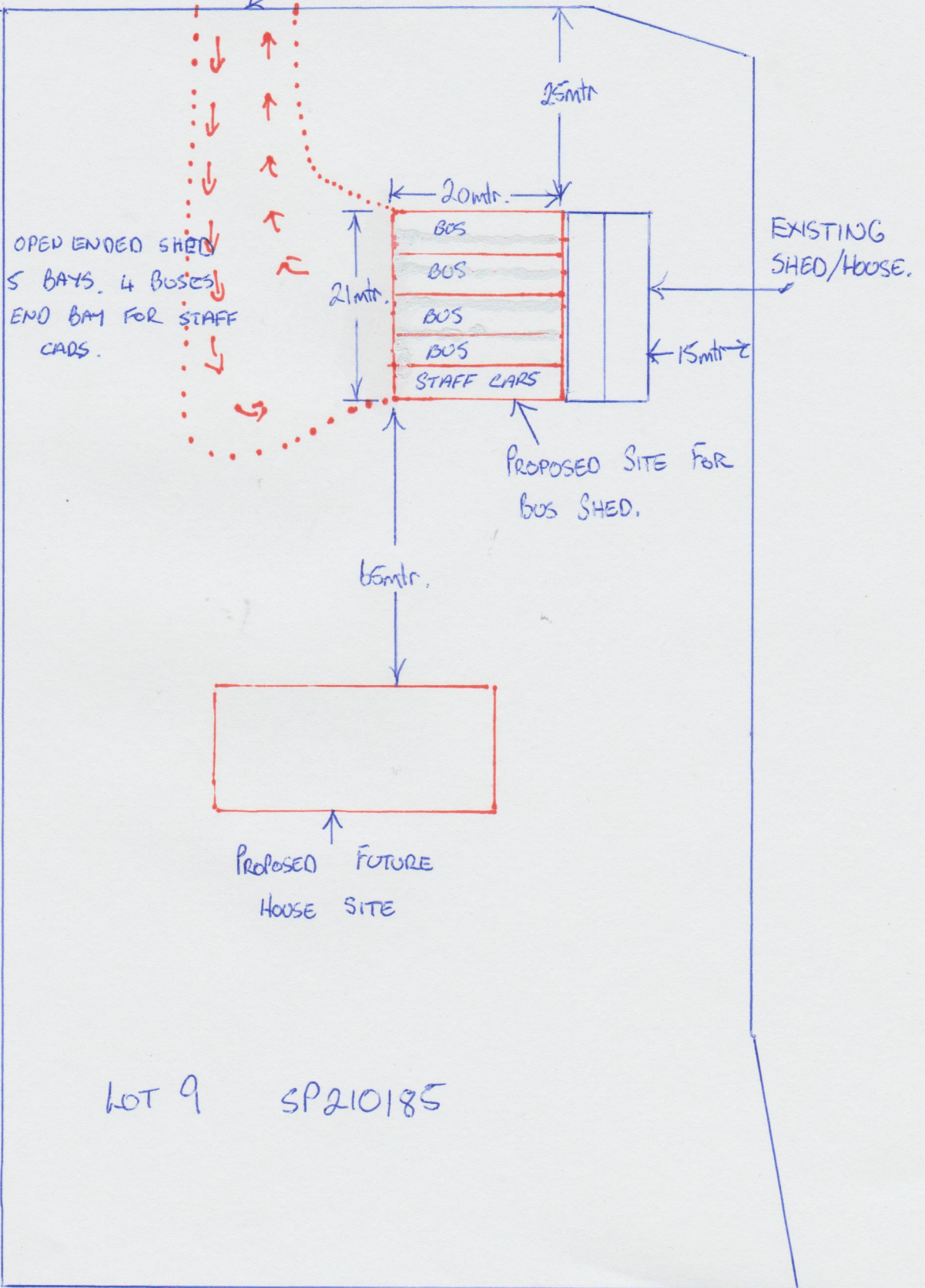
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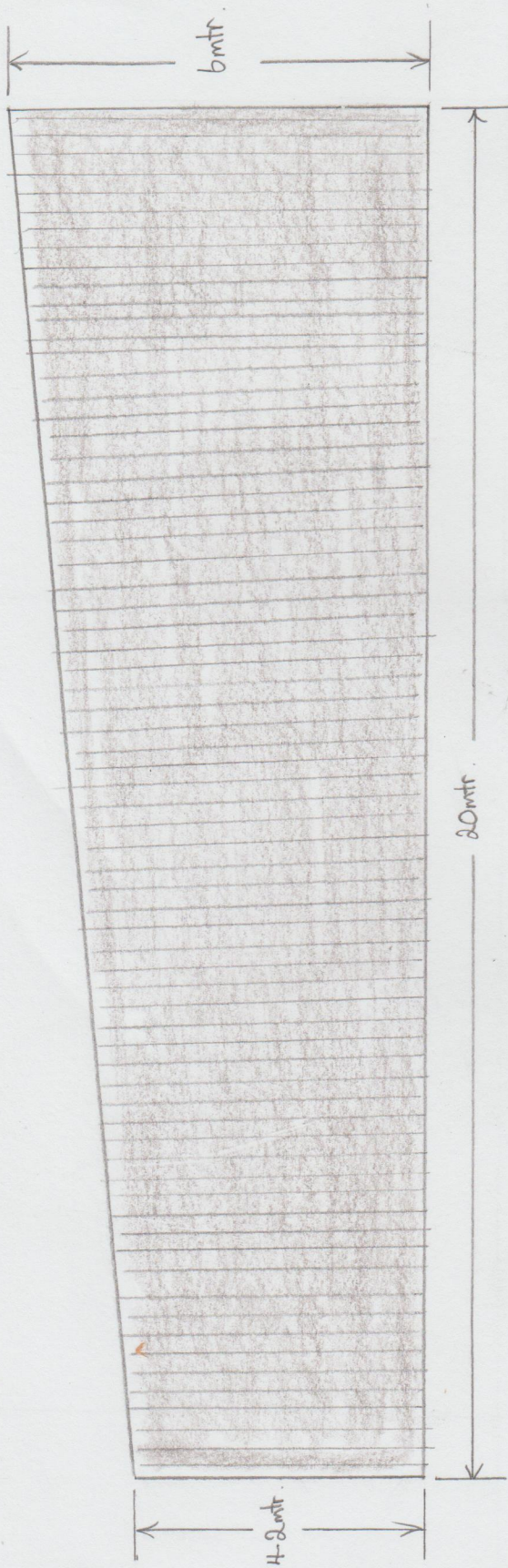
E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 4870

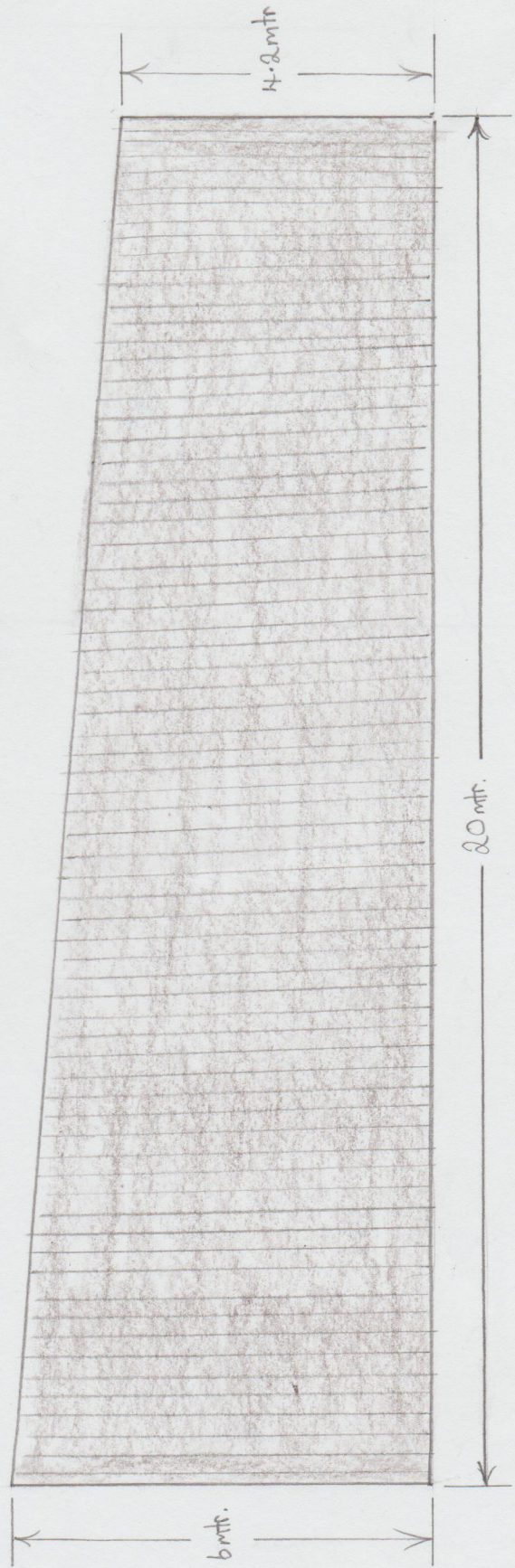
SHABAN CLOSE

EXISTING CROSSOVER

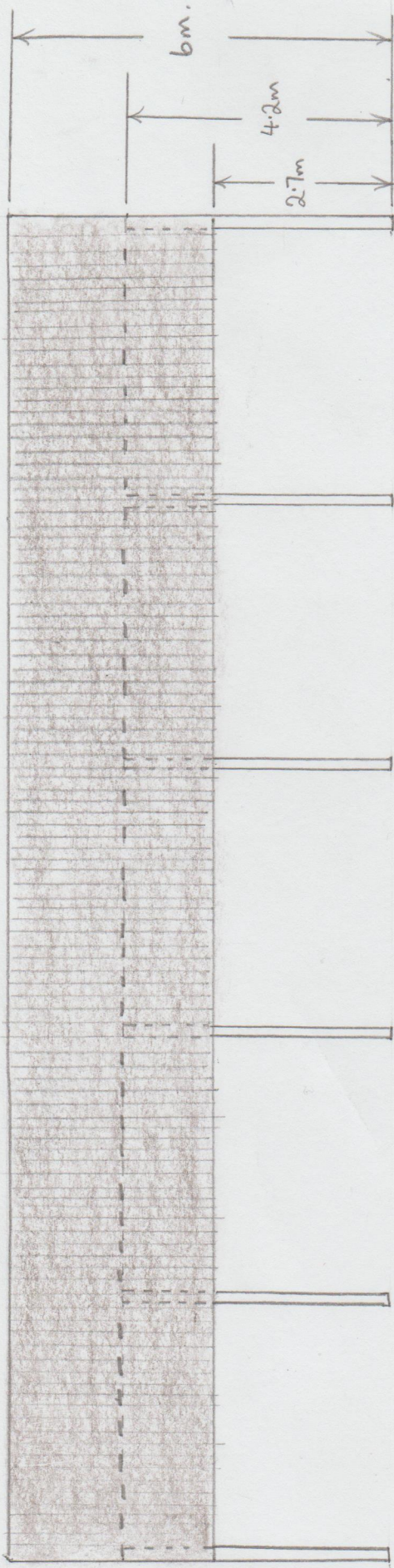




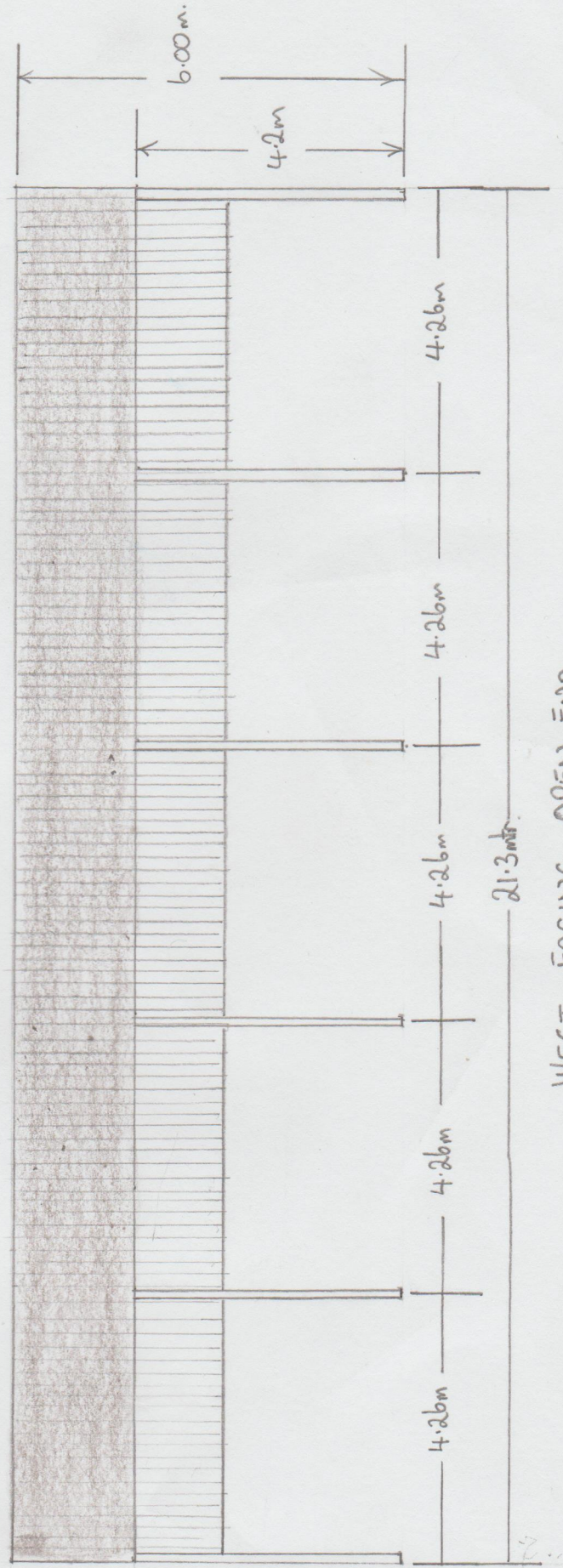
SOUTH FACING SIDEWALL



NORTH FACING SIDEWALL



EAST FACING PARTIAL OPEN END



WEST FACING OPEN END.

02 August, 2018

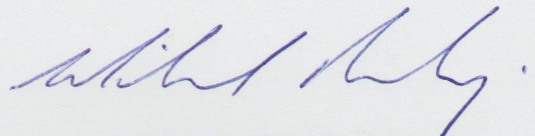
Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir,

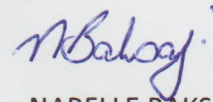
**RE: APPLICATION FOR MATERIAL CHANGE OF USE
LOT 9 ON SP210185, LOT 9 SHABAN CLOSE, MAREEBA**

Under Section 51 of the *Planning Act 2016* it is mandatory for the owner of the land to which a Development Application relates to consent to the making of the Application.

We, MICHAEL BRIAN AND NARELLE BAKSAJ as the registered owners of Lot 9 Shaban Close, Mareeba and more particularly described as Lot 9 on SP210185, authorise Freshwater Planning Pty Ltd to lodge a Town Planning Application on our behalf.



MICHAEL BRIAN BAKSAJ



NARELLE BAKSAJ

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>	Michael and Narelle Baksaj
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	C/- Freshwater Planning Pty Ltd 17 Barron View Drive
Suburb	Freshwater
State	Queensland
Postcode	4870
Country	Australia
Contact number	0402 729 004
Email address <i>(non-mandatory)</i>	FreshwaterPlanning@outlook.com
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	F18/23

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
		Lot 9	Shaban Close	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	9	SP210185	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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	

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

5) Are there any existing easements over the premises? <i>Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see DA Forms Guide.</i>
<input type="checkbox"/> Yes – All easement locations, types and dimensions are included in plans submitted with this development application <input checked="" type="checkbox"/> No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? <i>(tick only one box)</i> <input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i> <input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment? <input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i> Transport Depot
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i> <input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? <i>(tick only one box)</i> <input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i> <input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment? <input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i> <input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application <input checked="" type="checkbox"/> Not required

Section 2 – Further development details

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

Material change of use	<input 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)
Transport Depot	Transport Depot		420 m ²

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

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

Division 2 – Reconfiguring a lot

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

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

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

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

10) Subdivision

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

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

10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below
<input type="checkbox"/> No
How many stages will the works include?
What stage(s) will this development application apply to?

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

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

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

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

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

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

Division 3 – Operational work**Note:** This division is only required to be completed if any part of the development application involves operational work.**14.1) What is the nature of the operational work?**

- | | | |
|---|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <input style="width: 200px;" type="text"/> | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) Yes – specify number of new lots: No**14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)**\$ **PART 4 – ASSESSMENT MANAGER DETAILS****15) Identify the assessment manager(s) who will be assessing this development application**

Mareeba Shire Council

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

- Yes – a copy of the decision notice is attached to this development application
- Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?****Note:** A development application will require referral if prescribed by the Planning Regulation 2017. No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6Matters requiring referral to the **chief executive of the Planning Regulation 2017:**

- Clearing native vegetation
- Contaminated land (unexploded ordnance)

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