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29 July 2013

Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

Our Reference: VGF – C937

Dear Sir,

RE: DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR A HOUSE LOCATED AT 34 MURPHY STREET, PORT DOUGLAS, QLD 4877 AND DESCRIBED AS LOT 126 ON SP144708, PARISH OF SALISBURY, COUNTY OF SOLANDER

We act as agent and Town Planning Consultant on behalf of Kass Investments Pty Ltd ATF The Partridge Family Trust, the Applicant, in relation to the above proposal.

Reference is made to Council's email dated 29 July 2013 attaching questions in relation to IDAS Form 1, IDAS Checklist 1 and Checklist 2 attached with our Town Planning Application. In this regard, the following comments are made:-

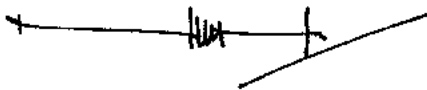
- The summary for the application is for a "House" (Refer Section 4.01 of the Supporting Town Planning Report dated July 2013 lodged with Council). A copy of the amended IDAS Form 1 is **attached**.
- IDAS Checklist 1 and IDAS Checklist 2 are non-mandatory documents and have been provided to assist Council with its assessment of this application. Find **attached** amended IDAS Checklist 1 and IDAS Checklist 2.

To remove any doubt we confirm that this application was formally lodged on Friday 26 July 2013.

We await your further advices.

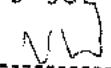
Yours faithfully

VICTOR G FEROS TOWN PLANNING CONSULTANTS



Nick Hardy  
Office Manager and Associate

cc: Charles Wright Architects  
Attn: Charles Wright

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29 JUL 2013  
BY: 

IN CONTINUOUS PRACTICE SINCE 1976

Principal  
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GCSJ BA MSc FPA CMIL LGTP(C) CPP

Adjunct Professor  
School of Geography, Planning  
and Environmental Management  
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JS Bicentennial Fellowship Award 1976

Administrative Director  
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# IDAS form 1—Application details

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at [www.dsdip.qld.gov.au/MyDAS](http://www.dsdip.qld.gov.au/MyDAS)

## Mandatory requirements

**Applicant details** (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

Kass Investments Pty Ltd ATF the Partridge Family Trust

For companies, contact name

Nick Hardy

Postal address

Victor G Feros Town Planning Consultants

PO Box 1256

Suburb CAIRNS

State QLD

Postcode 4870

Country AUSTRALIA

Contact phone number

07 4031 3663

Mobile number (non-mandatory requirement)

0412 756 622

Fax number (non-mandatory requirement)



Email address (non-mandatory requirement)

nick@ferosplanning.com.au

@

Applicant's reference number (non-mandatory requirement)

C937

**1. What is the nature of the development proposed and what type of approval is being sought?**

**Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)**

a) What is the nature of the development? (Please only tick one box.)

☒ Material change of use    ☐ Reconfiguring a lot    ☐ Building work    ☐ Operational work

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

☐ Preliminary approval under s241 of SPA    ☐ Preliminary approval under s241 and s242 of SPA    ☒ Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

House

d) What is the level of assessment? (Please only tick one box.)

☐ Impact assessment    ☒ Code assessment

**Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)**

a) What is the nature of development? (Please only tick one box.)

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

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

☐ Preliminary approval under s241 of SPA    ☐ Preliminary approval under s241 and s242 of SPA    ☐ Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

☐ Impact assessment    ☐ Code assessment

**Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)**

☐ Refer attached schedule    ☐ Not required

**2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)**

**Table D**—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

- ☒ Street address **and** lot on plan (All lots must be listed.)  
☐ Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		34	Murphy Street, Port Douglas	4877	126	SP144708	Cairns Regional Council
ii)							
iii)							

**Planning scheme details** (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Refer to Attached Report	(VGF - C937 July 2013)	
ii)			
iii)			

**Table E**—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

**3. Total area of the premises on which the development is proposed (indicate square metres)**

Refer to Attached Report (VGF - C937 July 2013)

**4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)**

Refer to Attached Report (VGF - C937 July 2013)

**5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)**

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

**6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)**

☐ No  
☒ Yes—complete either Table F, Table G or Table H as applicable

**Table F**

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

**Table G**

Name of owner/s of the land	Refer to Attached Letter of Authority
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

**Table H**

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

**7. Identify if any of the following apply to the premises (Tick applicable box/es.)**

- ☐ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)

**Table I**

Name of water body, watercourse or aquifer

**Table J**

Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

- ☐ No ☒ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

- ☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

- ☒ No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

- ☒ No  
☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

- ☒ No  
☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

**13. List below all of the forms and supporting information that accompany this application (include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)**

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS FORM 5 - MATERIAL CHANGE OF USE	OVER THE COUNTER
IDAS CHECKLIST 1	OVER THE COUNTER
IDAS CHECKLIST 2	OVER THE COUNTER
TOWN PLANNING REPORT DATED JULY 2013	OVER THE COUNTER

**14. Applicant's declaration**

☒ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

**Notes for completing this form**

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

**Applicant details**

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

**Question 1**

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

**Question 6**

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

**Question 11**

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

### Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au). For further information contact QLeave on 1800 803 481 or visit [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au).

**Privacy**—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

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Reference numbers

### NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier 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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.



# Schedule 3 Assessable Development

## Checklist 1—Various aspects of development

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This checklist applies to the carrying out of various aspects of development, as specified in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 5.

You may complete this checklist as part of your development application. The checklist will:

- help you identify whether you need to make a development application for the proposed development
- help you identify the relevant Integrated Development Assessment System (IDAS) form you need to complete as part of your application
- assist in identifying the assessment manager or referral agency for development that is assessable development under schedule 3 of the Sustainable Planning Regulation 2009.

If your development involves a material change of use, reconfiguring a lot, operational work or building work, it is recommended you complete the relevant checklists: *Checklist 2—Material change of use*, *Checklist 3—Reconfiguring a lot*, *Checklist 4—Operational work*, or *Checklist 5—Building work*.

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of State Development, Infrastructure and Planning's (DSDIP) website at [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au).

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the Sustainable Planning Regulation 2009.

### Part 1—General questions

**1.1 Does the proposal involve removing quarry material from a watercourse or lake for which an allocation notice is required under the *Water Act 2000*, other than within a priority development area or on a premises to which structure plan arrangements apply?**

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.2          |
| <input type="checkbox"/> Yes           | • Complete part 2 of this checklist |

**1.2 Is any part of the proposed development intended to be carried out on a Queensland heritage place under the *Queensland Heritage Act 1992*?**

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.3          |
| <input type="checkbox"/> Yes           | • Complete part 3 of this checklist |

**1.3 Does the proposal involve development on a local heritage place?**

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.4          |
| <input type="checkbox"/> Yes           | • Complete part 4 of this checklist |

**1.4 Is any part of the development on strategic port land or airport land (other than development for a material change of use that is inconsistent with the land use plan for the strategic port land or airport land mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 2, item 3 or 4)?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No | • End of checklist – A development permit is not required for this aspect of development under Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 5 |
|--|--|

<input type="checkbox"/> Yes	• Complete part 5 of this checklist
------------------------------	-------------------------------------

## Part 2—Removing quarry material

### 2.1 Is any part of the quarry material which is intended to be removed, located within a wild river area under the *Wild Rivers Act 2005*?

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the State Development Assessment Provisions (SDAP).</li> <li>Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.</li> </ul>
<input type="checkbox"/> Yes	• Continue to question 2.2

### 2.2 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?

<input type="checkbox"/> No	<p>A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the SDAP.</p> <p>Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.</p>
<input type="checkbox"/> Yes	Continue to question 2.3

### 2.3 Is the development consistent with the property development plan?

<input type="checkbox"/> Yes	<p>A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the SDAP.</p> <p>Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.</p>
<input type="checkbox"/> No	This aspect of development is prohibited development. A development application for this development cannot be made.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 1
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 12
- *Sustainable Planning Act 2009*, schedule 1, item 2

## Part 3—Queensland heritage place

### 3.1 Do any of the following apply to the proposal?

The proposed development is only ongoing maintenance or minor work permitted by a general exemption certificate issued under section 75 of the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
An exemption certificate has been issued under the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The proposed development is liturgical development under section 78 of the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The work is being carried out by the state.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The work is being carried out in a priority development area.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The development is mentioned in schedule 4 of the Sustainable Planning Regulation 2009.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

- If you answered **no** to all of the above, a development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the *Queensland Heritage Place State Code* in the SDAP.
- Your application must include *IDAS form 3—Queensland heritage place*.
- If you answered **yes** to any of the above, a development permit is not required. End of part 3 of this checklist.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 2
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 19

#### Part 4—Local heritage place

##### 4.1 Do any of the following apply to the proposal?

The development is building works to be carried out by or on behalf of the state, a public sector entity or a local government	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is for public housing	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is to be carried out by the state on land designated for community infrastructure under the <i>Sustainable Planning Act 2009</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is mentioned in schedule 4 of the Sustainable Planning Regulation 2009.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The local heritage place is on an airport lessee's airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If you answered **no** to all of the above, a development permit is required and your application to the local government, as assessment manager, must include *IDAS form 4—Local heritage place*.
- If you answered **yes** to any of the above, a development permit is not required.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 3
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 1, item 1
- *Airports Assets (Restructuring and Disposal) Act 2008*, section 54

#### Part 5—Strategic port land or airport land

##### 5.1 Does the land use plan for the strategic port land or airport land state that the development is assessable development?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> <li>• A development permit is not required for this aspect of development; end of this checklist.</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>• A development permit is required and your application may include, where applicable: <ul style="list-style-type: none"> <li>• for a material change of use—<i>IDAS form 5—Material change of use assessable against a planning scheme</i></li> <li>• for building or operational work—<i>IDAS form 6—Building or operational work assessable against a planning scheme</i></li> <li>• for reconfiguring a lot—<i>IDAS form 7—Reconfiguring a lot</i></li> </ul> </li> <li>• The assessment manager will either be the local government or the port authority or DSDIP.</li> </ul>

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, 1part , table 5, items 6 and 7

**Privacy—Please refer to your assessment manager for further details on the use of information recorded in this checklist.**

**Disclaimer:**

While the DSDIP believes that the information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information. It is your responsibility to make your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law, DSDIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this checklist.

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Date received

Reference numbers

*The Sustainable Planning Act 2009* is administered by DSDIP. This checklist and all other required application materials should be sent to your assessment manager and any referral agency.

# Schedule 3 Assessable Development

## Checklist 2—Material change of use

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This checklist only applies when the development application seeks approval for a material change of use of premises. Before completing this checklist, please complete *Checklist 1—Various aspects of development*.

You may complete this checklist as part of your development application. The checklist will:

- help you identify whether you need to make a development application for the proposed development
- help you identify the relevant Integrated Development Assessment System (IDAS) forms you need to complete as part of your application
- assist in identifying the assessment manager or referral agency for development that is assessable development under schedule 3 of the Sustainable Planning Regulation 2009.

If your development involves reconfiguring a lot, building work or operational work, it is recommended you complete the relevant checklists: *Checklist 3—Reconfiguring a lot*, *Checklist 4—Operational* or *Checklist 5—Building work*, where relevant.

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of State Development, Infrastructure and Planning's (DSDIP) website at [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au)

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the Sustainable Planning Regulation 2009.

### Part 1—General questions

#### 1.1 Is the proposed material change of use of premises for a brothel?

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.2          |
| <input type="checkbox"/> Yes           | • Complete part 2 of this checklist |

#### 1.2 Is the proposed material change of use of premises on strategic port land?

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.3          |
| <input type="checkbox"/> Yes           | • Complete part 3 of this checklist |

#### 1.3 Is the proposed material change of use of premises on airport land?

- |  |                                     |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.4          |
| <input type="checkbox"/> Yes           | • Complete part 4 of this checklist |

#### 1.4 Is the proposed material change of use of premises for a major hazard facility or proposed major hazard facility?

- |  |                            |
|--|----------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.5 |
|--|----------------------------|

<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>A development permit is required.</li> <li>The chief executive of DSDIP will be assessment manager or concurrence agency for the development application.</li> <li>You must complete <i>IDAS form 22—Major hazard facility</i>.</li> </ul>
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Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 5
- Sustainable Planning Regulation 2009, schedule 6, table 3, item 4
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 8

**1.5 Is the proposed material change of use of a potentially affected premises?**

<input checked="" type="checkbox"/> No	Continue to question 1.6
<input type="checkbox"/> Yes	Complete part 5 of this checklist

**1.6 Is the proposed development a potentially sensitive material change of use of premises?**

<input checked="" type="checkbox"/> No	Continue to question 1.7
<input type="checkbox"/> Yes	Complete part 6 of this checklist

**1.7 Is the proposed material change of use of premises for aquaculture?**

<input checked="" type="checkbox"/> No	Continue to question 1.8
<input type="checkbox"/> Yes	Complete part 7 of this checklist

**1.8 Is the proposed material change of use of premises in a wild river area and is the proposed use for agricultural activities or animal husbandry activities (as defined under the *Wild Rivers Act 2005*)?**

<input checked="" type="checkbox"/> No	Continue to question 1.9
<input type="checkbox"/> Yes	Complete part 8 of this checklist

**1.9 Is the proposed material change of use of premises for an environmentally relevant activity that, under the Environmental Protection Regulation 2008, section 16, is identified as a concurrence ERA (the relevant ERA)?**

<input checked="" type="checkbox"/> No	End of part 1 of checklist
<input type="checkbox"/> Yes	Complete part 9 of this checklist

**Part 2—Brothel**

**2.1 Do any of the following apply?**

More than five rooms in the proposed brothel are proposed to be used for providing prostitution.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any land, the subject of the development, is in, or within 200 metres of the closest point on any boundary of, a primarily residential area, or an area approved for residential development or intended to be residential in character (measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the land the subject of the development and the other land).	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any land, the subject of the development, is within 200 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities (measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the land the subject of the development and the other land).	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any land, the subject of the development, is within 100 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities, measured in a straight line.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The land, the subject of the development, is in a town with a population of less than 25 000, the local government for the local government area has required that all material changes of use for such development within the area be prohibited, and the Minister has agreed that the development should be prohibited.	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, this aspect of the development is prohibited development and a development application cannot be made.
- If **no** to all of the above, a development permit is required. You must complete *IDAS form 9—Brother*, and submit your application to the local government if the development is completely in a single local government area.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 2
- Sustainable Planning Regulation 2009, schedule 6, table 1, item 1(a)(iv)
- Sustainable Planning Act 2009, schedule 1, item 5

### Part 3—Strategic port land

#### 3.1 Do any of the following apply?

The proposed material change of use of premises is inconsistent with the land use plan approved under the <i>Transport Infrastructure Act 1994</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
The proposed material change of use of premises is assessable development under the land use plan approved under the <i>Transport Infrastructure Act 1994</i> , but is not inconsistent with it.	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to either of the above, a development permit is required. The port authority may be the assessment manager for the development application (see schedule 6 of the Sustainable Planning Regulation 2009).
- If the proposed material change of use of premises is inconsistent with the land use plan, you are also required to refer the application to the Minister under the *Transport Infrastructure Act 1994* as concurrence agency.
- You must complete *IDAS Form 10—Inconsistent development on strategic port land or Brisbane core port land*.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 3
- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 6
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 6

### Part 4—Airport land

#### 4.1 Do any of the following apply?

The proposed material change of use of premises is inconsistent with the land use plan approved under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

The proposed material change of use of premises is assessable development under the land use plan approved under the *Airport Assets (Restructuring and Disposal) Act 2008* for the airport land, but is not inconsistent with it.

☐ Yes ☐ No

- If **yes** to either of the above, a development permit is required for this aspect of development. The chief executive of DSDIP may be the assessment manager (see schedule 6 of the Sustainable Planning Regulation 2009).
- If the proposed material change of use of premises is inconsistent with the land use plan approved under the *Airport Assets (Restructuring and Disposal) Act 2008*, you are also required to refer the application to the chief executive of DSDIP as concurrence agency, if the chief executive of DSDIP is not the assessment manager.
- You must complete *IDAS Form 5—Material change of use assessable against a planning scheme*.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 4
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 5, item 7
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 7

## Part 5—Potentially affected premises

### 5.1 Do any of the following apply?

A suitability statement has been given for the premises, a site management plan has been approved in relation to the proposed use and the material change of use only involves:

- the fit-out of a building, or
- minor site excavation (e.g. post holes for open-sided non-habitable structures).

☐ Yes ☐ No

The proposed use is industrial and only involves minor site excavation (e.g. post holes for open-sided non-habitable structures).

☐ Yes ☐ No

- If **no** to both of the above:
  - A development permit is required for this aspect of development
  - The development application will require assessment by the chief executive of DSDIP, as assessment manager or concurrence agency
  - You must complete *IDAS form 24—Contaminated land*
- If **yes** to either of the above, this aspect of development is not assessable development but it is recommended that you provide a copy of any suitability statement or approved site management plan to the assessment manager to support your claim for exemption if any other aspects of your proposed use are assessable development.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 6
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 23

## Part 6—Potentially sensitive material change of use

### 6.1 Do either of the following apply?

All or part of the premises is used for, or if there is no existing use, was last used for, an industrial activity (other than a mining activity or chapter 5A activity).

☐ Yes ☐ No

All or part of the premises is in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or a chapter 5A activity).

☐ Yes ☐ No



- If **yes** to either of the above:
  - A development permit is required
  - The development application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency
  - You must complete *IDAS form 24—Contaminated land*
- If **no** to all of the above, this aspect of development does not require a development permit.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 7
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 23

## Part 7—Aquaculture

### 7.1 Will the proposed material change of use of premises for aquaculture cause discharge of waste into Queensland waters (as defined in section 36 of the *Acts Interpretation Act 1954*)?

- |                              |                            |
|------------------------------|----------------------------|
| <input type="checkbox"/> No  | • Continue to question 7.2 |
| <input type="checkbox"/> Yes | • Go to question 7.3       |

### 7.2 Do any of the following apply?

The aquaculture is: <ul style="list-style-type: none"> <li>• of indigenous freshwater fish species mentioned in the Fisheries Regulation 2008, schedule 10C</li> <li>• in a catchment listed in that schedule for that species for aquarium display or human consumption only</li> <li>• carried out in ponds, or using above-ground tanks, that have a total water surface area of no more than five hectares.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The aquaculture is of indigenous freshwater fish for aquarium display or human consumption only, or non-indigenous freshwater fish for aquarium display only, and is carried out using only above-ground tanks that have: <ul style="list-style-type: none"> <li>• a floor area, excluding water storage area, of no more than 50m<sup>2</sup></li> <li>• a roof impervious to rainwater.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
The aquaculture is of indigenous marine fish for aquarium display only and is carried out using only above-ground tanks that have a total floor area, excluding water storage areas, of no more than 50m <sup>2</sup> .	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **no** to all of the above, continue to question 7.3
- If **yes** to any of the above, a development permit is not required for this aspect of development, but the proposed material change of use will be self assessable development and must comply with applicable codes

### 7.3 Is any part of the proposed material change of use of premises for aquaculture intended to be located in a wild river area?

- |                             |  |
|-----------------------------|--|
| <input type="checkbox"/> No | <ul style="list-style-type: none"> <li>• A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency</li> <li>• You must complete <i>IDAS form 25—Aquaculture</i></li> <li>• End of part 7 of this checklist</li> </ul> |
|-----------------------------|--|

<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>Continue to question 7.4</li> </ul>
------------------------------	--

**7.4 Is the proposed material change of use of premises for aquaculture in a wild river high preservation area or wild river special floodplain management area?**

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>Continue to question 7.5</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>To the extent the development is in a wild river high preservation area or wild river special floodplain management area, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, then that is the end of part 7 of this checklist, otherwise continue to question 7.5</li> </ul>

**7.5 Is any part of the proposed material change of use of premises on land to which a property development plan under the *Wild Rivers Act 2005* applies?**

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency</li> <li>You must complete <i>IDAS form 25—Aquaculture</i></li> <li>End of part 7 of this checklist</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>Continue to question 7.6</li> </ul>

**7.6 Is the proposed material change of use inconsistent with the property development plan under the *Wild Rivers Act 2005*?**

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency</li> <li>You must complete <i>IDAS form 25—Aquaculture</i></li> <li>End of part 7 of this checklist</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>This aspect of development is prohibited development and a development application can not be made for this aspect of development</li> <li>End of part 7 of this checklist</li> </ul>

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 10
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 2, item 1
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 28
- Sustainable Planning Act 2009*, schedule 1, items 2 and 6

**Part 8—Agriculture and animal husbandry activities**

**8.1 Is the proposed material change of use of premises for animal husbandry activities in a wild river high preservation area or wild river special floodplain management area?**

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>Continue to question 8.2</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>To the extent the development is in a wild river high preservation area or wild river special floodplain management area, it is prohibited development and a development application cannot be made. If this is the only aspect of development, end of part 8 of this checklist, otherwise continue to question 8.2</li> </ul>

**8.2 Is the proposed material change of use of premises for agricultural activities in any of the following?**

• A wild river high preservation area	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A wild river preservation area or wild river special floodplain management area and the development involves the production of a high risk species	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A wild river special floodplain management area and the development is for agricultural activities that involve irrigation	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of part 8 of checklist, otherwise continue to question 8.3
- If **no** to all of the above, continue to question 8.3

**8.3 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?**

<input type="checkbox"/> No	<ul style="list-style-type: none"><li>• A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency</li><li>• Your application must include <i>IDAS form 29—Agricultural activities in a wild river area</i> or <i>IDAS form 30—Animal husbandry activities in a wild river area</i></li></ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"><li>• Continue to question 8.4</li></ul>

**8.4 Is the development inconsistent with any property development plan that applies to the land?**

<input type="checkbox"/> Yes	<ul style="list-style-type: none"><li>• This aspect of the development is prohibited development and a development application cannot be made. End of part 8 of checklist</li></ul>
<input type="checkbox"/> No	<ul style="list-style-type: none"><li>• A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or referral agency</li><li>• Your application must include <i>IDAS form 29—Agricultural activities in a wild river area</i> or <i>IDAS form 30—Animal husbandry activities in a wild river area</i></li></ul>

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 11
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 41
- *Sustainable Planning Act 2009*, schedule 1, items 1 and 2

**Part 9—Environmentally relevant activities (ERA)****9.1 Has an environmental authority to carry out a concurrence ERA been approved for the premises?**

<input type="checkbox"/> No	<ul style="list-style-type: none"><li>• Continue to question 9.4</li></ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"><li>• Continue to question 9.2</li></ul>

**9.2 Is the relevant ERA and the concurrence ERA approved under the environmental authority to be carried out under the environmental authority?**

<input type="checkbox"/> No	<ul style="list-style-type: none"><li>• Continue to question 9.4</li></ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"><li>• Continue to question 9.3</li></ul>

**9.3 Does the relevant ERA have a lower aggregate environmental score than the concurrence ERA approved under the environmental authority, under the Environmental Protection Regulation 2008, section 14(1)?**

<input type="checkbox"/> No	• Continue to question 9.4
<input type="checkbox"/> Yes	• This aspect of development does not require a development permit. End of checklist

**9.4 Do all of the following apply?**

The environmentally relevant activity is to be carried out in the North Stradbroke Island Region.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The environmentally relevant activity is mentioned in the Environmental Protection Regulation 2008, schedule 2, part 4, section 16.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The environmentally relevant activity involves dredging or extracting more than 10 000 tonnes of material a year.	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to all of the above, this aspect of development is prohibited development (to the extent it involves dredging or extracting more than 10000 tonnes of material a year) and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.5
- If **no** to any of the above, continue to question 9.5

**9.5 Is any part of the proposed material change of use of premises for an environmentally relevant activity intended to be located in a wild river area?**

<input type="checkbox"/> No	• Go to question 9.14
<input type="checkbox"/> Yes	• Continue to question 9.6

**9.6 Does the proposed development involve development in waters in a wild river area that is for an extraction ERA?**

<input type="checkbox"/> No	• Go to question 9.8
<input type="checkbox"/> Yes	• Continue to question 9.7

**9.7 Will the development application for the proposed development be accompanied by an allocation notice?**

<input type="checkbox"/> No	• This aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.8
<input type="checkbox"/> Yes	• Continue to question 9.8

**9.8 Does the proposed development involve development in a wild river high preservation area or a wild river special floodplain management area?**

<input type="checkbox"/> No	• Go to question 9.10
<input type="checkbox"/> Yes	• Continue to question 9.9

**9.9 Is the proposed development any of the following?**

A sewage ERA under the <i>Environmental Protection Act 1994</i> , section 174(4)	<input type="checkbox"/> Yes <input type="checkbox"/> No
A water treatment ERA under the <i>Environmental Protection Act 1994</i> , section 174(4)	<input type="checkbox"/> Yes <input type="checkbox"/> No

A dredging ERA	<input type="checkbox"/> Yes <input type="checkbox"/> No
An extraction ERA, if the activity is a low impact activity carried out outside waters and is for specified works, residential complexes, or another commercial, industrial or residential purpose in a designated urban area, in the wild river high preservation area or a wild river special floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No
A screening ERA, if the activity is carried out outside waters and is for specified works, or residential complexes, in the wild river high preservation area or a wild river special floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No
A crude oil or petroleum product storage ERA, if the activity is for residential complexes in the wild river high preservation area or a wild river special floodplain management area, and is carried out outside a designated urban area	<input type="checkbox"/> Yes <input type="checkbox"/> No
An exempt prescribed ERA under the <i>Environmental Protection Act 1994</i> , section 174(4), in a designated urban area	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, continue to question 9.10
- If **no** to all of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.10

**9.10 Does the proposed development involve an extraction ERA in a wild river floodplain management area?**

<input type="checkbox"/> No	• Go to question 9.12
<input type="checkbox"/> Yes	• Continue to question 9.11

**9.11 Is the proposed development either of the following?**

A low impact activity carried out outside waters	<input type="checkbox"/> Yes <input type="checkbox"/> No
For specified works, residential complexes, or another commercial, industrial or residential purpose in a designated urban area, in the wild river floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to either of the above, continue to question 9.12
- If **no** to all of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.12

**9.12 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?**

<input type="checkbox"/> No	• Go to question 9.14
<input type="checkbox"/> Yes	• Continue to question 9.13

**9.13 Is the development inconsistent with any property development plan that applies to the land?**

<input type="checkbox"/> Yes	• This aspect of the development is prohibited development and a development application cannot be made. End of checklist
<input type="checkbox"/> No	• Continue to question 9.14

**9.14 Is the concurrence ERA devolved to local government under the *Environmental Protection Regulation 2008*?**

<input type="checkbox"/> No	<ul style="list-style-type: none"> <li>• A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency</li> <li>• Your application must include <i>IDAS form 8—Environmentally relevant activity</i></li> <li>• End of checklist</li> </ul>
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> <li>• A development permit is required and this application requires assessment by the local government as assessment manager or concurrence agency</li> <li>• End of checklist</li> </ul>

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 1
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 1
- *Sustainable Planning Act 2009*, schedule 1, items 2, 9, 10, 11 and 13

**Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.**

**Disclaimer:**

While DSDIP believes that the information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information. It is your responsibility to make your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

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*The Sustainable Planning Act 2009* is administered by DSDIP. This checklist and all other required application materials should be sent to your assessment manager and any referral agency.