

7 December 2018

Our Ref: P61616

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

Via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Attention: Planning Department

Dear Brian and Carl,

**Reconfiguring of lot (1 into 2) at  
1 Ardmore Park Road, Kuranda - Lot 1  
RP733629.**

I am pleased to lodge this application for a Reconfiguring of lot (1 into 2) located at 1 Ardmore Park Road, Kuranda, formally described as Lot 1 RP733629.

The subject site is mapped for Queensland waterways for waterway barrier works, Water resource planning, and Regulated vegetation. Referral to SARA is not required for this application as the RoL does not involve barrier works in the waterways, and does not trigger referral for vegetation matters as the site is less than 5ha.

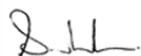
On the 27<sup>th</sup> of June 2016, an application to undertake the same proposal was lodged to council. This application was approved, although it has since lapsed.

The relevant information for the application is:

**Applicant:** Tallon Falvo  
c/- Planz Town Planning  
**Mailing address:** PO Box 181  
Edge Hill QLD 4870  
**Landowner:** Chris O'Brien  
**Application Fee:** \$995.00

If you require any further information please do call me.

Yours faithfully,



Susie Lord  
**Planz Town Planning Pty Ltd**

**Att.** DA form 1  
Planning Report with Appendices  
Land Owners Consent

# DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) 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 (i.e. material change of use, operational work or reconfiguring a lot)**, 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>	Tallon Falvo
Contact name <i>(only applicable for companies)</i>	Plan Town Planning
Postal address <i>(P.O. Box or street address)</i>	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	Australia
Contact number	07 4041 0445
Email address <i>(non-mandatory)</i>	info@planztp.com
Mobile number <i>(non-mandatory)</i>	0447 323 384
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	P61616

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
		1	Ardmore Park Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	1	RP733629	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

**Note:** Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

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

Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

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

In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

Jumrum Creek

On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

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

Name of airport:

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

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

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

<b>6.1) Provide details about the first development aspect</b>	
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 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>	
Reconfiguration of 1 lot into 2 lots	
e) Relevant plans	
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>	
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application	
<b>6.2) Provide details about the second development aspect</b>	
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	
<b>Note:</b> <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application	

**6.3) Additional aspects of development**

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

**Section 2 – Further development details****7) Does the proposed development application involve any of the following?**

- |                        |  |
|------------------------|--|
| Material change of use | <input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot    | <input checked="" type="checkbox"/> Yes – complete division 2  |
| Operational work       | <input type="checkbox"/> Yes – complete division 3   |
| Building work          | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>                     |

**Division 1 – Material change of use**

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

**8.1) Describe the proposed material change of use**

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)

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

- Yes
- 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?**

1

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

- |  |  |
|--|--|
| <input checked="" 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	2			

**10.2) Will the subdivision be staged?**

- Yes – provide additional details below
- 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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

12.2) What is the reason for the boundary realignment?

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

- |  |                                     |  |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work   | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work   | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping   | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 300px; height: 20px;"></table> |                                     |  |

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

<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	

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

\$	
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## PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

## PART 5 – REFERRAL DETAILS

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

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

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

#### Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – near a state-controlled road intersection
- On Brisbane core port land near a State transport corridor or future State transport corridor
- On Brisbane core port land – ERA
- On Brisbane core port land – tidal works or work in a coastal management district
- On Brisbane core port land – hazardous chemical facility
- On Brisbane core port land – taking or interfering with water
- On Brisbane core port land – referable dams
- On Brisbane core port land - fisheries
- Land within Port of Brisbane's port limits
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- Wetland protection area

#### Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- Local heritage places

Matters requiring referral to the <b>chief executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> <li>• The <b>Chief executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to <b>the Brisbane City Council:</b> <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the <b>Minister under the <i>Transport Infrastructure Act 1994</i>:</b> <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
Matters requiring referral to the <b>relevant port operator:</b> <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works marina ( <i>more than six vessel berths</i> )

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<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 <b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i> <ul style="list-style-type: none"> <li>• <i>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</i></li> <li>• <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i></li> </ul> <i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>



## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

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

List of approval/development application references	Reference number	Date	Assessment manager
<input 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)

- Yes – a copy of the receipted QLeave form is attached to this development application  
 No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
 Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

- Yes – show cause or enforcement notice is attached  
 No

23) Further legislative requirements

### Environmentally relevant activities

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

- Yes – the required attachment (form ESR/2015/1791) 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 "ESR/2015/1791" as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

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

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

### Hazardous chemical facilities

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

- Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
 No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that 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 includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **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](http://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.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works**?

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

No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **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](http://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, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.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 Science at [www.des.qld.gov.au](http://www.des.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.dnrme.qld.gov.au](http://www.dnrme.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.des.qld.gov.au](http://www.des.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.des.qld.gov.au](http://www.des.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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>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 <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued ( <i>see 21</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy –</b> 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.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> <li>• such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

## 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	
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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 received form sighted by assessment manager	
Name of officer who sighted the form	



## **APPLICATION FOR A DEVELOPMENT PERMIT**

**RECONFIGURING A LOT (1 LOT INTO 2 LOTS)**

**1 Ardmore Park Road, Kuranda**

**7 DECEMBER 2018**

**PREPARED BY**  
**PLANZ TOWN PLANNING PTY LTD**  
on behalf of  
**TALLON FALVO**

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## APPLICATION SUMMARY

Application Details	
<b>Proposal</b>	Development Permit - Reconfiguring a Lot, 1 lot into 2 lots.
<b>Applicant</b>	Tallon Falvo, C/- Planz Town Planning
<b>Property Owner</b>	Chris O'Brien
<b>Address</b>	1 Ardmoe Park Road, Kuranda
<b>Real Property Description</b>	Lot 1 RP733629
<b>Current Lot Size</b>	1.755ha
<b>Proposed Lot Sizes</b>	Lot 101 – 1.050 ha Lot 102 – 0.705 ha
<b>Zone</b>	Low density residential
<b>Current Use</b>	2 Dwelling Houses
<b>Level of Assessment</b>	Code
<b>Applicable Codes</b>	Low density residential zone Airport environs overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Transport infrastructure overlay Landscaping Parking and access Reconfiguring a lot Works, services and infrastructure
<b>Referral Triggers</b>	Nil

## 1. INTRODUCTION

### 1.1 Nature of the Proposal

The application is for a reconfiguring of a lot (1 into 2) on Lot 1 RP7336229, located at 1 Ardmore Park Road (with reciprocal access easements) as described in the table below. The proponent has previously gained approval on the ROL under the superseded Mareeba Shire Council Planning Scheme in 2016, however due to the timeframes, the proposal has lapsed, a new approval is required under the updated planning scheme. The original Development Application was submitted on the 24<sup>th</sup> June 2016, and approved on the 26<sup>th</sup> July 2016 (**See Appendix 3**).

The site contains two dwelling houses, which are 4.7m apart, the ends of the dwellings that will be closest to the proposed new boundary are not habitable rooms (i.e. bathroom, toilets and open shed refer **photo 1**) and the new boundary allows for sufficient fire separation and compliance with the building code setback provisions.

There are no changes to the original ROL which saw the below ROL outcomes:

New Lot	Area	Frontage	Improvement
101	10500m <sup>2</sup>	7.75m	Driveway access from easements A & B, 2 bedroom dwelling house, 1 bedroom sleep-out (unserviced), 2 water tanks and pump shed (previously used for hydroponics), power supply, onsite effluent disposal, town water supply
EMT B	39m <sup>2</sup>	7.75m	Access crossover
102	7060m <sup>2</sup>	7.75m	Driveway access from easements A & B, dwelling house, gravel driveway, power supply, on site effluent disposal, town water supply
EMT A	45m <sup>2</sup>	7.75m	Access crossover

This report demonstrates that the proposed ROL is an appropriate development in this existing residential area of Kuranda. Key points are summarised below.

The development:

- Formalises the current situation where there are 2 existing dwellings on site;
- Is consistent with the scale and character of the surrounding residential area;
- Will not impact on the natural values and water quality of Jum Rum Creek;

- Does not require vegetation clearing as dwellings, access and infrastructure provision are in the existing cleared area of the Lot;
- Maintains the existing usable crossover and driveways by the provision of reciprocal access easements;
- Will not place any additional demand on infrastructure and services.

## 1.2 Changes between the schemes

In the previous application, the only two codes that applied to this ROL was the Residential zone code and the Reconfiguring of lot code. However, due the previous application being in a period where the scheme was being transitioned, the application addressed the following codes that were in the Mareeba Shire Council draft planning scheme which included:

- Flood hazard overlay
- Bushfire hazard overlay
- Hill and slope overlay
- Environmental significance overlay
- Significant vegetation overlay
- Natural and Cultural Heritage features overlay

This application has assessed the ROL against the current scheme. A summary of the change is in the table below:

	Previous Scheme	Current Scheme
<b>Zone</b>	• Residential	• Low density residential
<b>Local Plan</b>	n/a	n/a
<b>Overlay Codes</b>	n/a	<ul style="list-style-type: none"> <li>• Low density residential zone</li> <li>• Airport environs overlay</li> <li>• Environmental significance overlay</li> <li>• Hill and slope overlay</li> <li>• Transport infrastructure overlay</li> <li>• Landscaping</li> <li>• Parking and access</li> <li>• Reconfiguring a lot</li> <li>• Works, services and infrastructure</li> </ul>
<b>Development Codes</b>	• Reconfiguring a lot	• Reconfiguring a lot

## 2.0 THE SITE

### 2.1 Address and Location

The 1.755 ha site at 1 Ardmore Park Road is located approximately 1.6 kilometres from the Kuranda village centre.

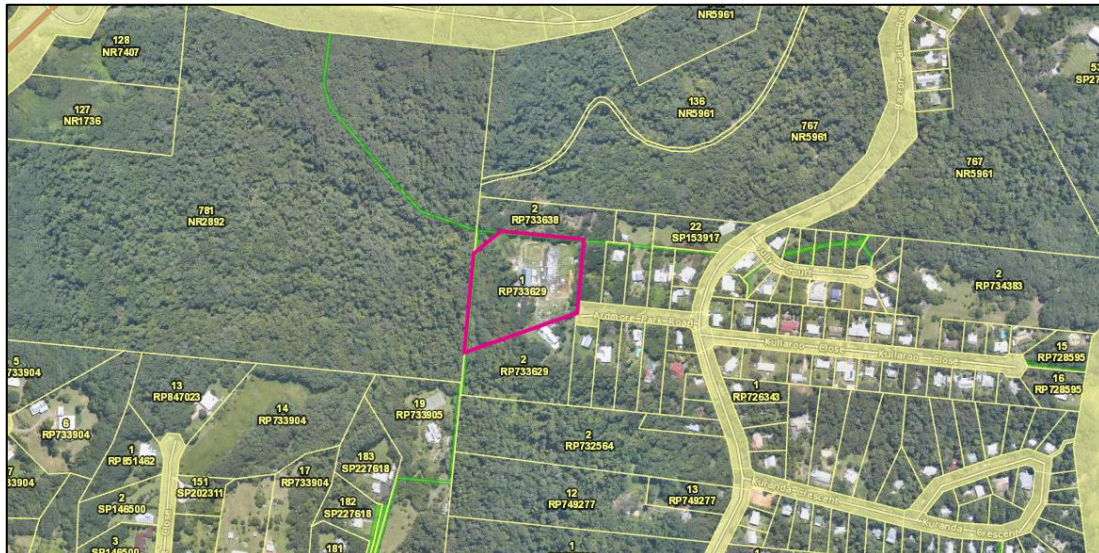


Figure 1: Locality of proposal

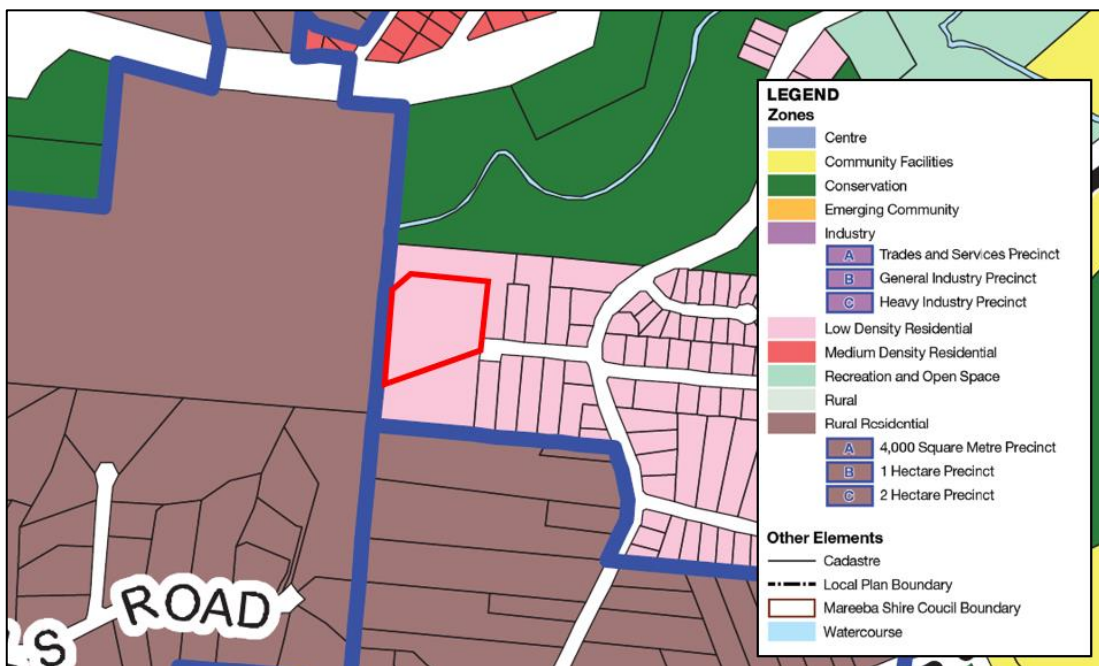


Figure 2: Zone map extract

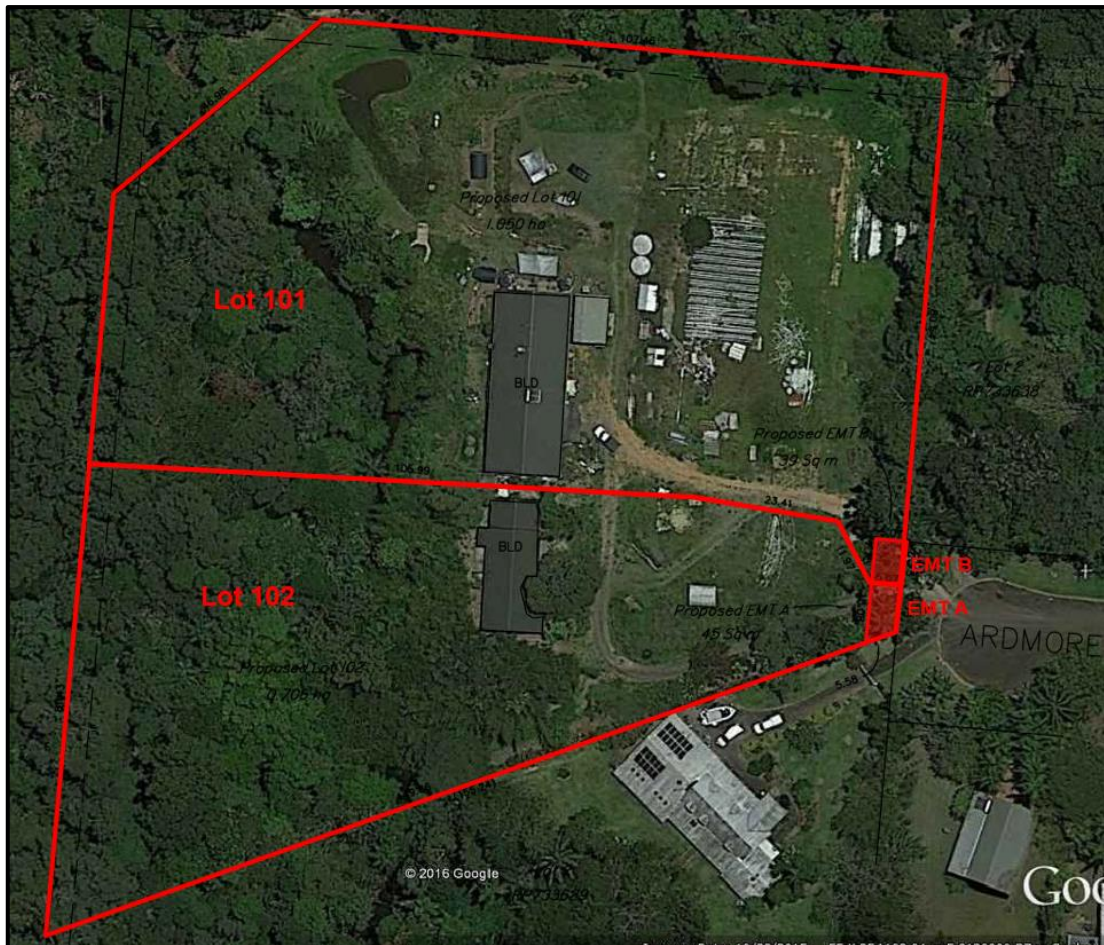


Figure 3: Extract from proposal plan showing reconfiguration

## 2.1 Site description

The site contains two dwelling houses, which are 4.7m apart, the ends of the dwellings that will be closest to the proposed new boundary are not habitable rooms (i.e. bathroom, toilets and open shed refer **photo 1**). The site also includes an unserviced 1 bedroom 'sleepout', two water tanks and a pump shed. The water tanks and pump shed are from a previous hydroponic strawberry growing operation. The site is connected to town water, electricity and telecommunications, has on-site effluent disposal, and is accessed from a bitumen sealed road (Ardmore Park Road).

There is a 15m frontage to the end of Ardmore Park Road, with an existing sealed split crossover that gives vehicle access to each proposed Lot.

The front buildable portion of the site has a gentle slope towards the west with the existing buildings and structures located to the rear of this flat cleared area. The rear

section of the site slopes steeply down to Jum Rum Creek and is heavily vegetated. The land and dwellings have existing stormwater drainage flows to the creek.

The tropical rainforest vegetation is identified as category B - regulated vegetation that is of least concern regional ecosystem, and Jum Rum Creek is a Queensland waterway (level 3 - high). These natural areas are an asset to the site, and the development will not require any clearing of vegetation, and will not interfere with the waterway.

There are water supply easements to the north and northwest corner boundaries of the site that are identified on the Lot 1 RP733629 SmartMap (see **Appendix 2**). These easements relate to historical subdivision in 1978, and it was confirmed in the previous application with the Department of Natural Resources and Mines (Natural Resources, Mines and Energy), that Lot 1 RP733629 contains no existing easements.

For further photos of the site, see **Appendix 3**.



*Photo 1: Dwelling views looking west along proposed boundary between Lots*

### 3.0 PLANNING CONSIDERATIONS

#### 3.1 Sustainable Planning Regulations and State Mapping

According to the previous state mapping, the site showed that only vegetation layer applied as the site contained “vegetation of least concern”. The *Sustainable Planning Regulation* Schedule 7, Table 3 Item 10 confirmed that the site did not trigger referral for vegetation matters as the site is less than 5ha. The site also contained a category 3 waterway, however the proposal does not involve barrier works and referral was not required.

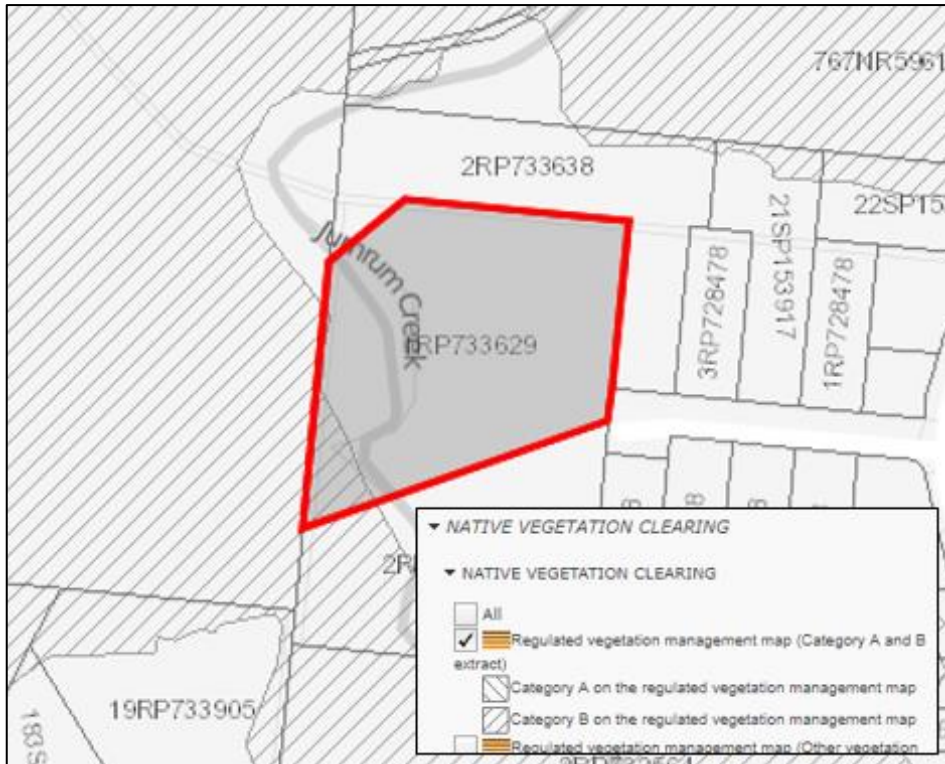
#### 3.2 Statement Assessment and Referral

The *Planning Regulations* and State Mapping (**Figure 4a & 4b**) set out the matters of interest to the State for development assessment. Where the State is a Referral agency for a development application the *State Development Assessments Provisions* (SDAP) apply.

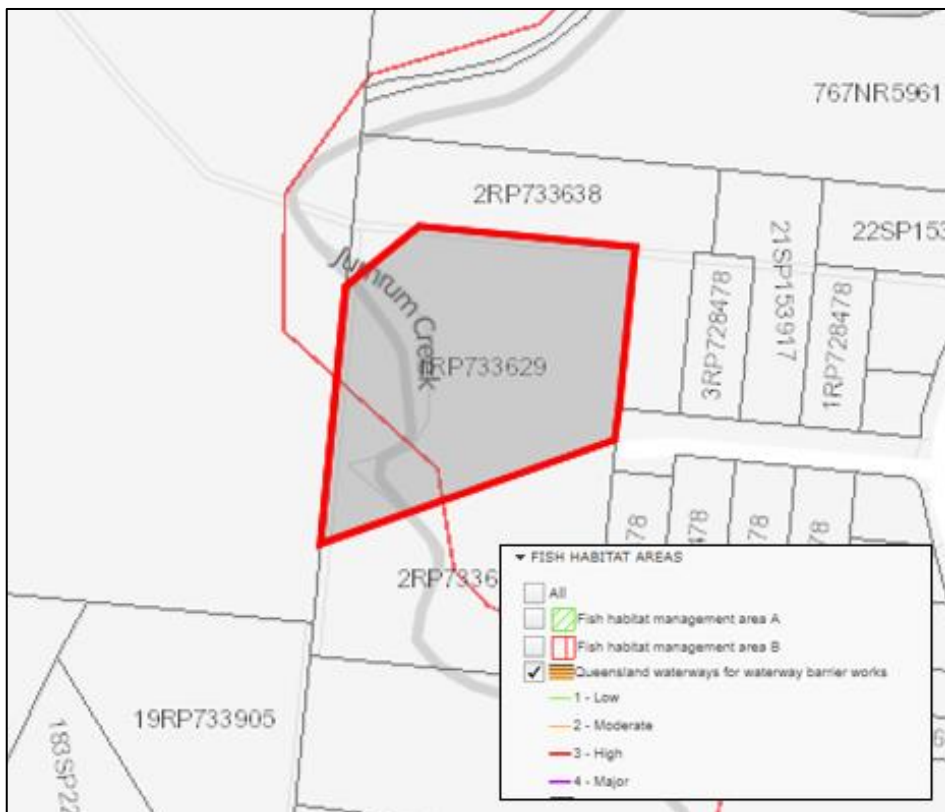
The site is mapped for the following State interests:

- Queensland waterways for waterway barrier works (High)
- Water resource planning area boundaries
- Regulated vegetation management map (Category B - least concern regional ecosystem)

The *Planning Regulation* Schedule 10, part 3, div 4, table 2, item 1, column 2 confirms that the site does **not** trigger referral for vegetation matters as the site is less than 5ha. The site also contains Queensland waterways for waterway barrier works, however the proposal does not involve barrier works and referral is **not** required.



**Figure 4a: Mapping layers for State Matters of Interest – Regulated vegetation management map (Category B)**



**Figure 4b: Mapping layers for State Matters of Interest - Queensland waterways for waterway barrier works (High)**



### 3.2 Mareeba Shire Council Assessment

The proposed use is Code Assessable Development against the Mareeba Shire Council Planning Scheme. The assessment and compliance table for this development is shown below.

Planning Scheme Assessment Table Codes		Applicability
<b>Zone Code</b>	Low density residential	✓
<b>Local Plan</b>	None	n/a
<b>Overlay Codes</b>	Agricultural land	n/a
	Airport Environs	✓
	Bushfire Hazard	n/a
	Environmental significance	✓
	Extractive Resources	n/a
	Flood Hazard	✓
	Heritage	n/a
	Hill and slope	✓
	Regional infrastructure corridors and substations	n/a
	Residential dwelling house and outbuilding overlay code	n/a
	Scenic amenity overlay code	n/a
	Transport infrastructure overlay code	✓
	<b>Use Codes</b>	None
<b>Other Development Codes</b>	Accommodation activities code	n/a
	Commercial activities code	n/a
	Community activities code	n/a
	Energy and infrastructure activities code	n/a
	Industrial activities code	n/a
	Rural activities code	n/a
	Sport and recreation activities code	n/a
	Advertising devices code	n/a
	Landscaping code	✓
	Parking and access code	✓
	Reconfiguring a lot code	✓
	Works, services and infrastructure code	✓

In considering the proposal against the relevant codes, there are Performance Outcomes and Acceptable Outcomes which are to be considered:

1. Assessable development must demonstrate that the Performance Outcomes can be achieved.
2. The Acceptable Outcomes that are nominated in the Codes are just one means by which the Performance Outcomes may be achieved.

The proposal satisfies the Purpose and Overall Outcomes of the Planning Scheme Codes, as identified in **Appendix 1**.

### 3.3 Compliance

#### **Lot frontage**

The size of the lots created in the Low density residential area that are connected to reticulated water must have a minimum area of 800m<sup>2</sup>, and a frontage of 16m. Each of the proposed lots achieve the minimum area required for the zone, however both have a frontage of 7.5m each.

The lots already has two dwelling houses with on-site effluent disposal. The site is accessed from a bitumen sealed road (Ardmore Park Road), and the site has an existing sealed split crossover that gives vehicle access to each proposed Lot. The site is connected to town water, electricity and telecommunications, and has on-site effluent disposal. The ROL will not place any additional demand on infrastructure or services. As well as not needing any clearing of the vegetation which allows the protection of the environmental features that are on or adjacent to the site.

The ROL will facilitate the natural progression of the site. The frontages of the site is of a consistent design of the surroundings area (see to Appendix 3 – Photos 2-4, 15-17).

#### **Hill and Slope**

The site is identified on the Hill and slope overlay. The site is already functioning with two dwelling houses with on-site effluent disposal. The site is connected to town water, electricity and telecommunications, and has on-site effluent disposal. The ROL will not place any additional demand on infrastructure or services.

The site contains existing access, houses, and service infrastructure and the ROL development will not result in the need for earthworks or trigger any slope stability considerations.

## APPENDIX 1: ASSESSMENT AGAINST THE PLANNING SCHEME

### 5.6 Categories of development and assessment—Reconfiguring a lot

The following table identifies the categories of development and assessment for reconfiguring a lot.

**Table 5.6.1—Reconfiguring a lot**

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Emerging community zone</b>	<b>Impact assessment</b>	
	If not: (a) realigning the common boundaries of adjoining lots; or (b) creating an access easement.	The planning scheme
<b>Rural residential zone</b>	<b>Impact assessment</b>	
	If: (a) not located in the 4,000m <sup>2</sup> precinct, 1 hectare precinct or 2 hectare precinct; and (b) resulting in the creation of one or more additional lots.	The planning scheme
<b>All zones other than the Emerging community zone or Rural residential zone</b>	No change	Reconfiguring a lot code Relevant zone code Landscaping code Parking and access code Works, services and infrastructure code
<b>Code assessment</b>		
Any other reconfiguring a lot not listed in this table. Any reconfiguring a lot listed in this table and not meeting the description listed in the “Categories of development and assessment” column.		

### 6.2.6 Low density residential zone code

The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

Mareeba Shire Council's purpose of the Low density residential zone code is to:

- (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
- (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
- (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.

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

- (a) The dominant form of development is detached dwelling houses, on a range of lot sizes;
- (b) In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;
- (c) High quality Residential care facilities and Retirement facilities are located on larger sites;
- (d) Development provides for an efficient land use pattern and is well connected to other developments;
- (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;
- (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
- (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;

- (h) Development reflects and enhances the existing low density scale and character of the area;
- (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
- (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;
- (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
- (l) Development takes account of the environmental constraints of the land; and
- (m) Any unavoidable impacts are minimised through location, design, operation and management requirements.

**Table 6.2.6.3A—Low density residential zone code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Height</b>		
<p><b>PO1</b> Building height takes into consideration and respects the following:</p> <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> </ul>	<p><b>AO1</b> Development has a maximum building height of:</p> <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above ground level.</li> </ul>	<p><b>Complies</b> The proposal is for an ROL. The dwellings are already existing on the site.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<ul style="list-style-type: none"> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>		
<b>Outbuildings and residential scale</b>		
<b>PO2</b> Domestic outbuildings: <ul style="list-style-type: none"> <li>(a) do not dominate the lot on which they are located; and</li> <li>(b) are consistent with the scale and character of development in the Low-density residential zone.</li> </ul>	<b>AO2</b> Domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>(a) 100m<sup>2</sup> in gross floor area; and</li> <li>(b) 5.5 metres in height above natural ground level.</li> </ul>	<b>Complies</b>
<b>Siting</b>		
<b>PO3</b> Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> <li>(a) the siting and use of adjoining premises;</li> <li>(b) access to sunlight and daylight for the site and adjoining sites;</li> <li>(c) privacy and overlooking;</li> <li>(d) opportunities for casual surveillance of adjoining public spaces;</li> <li>(e) air circulation and access to natural breezes; and</li> <li>(f) appearance of building bulk; and</li> <li>(g) relationship with road corridors.</li> </ul>	<b>AO3.1</b> Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> <li>(a) 6 metres from the primary road frontage; and</li> <li>(b) 3 metres from any secondary road frontage.</li> </ul>	<b>Complies</b>
	<b>AO3.2</b> Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.	<b>Complies</b> The existing dwellings are currently separated by 4.7m. The ROL will separate the lots, and the existing dwellings in the middle which will leave approximately 2.35m setback from each building to the new boundary. This side of each of the buildings where the new boundary will be placed are not habitable rooms (i.e. bathroom, toilets, and open shed - refer to section 2.1 <b>photo 1</b> ).
<b>Accommodation density</b>		

Performance outcomes	Acceptable outcomes	Applicant response
<p><b>PO4</b> The density of Accommodation activities:</p> <ul style="list-style-type: none"> <li>(a) contributes to housing choice and affordability;</li> <li>(b) respects the nature and density of surrounding land use;</li> <li>(c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and</li> <li>(d) is commensurate to the scale and frontage of the site.</li> </ul>	<p><b>AO4</b> Development provides a maximum density for Accommodation activities in compliance with <b>Table 6.2.6.3B</b>.</p>	<p><b>Not applicable</b> Development is not an Accommodation activity.</p>
<b>Gross floor area</b>		
<p><b>PO5</b> Buildings and structures occupy the site in a manner that:</p> <ul style="list-style-type: none"> <li>(a) makes efficient use of land;</li> <li>(b) is consistent with the bulk and scale of surrounding buildings; and</li> <li>(c) appropriately balances built and natural features.</li> </ul>	<p><b>AO5</b> Gross floor area does not exceed 600m<sup>2</sup>.</p>	<p><b>Complies</b> The site has two existing dwellings. The proposal for an ROL will not result in additional GFA due to this application. The ROL will separate the already existing dwellings on the site onto two separate lots..</p>
<b>For assessable development</b>		
<b>Building design</b>		
<p><b>PO6</b> Building facades are appropriately designed to:</p> <ul style="list-style-type: none"> <li>(a) include visual interest and architectural variation;</li> <li>(b) maintain and enhance the character of the surrounds;</li> <li>(c) provide opportunities for casual surveillance;</li> <li>(d) include a human scale; and</li> </ul>	<p><b>AO6</b> Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.</p>	<p><b>Complies</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
(e) encourage occupation of outdoor space.		
<p><b>PO7</b> Development complements and integrates with the established built character of the Low density residential zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) roof form and pitch;</li> <li>(b) eaves and awnings;</li> <li>(c) building materials, colours and textures; and</li> <li>(d) window and door size and location.</li> </ul>	<p><b>AO7</b> No acceptable outcome is provided.</p>	<p><b>Complies with PO</b> The proposal is for an ROL and the dwellings are already existing on the site.</p>
<b>Non-residential development</b>		
<p><b>PO8</b> Non-residential development is only located in new residential areas and:</p> <ul style="list-style-type: none"> <li>(a) is consistent with the scale of existing development;</li> <li>(b) does not detract from the amenity of nearby residential uses;</li> <li>(c) directly supports the day to day needs of the immediate residential community; and</li> <li>(d) does not impact on the orderly provision of non-residential development in other locations in the shire.</li> </ul>	<p><b>AO8</b> No acceptable outcome is provided.</p>	<p><b>Not applicable</b></p>
<b>Amenity</b>		
<p><b>PO9</b> Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) noise;</li> </ul>	<p><b>AO9</b> No acceptable outcome is provided.</p>	<p><b>Complies with PO</b> The proposal is for an ROL and the dwellings are already existing on the site.</p>



Performance outcomes	Acceptable outcomes	Applicant response
(b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.		No change to the amenity is going to result from the ROL.
<p><b>PO10</b>                      Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	<p><b>AO10</b>                      No acceptable outcome is provided.</p>	<p><b>Complies with PO</b>                      The ROL will separate the dwelling houses that are already existing on the site.</p>

## 8.2.2 Airport environs overlay code

The purpose of the Airport environs overlay code is to protect the current and ongoing operations of established airports, aerodromes and aviation infrastructure in Mareeba Shire.

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

- (a) The ongoing operation of Mareeba Airport and its associated infrastructure are protected from incompatible development;
- (b) Aerodromes in Chillagoe and Dimbulah are maintained to support recreation, mining and rural uses;
- (c) Operational airspace is protected;
- (d) Threats to aviation safety such as bird and bat strike and distraction or blinding of pilots are avoided or minimised;
- (e) State significant aviation facilities associated with the Mareeba Airport are protected from encroachment by sensitive land uses; and
- (f) Development in the vicinity of airports, aerodromes and aviation infrastructure does not compromise public safety.

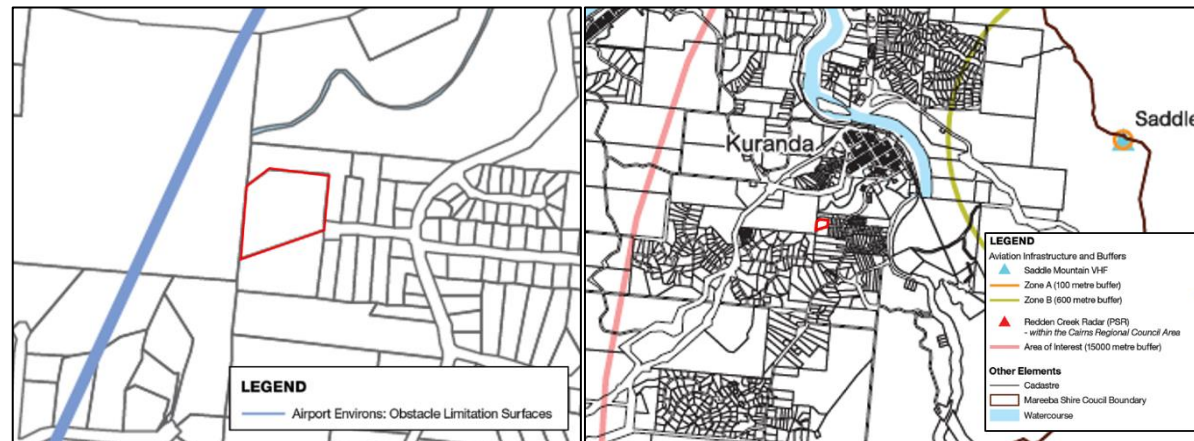


Figure 5a: Airport Environs Overlay

Figure 5b: Airport Environs Overlay

**Table 8.2.2.3 - Airport environs overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Protection of operational airspace</b>		
<p><b>PO1</b> Development does not interfere with movement of aircraft or the safe operation of an airport or aerodrome where within the:</p> <ul style="list-style-type: none"> <li>(a) Airport environs: OLS area of Mareeba Airport identified on <b>Airport environs overlay map (OM-002c)</b>; or</li> <li>(b) Airport environs: OLS area of Cairns Airport identified on <b>Airport environs overlay map (OM-002c.1)</b>; or</li> <li>(c) 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b>; or</li> <li>(d) 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b>.</li> </ul>	<p><b>AO1.1</b> Development does not exceed the height of the Obstacle Limitation Surface (OLS) where located within the Airport environs: OLS area of:</p> <ul style="list-style-type: none"> <li>(a) Mareeba Airport identified on <b>Airport environs overlay map (OM-002c)</b>; or</li> <li>(b) Cairns Airport identified on <b>Airport environs overlay map (OM-002c.1)</b>.</li> </ul>	<p><b>Complies</b> Proposal is for a ROL and does not require building.</p>
	<p><b>AO1.2</b> Development has a maximum height of 10 metres where within the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b>.</p>	<p><b>Not applicable</b> The site is not located within the 'Airport environs: Airport buffer - 1 kilometre'.</p>
	<p><b>AO1.3</b> Development has a maximum height of 15 metres where within the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b>.</p>	<p><b>Not applicable</b> The site is not located within the 'Airport environs: Airport buffer - 3 kilometre'</p>
<b>Lighting</b>		
<p><b>PO2</b> Development does not include lighting that:</p> <ul style="list-style-type: none"> <li>(a) has the potential to impact on the efficient and safe operation of Mareeba Airport or an aerodrome; or</li> <li>(b) could distract or confuse pilots.</li> </ul>	<p><b>AO2</b> Development within the 'Airport environs: Distance from airport - 6 kilometres' area for Mareeba Airport identified on <b>Airport environs overlay map (OM-002b)</b> or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b> does not:</p> <ul style="list-style-type: none"> <li>(a) involve external lighting, including street lighting, that creates straight parallel lines of lighting that are more than 500 metres long; and</li> </ul>	<p><b>Not applicable</b> The site is not located within the 'Airport environs: Airport buffer - 6 kilometre' or the 'Airport environs: Airport buffer - 3 kilometre'</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	(b) does not contain reflective cladding upwards shining lights, flashing lights or sodium lights.	
<b>Noise exposure</b>		
<b>PO3</b> Development not directly associated with Mareeba Airport is protected from aircraft noise levels that may cause harm or undue interference.	<b>AO3</b> Sensitive land uses are acoustically insulated to at least the minimum standards specified by AS2021 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction where located within the 'Airport environs: 20-25 ANEF' area identified on <b>Airport environs overlay map (OM-002d)</b> .	<b>Not applicable</b> The site is not located within the located within the 'Airport environs: 20-25 ANEF' area.
<b>Public safety</b>		
<b>PO4</b> Development does not compromise public safety or risk to property.	<b>AO4</b> Development is not located within the 'Airport environs: Mareeba Airport public safety area' identified on <b>Airport environs overlay map (OM-002e)</b> .	<b>Not applicable</b> The site is not located within the located within the 'Airport environs: Mareeba Airport public safety area'.
<b>State significant aviation facilities associated with Mareeba Airport</b>		
<b>PO5</b> Development does not impair the function of state significant aviation facilities by creating: (a) physical obstructions; or (b) electrical or electro-magnetic interference; or (c) deflection of signals.	<b>AO5.1</b> Development within 'Airport environs: Zone B (600 metre buffer)' for the 'Saddle Mountain VHF' facility identified on <b>Airport environs overlay map (OM-002a.1)</b> does not exceed a height of 640 metres AHD.	<b>Not applicable</b> The site is not located within the located within the 'Airport environs: Zone B (600 metre buffer)'.
	<b>AO5.2</b> Development within 'Airport environs: Zone B (4,000 metre buffer)' for the 'Hahn Tableland Radar (RSR)' facility identified on <b>Airport environs overlay map (OM-002a)</b> does not exceed a height of 950 metres AHD, unless associated with Hann Tableland Radar facility.	<b>Not applicable</b> The site is not located within the located within the 'Airport environs: Zone B (4,000 metre buffer)'.
	<b>AO5.3</b>	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant Response
	<p>Building work does not occur within 'Airport environs: Zone A (200 metre buffer)' of the 'Biboohra CVOR' facility identified on <b>Airport environs overlay map (OM-002a)</b> unless associated with the Biboohra CVOR facility.</p>	<p>The site is not located within the located within the 'Airport environs: Zone A (200 metre buffer)' of the 'Biboohra CVOR'.</p>
	<p><b>AO5.4</b>                      Development within 'Airport environs: Zone B (1,500 metre buffer)' of the 'Biboohra CVOR' facility identified on <b>Airport environs overlay map (OM-002a)</b>, but outside 'Zone A (200 metre buffer)' identified on <b>Airport environs overlay map (OM-002a)</b>, does not include:</p> <ul style="list-style-type: none"> <li>(a) the creation of a permanent or temporary physical line of sight obstruction above 13 metres in height; or</li> <li>(b) overhead power lines exceeding 5 metres in height; or</li> <li>(c) metallic structures exceeding 7.5 metres in height; or</li> <li>(d) trees and open lattice towers exceeding 10 metres in height; or</li> <li>(e) wooden structures exceeding 13 metres in height.</li> </ul>	<p><b>Not applicable</b>                      The site is not located within the located within the 'Airport environs: Zone B (1,500 metre buffer)' of the 'Biboohra CVOR'.</p>
<b>For assessable development</b>		
<b>Mareeba Airport</b>		
<b>Protection of operational airspace</b>		
<p><b>PO6</b>                      Development within the vicinity of Mareeba Airport or an aerodrome does not interfere with the:</p> <ul style="list-style-type: none"> <li>(a) movement of aircraft; or</li> <li>(b) safe operation of the airport or facility.</li> </ul>	<p><b>AO6.1</b>                      Development involving sporting and recreational aviation activities such as parachuting, hot air ballooning or hang gliding, does not occur within the Airport environs: OLS area of:</p> <ul style="list-style-type: none"> <li>(a) Mareeba Airport identified on <b>Airport environs overlay map (OM-002c)</b>; or</li> </ul>	<p><b>Not applicable</b>                      Proposal is for a ROL.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	(b) Cairns Airport identified on <b>Airport environs overlay map (OM-002c.1)</b> .	
	<b>AO6.2</b> Development involving temporary or permanent aviation activities does not occur within the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b> .	<b>Not applicable</b> Proposal is for a ROL.
<b>PO7</b> Development does not affect air turbulence, visibility or engine operation in the operational airspace of Mareeba Airport or regional aerodromes.	<b>AO7</b> Development does not result in the emission of a gaseous plume, at a velocity exceeding 4.3 metres per second, or smoke, dust, ash or steam within: (a) the Airport environs: OLS area of Mareeba Airport identified on <b>Airport environs overlay map (OM-002c)</b> ; or (b) the Airport environs: OLS area of Cairns Airport identified on <b>Airport environs overlay map (OM-002c.1)</b> ; or (c) the 'Airport environs: Airport buffer - 1 kilometre' of a regional aerodrome identified on <b>Airport environs overlay map (OM-002f)</b> .	<b>Complies</b> Proposal is for a ROL and does not involve the emission of a gaseous plume.
<b>Managing bird and bat strike hazard to aircraft</b>		
<b>PO8</b> Development in the environs of Mareeba Airport or an aerodrome does not contribute to the potentially serious hazard from wildlife (bird or bat) strike.	<b>AO8.1</b> Development within the 'Airport environs: Distance from airport - 8 kilometres' Bird and bat strike zone of Mareeba Airport identified on <b>Airport environs overlay map (OM-002b)</b> or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b> provides that potential food and waste sources are covered and collected so that they are not accessible to wildlife.	<b>Not applicable</b> The site is not located within the located within the 'Airport environs: Distance from airport - 8 kilometres'.

Performance outcomes	Acceptable outcomes	Applicant Response
	<p><b>AO8.2</b> Development within the 'Airport environs: Distance from airport - 3 kilometres' Bird and bat strike zone of Mareeba Airport identified on <b>Airport environs overlay map (OM-002b)</b> or the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on <b>Airport environs overlay map (OM-002f)</b> does not include:</p> <ul style="list-style-type: none"> <li>(a) food processing; or</li> <li>(b) abattoir; or</li> <li>(c) intensive horticulture; or</li> <li>(d) intensive animal husbandry; or</li> <li>(e) garden centre; or</li> <li>(f) aquaculture.</li> </ul>	<p><b>Not applicable</b> The site is not located within the located within the 'Airport environs: Distance from airport - 3 kilometres'.</p>
	<p><b>AO8.3</b> Putrescible waste disposal sites do not occur within the 'Airport environs: Distance from airport - 13 kilometres' Bird and bat strike zone of:</p> <ul style="list-style-type: none"> <li>(a) Mareeba Airport identified on <b>Airport environs overlay map (OM-002b)</b>; or</li> <li>(b) Cairns Airport identified on <b>Airport environs overlay map (OM-002b.1)</b>.</li> </ul>	<p><b>Not applicable</b> The site is not located within the located within the 13 kilometres' Bird and bat strike zone of:</p> <ul style="list-style-type: none"> <li>(a) Mareeba Airport identified on <b>Airport environs overlay map (OM-002b)</b>; or</li> <li>(b) Cairns Airport identified on <b>Airport environs overlay map (OM-002b.1)</b>. 'Airport environs: Distance from airport - 3 kilometres'.</li> </ul>

#### **8.2.4 Environmental significance overlay code**

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

The Environmental significance overlay code ensures that:

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and
- (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.

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

- (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;
- (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
- (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
- (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;
- (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;
- (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and



- (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.

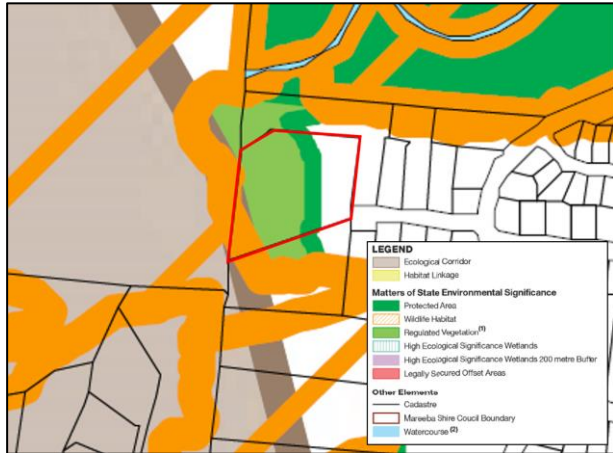


Figure 6a: Environmental Significance Overlay



Figure 6b: Environmental Significance Overlay

**Table 8.2.4.3A - Environmental significance overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Regulated vegetation</b>		
<p><b>PO1</b> Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is avoided unless:</p> <ul style="list-style-type: none"> <li>(a) it is demonstrated that the area does not support regulated vegetation as mapped;</li> <li>(b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;</li> <li>(c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and</li> <li>(d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO1.1</b> No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	<p><b>Complies</b> Proposal is for an ROL. No clearing is required.</p>
<p><b>PO2</b> Development on sites adjacent to areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> protects the environmental significance of regulated vegetation and:</p> <ul style="list-style-type: none"> <li>(a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water</li> </ul>	<p><b>AO2</b> Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	<p><b>Not applicable</b> Proposal is for an ROL. No clearing is required. Buildings are already existent on the site.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>quality, hydrology, geomorphology and biophysical processes;</p> <p>(b) does not negatively impact the movement of wildlife at a local or regional scale; and</p> <p>(c) avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified environmental values.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
<b>Regulated vegetation intersecting a watercourse</b>		
<p><b>PO3</b> Vegetation clearing in areas mapped as ‘Regulated vegetation intersecting a watercourse’, identified as ‘Waterway’ and ‘Waterway buffer’ on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a ‘Waterway’ identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p>	<p><b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>
	<p><b>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.2</b> No clearing of native vegetation is undertaken within the minimum setback identified at <b>AO3.1</b>.</p>	<p><b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>
<b>Waterways and wetlands</b>		
<p><b>PO4</b> ‘High ecological significance wetlands’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> and ‘Waterways’ on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> and are protected by:</p>	<p><b>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO4.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and</p>	<p><b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>(a) maintaining adequate separation distances between waterways/wetlands and development;</p> <p>(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;</p> <p>(c) maintaining waterway bank stability by minimising bank erosion and slumping;</p> <p>(d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and</p> <p>(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>the top of the high bank of a ‘Waterway’ identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p>	
	<p><b>Where within a ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.2</b></p> <p>A minimum buffer of 200 metres is provided between development and the edge of a ‘High ecological significance wetland’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	<p><b>Not applicable</b></p> <p>The site is not identified as being in the “High ecological significance wetland buffer” area.</p>
	<p><b>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.3</b></p> <p>No stormwater is discharged to a ‘Waterway’ on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or ‘High ecological significance wetland’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p> <p>Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a ‘Waterway’ or ‘High ecological significance wetland’ are mitigated in accordance with PO3 through appropriate stormwater management / treatment (where possible).</p>	<p><b>Complies</b></p> <p>The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>
	<p><b>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.4</b></p> <p>No wastewater is discharged to a ‘Waterway’ on <b>Environmental Significance - Waterway</b></p>	<p><b>Complies</b></p> <p>The proposal is for an ROL and the dwellings are already existing on the site. No development or</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	<p><b>Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Map (OM-004a-z)</b>.</p> <p>Note— A alternative outcome is required to demonstrate that the ecological impacts of wastewater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate wastewater management / treatment (where possible).</p>	<p>clearing is required. The site has existing on-site effluent disposal.</p>
<b>For assessable development</b>		
<b>Wildlife Habitat</b>		
<p><b>PO5</b> Development within a 'Wildlife habitat' area identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>:</p> <ul style="list-style-type: none"> <li>(a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;</li> <li>(b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site;</li> <li>(c) maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>(d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life</li> </ul>	<p><b>AO5</b> No acceptable outcome is provided</p>	<p><b>Complies with PO</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required. The ROL will not negatively impact the wildlife habitat area.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>stage ecological processes (such as feeding, breeding or roosting).</p> <p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
<b>Legally secured offset areas</b>		
<p><b>PO6</b> Development within a ‘Legally secured offset area’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO6</b> No acceptable outcome is provided.</p>	<p><b>Not applicable</b> Proposal is for an ROL and is not located within a ‘Legally secured offset area’.</p>
<b>Protected areas</b>		
<p><b>PO7</b> Development within a ‘Protected area’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is consistent with the values of the Protected Area and:</p>	<p><b>AO7</b> No acceptable outcome is provided</p>	<p><b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required. The ROL will not negatively impact the protected area.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>(a) supports the inherent ecological and community values of the Protected Area asset;</p> <p>(b) maintains or enhances wildlife interconnectivity at a local and regional scale; and</p> <p>(c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
<b>Ecological corridors and Habitat linkages</b>		
<p><b>PO8</b> Development located:</p> <p>(a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</p> <p>(b) within an ‘Ecological corridor’ or a ‘Habitat linkage’ identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p>	<p><b>AO8</b> No acceptable outcome is provided</p>	<p><b>Not applicable</b> The site is not located within the Conservation zone, Emerging community zone, Recreation and open space zone, or Rural zone or Rural residential zone.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>(a) the environmental values of the area of the site identified in the 'Ecological corridor' or 'Habitat linkage';</p> <p>(b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</p> <p>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</p> <p>(d) the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</p> <p>(e) the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.</p> <p>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</p>		



### 8.2.8 Hill and slope overlay code

The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.

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

- (a) Development is located to avoid sloping land where practical; and
- (b) Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.



Figure 7: Hill and slope overlay

Table 8.2.8.3 – Hill and slope overlay code - For assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
Slope stability		

Performance outcomes	Acceptable outcomes	Applicant response
<p><b>PO1</b> Where clearing of vegetation, building work or filling or excavation occurs on land within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>, a geotechnical report is prepared in accordance with Planning Scheme Policy 5 - Preparation of Geotechnical Reports that demonstrates:</p> <ul style="list-style-type: none"> <li>(a) the long term stability of the development site;</li> <li>(b) development will not be adversely affected by landslide activity originating on sloping land above the development site; and</li> <li>(c) development will not adversely affect other property outside the development site through landslide activity or alterations to surface or groundwater.</li> </ul>	<p><b>AO1</b> No acceptable outcome is provided.</p>	<p><b>Not applicable</b> Proposal is for a ROL. No clearing of vegetation is required.</p>
<p><b>PO2</b> Development is designed and located to ensure that the use can appropriately function in the 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and scale of the proposed use;</li> <li>(b) the gradient of the land;</li> <li>(c) the extent of land disturbance proposed;</li> <li>(d) stormwater discharge and its potential for erosion.</li> </ul>	<p><b>AO2.1</b> Development for a Child care centre or Educational establishment is not located on land in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>.</p>	<p><b>Not applicable</b> Development is for a ROL and is not for a Child care centre or Educational establishment.</p>
	<p><b>AO2.2</b> Development is not located on land with a gradient of greater than 25%.</p>	<p><b>Complies with PO</b> The site is already functional. The site contains existing access, houses, and service infrastructure and the ROL development will not result in the need for earthworks or trigger any slope stability considerations.</p> <p>Refer to section 3.3</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO2.3</b> No lot less than 2,000m<sup>2</sup> is created in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>.</p> <p>Note – Where a minimum lot size of less than 2,000m<sup>2</sup> applies under the Reconfiguring a lot code, the lot size requirements of the Hill and slope overlay code prevail.</p>	<p><b>Complies</b> Both lots are greater than 2,000m<sup>2</sup>.</p>
<b>Community infrastructure and essential services</b>		
<p><b>PO3</b> Community infrastructure and essential services located within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> are able to function effectively during and immediately after landslide events.</p>	<p><b>A03</b> No acceptable outcome is provided.</p>	<p><b>Complies with PO</b> The site is already functional. The site contains existing access, houses, and service infrastructure and the ROL development will not result in the need for earthworks or trigger any slope stability considerations.</p>

### 8.2.12 Transport infrastructure overlay code

The purpose of the Transport infrastructure overlay code is to promote the ongoing and expanded use of rail corridors within the shire for the transportation of passengers and freight.

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

- (a) Active 'Rail corridors' are protected from adjoining land uses which may prejudice their ongoing and expanded use;
- (b) Inactive 'Rail corridors' are preserved and protected for potential reuse for passenger or freight movements;
- (c) Non-residential development adjoining a 'Rail corridor' does not prevent the future use of the rail corridor by the site; and
- (d) Development compliments the use of 'Rail corridors' for tourist activities.



**Figure 8: Transport Network Overlay**

**Table 8.2.12.3 – Transport infrastructure overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<p><b>PO1</b> Development does prejudice the:</p> <ul style="list-style-type: none"> <li>(a) ongoing operation of an active ‘Rail corridor’ identified on the <b>Transport infrastructure overlay maps (OM-012a-j)</b>;</li> <li>or</li> <li>(b) the potential future use of an inactive ‘Rail corridor’ identified on the <b>Transport infrastructure overlay maps (OM-012a-j)</b>.</li> </ul>	<p><b>AO1</b> Buildings and structures are setback from a boundary with an active or inactive ‘Rail corridor’ identified on the <b>Transport infrastructure overlay maps (OM-012a-j)</b> a minimum of:</p> <ul style="list-style-type: none"> <li>(a) 40 metres where:                             <ul style="list-style-type: none"> <li>(i) in the Rural zone; and</li> <li>(ii) on a site with an area of 2 hectares or greater; or</li> </ul> </li> <li>(b) 5 metres otherwise.</li> </ul>	<p><b>Not applicable</b></p>
<b>For assessable development</b>		
<p><b>PO2</b> Non-residential development adjoining a rail corridor identified on the <b>Transport infrastructure overlay maps (OM-012a-j)</b> is designed to allow for the future use of the ‘Rail corridor’ by the land use.</p>	<p><b>AO2</b> No acceptable outcome is provided</p>	<p><b>Not applicable</b></p>
<p><b>PO3</b> Development adjoining a ‘Rail corridor’ identified on the <b>Transport infrastructure overlay maps (OM-012a-j)</b> used for the transportation of tourists is designed to:</p> <ul style="list-style-type: none"> <li>(a) provide visual interest;</li> <li>(b) screen or enhance areas of limited visual interest; and</li> <li>(c) complement and enhance the character of the shire.</li> </ul>	<p><b>AO3</b> No acceptable outcome is provided</p>	<p><b>Not applicable</b></p>

### 9.4.2 Landscaping code

The purpose of the Landscaping code is to ensure all development is landscaped to a standard that:

- (a) complements the scale and appearance of the development;
- (b) protects and enhances the amenity and environmental values of the site;
- (c) complements and enhances the streetscape and local landscape character; and
- (d) ensures effective buffering of incompatible land uses to protect local amenity.

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

- (a) Landscaping is a functional part of development design and is commensurate with the intended use;
- (b) Landscaping accommodates the retention of existing significant on site vegetation where appropriate and practical;
- (c) Landscaping treatments complement the scale, appearance and function of the development;
- (d) Landscaping contributes to an attractive streetscape;
- (e) Landscaping enhances the amenity and character of the local area;
- (f) Landscaping enhances natural environmental values of the site and the locality;
- (g) Landscaping provides effective screening both on site, if required, and between incompatible land uses;
- (h) Landscaping provides shade in appropriate circumstances;
- (i) Landscape design enhances personal safety and reduces the potential for crime and vandalism; and
- (j) Intensive land uses incorporate vegetated buffers to provide effective screening of buildings, structures and machinery associated with the use

**Table 9.4.2.3A—Landscaping code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<p><b>PO1</b> Development, other than in the Rural zone, includes landscaping that:</p> <ul style="list-style-type: none"> <li>(a) contributes to the landscape character of the Shire;</li> <li>(b) compliments the character of the immediate surrounds;</li> <li>(c) provides an appropriate balance between built and natural elements; and</li> <li>(d) provides a source of visual interest.</li> </ul>	<p><b>AO1</b> Development, other than in the Rural zone, provides:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 10% of the site as landscaping;</li> <li>(b) planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species;</li> <li>(c) for the integration of retained significant vegetation into landscaping areas;</li> <li>(d) on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional Development Manual.</li> </ul> <p>Note—Where development exceeds a site cover of 90%, areas of landscaping may be provided above ground level to achieve a total supply of landscaping equivalent to 10% of the site area.</p>	<p><b>Complies</b> Both resulting Lots will result in more than 10% of the site being landscaped.</p>
<p><b>PO2</b> Development, other than in the Rural zone, includes landscaping along site frontages that:</p> <ul style="list-style-type: none"> <li>(a) creates an attractive streetscape;</li> <li>(b) compliments the character of the immediate surrounds;</li> <li>(c) assists to break up and soften elements of built form;</li> <li>(d) screen areas of limited visual interest or servicing;</li> <li>(e) provide shade for pedestrians; and</li> <li>(f) includes a range and variety of planting.</li> </ul>	<p><b>AO2</b> Development, other than in the Rural zone, includes a landscape strip along any site frontage:</p> <ul style="list-style-type: none"> <li>(a) with a minimum width of 2 metres where adjoining a car parking area;</li> <li>(b) with a minimum width of 1.5 metres in all other locations; and</li> <li>(c) in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</li> </ul> <p>Note—Where development is setback from a frontage less than 1.5 metres, the setback area is provided as a landscape strip</p>	<p><b>Will be complied with</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p><b>PO3</b> Development includes landscaping and fencing along side and rear boundaries that:</p> <ul style="list-style-type: none"> <li>(a) screens and buffer land uses;</li> <li>(b) assists to break up and soften elements of built form;</li> <li>(c) screens areas of limited visual interest;</li> <li>(d) preserves the amenity of sensitive land uses; and</li> <li>(e) includes a range and variety of planting.</li> </ul>	<p><b>AO3.1</b> Development provides landscape treatments along side and rear boundaries in accordance with <b>Table 9.4.2.3B</b>.</p>	<p><b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development or clearing is required.</p>
	<p><b>AO3.2</b> Shrubs and trees provided in landscape strips along side and rear boundaries:</p> <ul style="list-style-type: none"> <li>(a) are planted at a maximum spacing of 1 metre;</li> <li>(b) will grow to a height of at least 2 metres;</li> <li>(c) will grow to form a screen of no less than 2 metres in height; and</li> <li>(d) are mulched to a minimum depth of 0.1 metres with organic mulch.</li> </ul>	<p><b>Complies</b> The site has existing shrubs and trees that provide landscape strips along the side and rear boundaries.</p>
	<p><b>AO3.3</b> Any landscape strip provided along a side or rear boundary is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p><b>Will be complied with</b></p>
<p><b>PO4</b> Car parking areas are improved with a variety of landscaping that:</p> <ul style="list-style-type: none"> <li>(a) provides visual interest;</li> <li>(b) provides a source of shade for pedestrians;</li> <li>(c) assists to break up and soften elements; and</li> <li>(d) improves legibility.</li> </ul>	<p><b>AO4.1</b> Landscaping is provided in car parking areas which provides:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 1 shade tree for every 4 parking spaces, or part thereof, where the car parking area includes 12 or more spaces;</li> <li>(b) a minimum of 1 shade tree for every 6 parking spaces, or part thereof, otherwise; and</li> <li>(c) where involving a car parking area in excess of 500m<sup>2</sup>:                             <ul style="list-style-type: none"> <li>(i) shade structures are provided for 50% of parking spaces; and</li> <li>(ii) a minimum of 10% of the parking area as landscaping.</li> </ul> </li> </ul>	<p><b>Will be complied with</b></p>



Performance outcomes	Acceptable outcomes	Applicant Response
	<p>Note—Where a shade structure is provided over part of a car parking area, shade tree planting is not required in this area of the car parking area.</p>	
	<p><b>AO4.2</b> Landscaping in car parking areas is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p><b>Will be complied with</b></p>
<p><b>PO5</b> Landscaping areas include a range and variety of planting that:</p> <ul style="list-style-type: none"> <li>(a) is suitable for the intended purpose and local conditions;</li> <li>(b) contributes to the natural character of the Shire;</li> <li>(c) includes native species;</li> <li>(d) includes locally endemic species, where practical; and</li> <li>(e) does not include invasive plants or weeds.</li> </ul>	<p><b>AO5.1</b> Plant species are selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO5.2</b> A minimum of 25% of (new and existing) plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.</p>	<p><b>Will be complied with</b></p>
<p><b>PO6</b> Landscaping does not impact on the ongoing provision of infrastructure and services to the Shire.</p>	<p><b>AO6.1</b> Tree planting is a minimum of</p> <ul style="list-style-type: none"> <li>(a) 2 metres from any underground water, sewer, gas, electricity or telecommunications infrastructure; and</li> <li>(b) 4 metres from any inspection chamber.</li> </ul>	<p><b>Will be complied with</b></p>
	<p><b>AO6.2</b> Vegetation below or within 4 metres of overhead electricity lines and power poles has a maximum height of 3.5 metres at maturity.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO6.3</b> Vegetation adjoining an electricity substation boundary, at maturity, will have:</p> <ul style="list-style-type: none"> <li>(a) a height of less than 4 metres; and</li> <li>(b) no foliage within 3 metres of the substation boundary, unless the</li> </ul>	<p><b>Not applicable</b> Vegetation does not adjoin an electricity substation.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	substation has a solid wall along any boundary.	
<b>For assessable development</b>		
<b>PO7</b> Landscaping areas are designed to: <ul style="list-style-type: none"> <li>(a) be easily maintained throughout the ongoing use of the site;</li> <li>(b) allow sufficient area and access to sunlight and water for plant growth;</li> <li>(c) not cause a nuisance to occupants of the site or members of the public; and</li> <li>(d) maintain or enhance the safety of pedestrians through the use of Crime Prevention Through Environmental Design principles.</li> </ul>	<b>AO7</b> No acceptable outcome is provided.	<b>Complies</b>

**Table 9.4.2.3B—Side and rear boundary landscape treatments**

Location or use	Landscape Strip Minimum Width	Screen Fencing Minimum Height	Extent of treatment
Where car parking, servicing or manoeuvring areas adjoin a side or rear boundary	1 metre	Not applicable	To the extent these areas adjoin the boundary
Where involving a use other than a dwelling house on a site with a common boundary with land in the Low density residential zone, the Medium density residential zone or the Rural residential zone:	1.5 metres	1.8 metres	Along the common boundary.
Development for an industrial activity which has a common boundary with land not within the Industry zone	2 metres	1.8 metres	Along the common boundary
Development involving <ul style="list-style-type: none"> <li>(a) Tourist park not in the Rural zone</li> <li>(b) Sales office</li> <li>(c) Multiple dwelling</li> </ul>	Not applicable	1.8 metres	Along all side and rear boundaries and between dwellings for a Dual occupancy.

(d) Residential care facility; or (e) Dual occupancy			
Development involving (a) Tourist park in the Rural zone (b) Service station (c) Car wash; or (d) Utility installation	2 metres	Not applicable	Along all side and rear boundaries
For: (a) waste storage; (b) equipment; (c) servicing areas; and (d) private open space and site facilities associated with Caretaker's accommodation.	Not applicable	1.8 metres	To prevent visibility

Note—Where more than one landscape treatment is applicable to a development in the above table, the development is to provide a landscape treatment that satisfies all applicable minimum specifications.

### 9.4.3 Parking and access code

The purpose of the Parking and access code is to ensure:

- (a) parking areas are appropriately designed, constructed and maintained;
- (b) the efficient functioning of the development and the local road network; and
- (c) all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use.

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

- (a) Land uses have a sufficient number of parking and bicycle spaces designed in a manner to meet the requirements of the user;
- (b) Parking spaces and associated manoeuvring areas are safe, functional and provide equitable access;
- (c) Suitable access for all types of vehicles likely to utilise a parking area is provided in a way that does not compromise the safety and efficiency of the surrounding road network;
- (d) Premises are adequately serviced to meet the reasonable requirements of the development; and
- (e) End of trip facilities are provided by new major developments to facilitate alternative travel modes.

**Table 9.4.3.3a—Parking and access code – For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Car parking spaces</b>		
<p><b>PO1</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:</p> <ul style="list-style-type: none"> <li>(a) nature of the use;</li> <li>(b) location of the site;</li> <li>(c) proximity of the use to public transport services;</li> </ul>	<p><b>AO1</b> The number of car parking spaces provided for the use is in accordance with <b>Table 9.4.3.3B</b>.</p> <p>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</p>	<p><b>Will be complied with</b> The proposal is for an ROL and the dwellings are already existing on the site. No development is required. The site is already functional.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
(d) availability of active transport infrastructure; and (e) accessibility of the use to all members of the community.		
<b>Vehicle crossovers</b>		
<b>PO2</b> Vehicle crossovers are provided to: <ul style="list-style-type: none"> <li>(a) ensure safe and efficient access between the road and premises;</li> <li>(b) minimize interference with the function and operation of roads; and</li> <li>(c) minimise pedestrian to vehicle conflict.</li> </ul>	<b>AO2.1</b> Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.	<b>Complies</b> Vehicular access is already existent.
	<b>AO2.2</b> Development on a site with two or more road frontages provides vehicular access from: <ul style="list-style-type: none"> <li>(a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or</li> <li>(b) from the lowest order road in all other instances.</li> </ul>	<b>Not applicable</b> The lots have one existing primary road frontage.
	<b>AO2.3</b> Vehicular access for particular uses is provided in accordance with <b>Table 9.4.3.3E</b> .	<b>Not applicable</b> Proposal is for a ROL.
<b>PO3</b> Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: <ul style="list-style-type: none"> <li>(a) the intensity of anticipated vehicle movements;</li> <li>(b) the nature of the use that they service; and</li> <li>(c) the character of the surrounding locality.</li> </ul>	<b>AO3</b> Access, manoeuvring and car parking areas include pavements that are constructed in accordance with <b>Table 9.4.3.3C</b> .	<b>Complies</b> The proposal is for an ROL and the dwellings are already existing on the site. No development is required. Access, manoeuvring, and car parking areas are already existent on site.
<b>For assessable development</b>		
<b>Parking area location and design</b>		

Performance outcomes	Acceptable outcomes	Applicant Response
<p><b>PO4</b> Car parking areas are located and designed to:</p> <ul style="list-style-type: none"> <li>(a) ensure safety and efficiency in operation; and</li> <li>(b) be consistent with the character of the surrounding locality.</li> </ul>	<p><b>AO4.1</b> Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO4.2</b> Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO4.3</b> The car parking area includes designated pedestrian routes that provide connections to building entrances.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO4.4</b> Parking and any set down areas are:</p> <ul style="list-style-type: none"> <li>(a) wholly contained within the site;</li> <li>(b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone;</li> <li>(c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and</li> <li>(d) provided at the side or rear of a building in all other instances.</li> </ul>	<p><b>Not applicable</b> Proposal is for a ROL in an existing residential site</p>
<p><b>Site access and manoeuvring</b></p>		
<p><b>PO5</b> Access to, and manoeuvring within, the site is designed and located to:</p> <ul style="list-style-type: none"> <li>(a) ensure the safety and efficiency of the external road network;</li> <li>(b) ensure the safety of pedestrians;</li> </ul>	<p><b>AO5.1</b> Access and manoeuvrability is in accordance with:</p> <ul style="list-style-type: none"> <li>(a) AS28901 – Car Parking Facilities (Off Street Parking); and</li> <li>(b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities.</li> </ul>	<p><b>Will be complied with</b></p>

Performance outcomes	Acceptable outcomes	Applicant Response
(c) provide a functional and convenient layout; and (d) accommodate all vehicles intended to use the site.	Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.	
	<b>AO5.2</b> Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTRROADS.	Will be complied with
	<b>AO5.3</b> Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.	Will be complied with
	<b>AO5.4</b> Pedestrian and cyclist access to the site: (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided).	Will be complied with
<b>PO6</b> Development that involves an internal road network ensures that it's design: (a) ensure safety and efficiency in operation; (b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of: (i) hours of operation; (ii) noise (iii) light; and (iv) odour; (c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use; (d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and	<b>AO6.1</b> Internal roads for a Tourist park have a minimum width of: (a) 4 metres if one way; or (b) 6 metres if two way.	Not applicable
	<b>AO6.2</b> For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle for vehicles towing caravans having: (a) a minimum approach and departure curve radius of 12 metres; and (b) a minimum turning circle radius of 8 metres.	Not applicable
	<b>AO6.3</b> Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.	Not applicable

Performance outcomes	Acceptable outcomes	Applicant Response
<p>(e) in the Rural zone, avoids environmental degradation.</p>	<p><b>AO6.4</b> Speed control devices are installed along all internal roads, apart from those for an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.</p>	<p><b>Not applicable</b></p>
	<p><b>AO6.5</b> Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.</p>	<p><b>Not applicable</b></p>
	<p><b>AO6.6</b> Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.</p>	<p><b>Not applicable</b></p>
	<p><b>AO6.7</b> For an Energy and infrastructure activity or Rural activity, internal road gradients: (a) are no steeper than 1:5; or (b) are steeper than 1:5 and are sealed.</p>	<p><b>Not applicable</b></p>
<p><b>Servicing</b></p>		
<p><b>PO7</b> Development provides access, maneuvering and servicing areas on site that: (a) accommodate a service vehicle commensurate with the likely demand generated by the use; (b) do not impact on the safety or efficiency of internal car parking or maneuvering areas; (c) do not adversely impact on the safety or efficiency of the road network;</p>	<p><b>AO7.1</b> All unloading, loading, service and waste disposal areas are located: (a) on the site; (b) to the side or rear of the building, behind the main building line; (c) not adjacent to a site boundary where the adjoining property is used for a sensitive use.</p>	<p><b>Not applicable</b> Proposal is for a ROL.</p>
	<p><b>AO7.2</b></p>	<p><b>Not applicable</b> Proposal is for a ROL.</p>



Performance outcomes	Acceptable outcomes	Applicant Response
(d) provide for all servicing functions associated with the use; and (e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.	Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.	
	<b>AO7.3</b> Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in <b>Table 9.4.3.3B</b> .	<b>Not applicable</b> Proposal is for a ROL.
<b>Maintenance</b>		
<b>PO8</b> Parking areas are used and maintained for their intended purpose.	<b>AO8.1</b> Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	<b>Not applicable</b> Proposal is for a ROL.
	<b>AO8.2</b> All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	<b>Not applicable</b> Proposal is for a ROL.
<b>End of trip facilities</b>		
<b>PO9</b> Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that: (a) meet the anticipated demand generated from the use; (b) comprise secure and convenient bicycle parking and storage; and (c) provide end of trip facilities for all active transport users.	<b>AO9.1</b> The number of bicycle parking spaces provided for the use is in accordance with <b>Table 9.4.3.3D</b> .	<b>Not applicable</b>
	<b>AO9.2</b> End of trip facilities are provided in accordance with <b>Table 9.4.3.3D</b> .	<b>Not applicable</b>
<b>If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park</b>		
<b>PO10</b> The level of traffic generated by the development on the surrounding local road network must not	<b>AO10</b> A traffic impact report is prepared by a suitably qualified person that identifies:	<b>Not applicable</b> Proposal is for a ROL.

Performance outcomes	Acceptable outcomes	Applicant Response
<p>result in unacceptable impacts on adjacent land and local road users.</p>	<ul style="list-style-type: none"> <li>(a) the expected traffic movements to be generated by the facility;</li> <li>(b) any associated impacts on the road network; and</li> <li>(c) any works that will be required to address the identified impacts.</li> </ul>	
<p><b>If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park</b></p>		
<p><b>PO11</b> The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p><b>AO11</b> A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> <li>(d) the expected traffic movements to be generated by the facility;</li> <li>(e) any associated impacts on the road network; and</li> <li>(f) any works that will be required to address the identified impacts.</li> </ul>	<p><b>Not applicable</b> Proposal is for a ROL.</p>

#### 9.4.4 Reconfiguring a lot code

The purpose of the Reconfiguring a lot code is to ensure that land is:

- (a) arranged in a manner which is consistent with the intended scale and intensity of development within the area;
- (b) provided with access to appropriate movement and open space networks; and
- (c) contributes to housing diversity and accommodates a range of land uses.

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

- (a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;
- (b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.
- (c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;
- (d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;
- (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
- (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
- (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
- (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
- (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
- (j) Land in historical townships is not reconfigured to be used for urban purposes; and
- (k) Residential subdivision and greenfield development is designed to consider and respect:

- i. topography;
- ii. climate responsive design and solar orientation;
- iii. efficient and sustainable infrastructure provision;
- iv. environmental values;
- v. water sensitive urban design;
- vi. good quality agricultural land; and
- vii. the character and scale of surrounding development.

**Table 9.4.4.3A—Reconfiguring a lot code – For assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>Area and frontage of lots</b>		
<p><b>PO1</b> Lots include an area and frontage that:</p> <ul style="list-style-type: none"> <li>(a) is consistent with the design of lots in the surrounding area;</li> <li>(b) allows the desired amenity of the zone to be achieved;</li> <li>(c) is able to accommodate all buildings, structures and works associated with the intended land use;</li> <li>(d) allow the site to be provided with sufficient access;</li> <li>(e) considers the proximity of the land to:                             <ul style="list-style-type: none"> <li>(i) centres;</li> <li>(ii) public transport services; and</li> <li>(iii) open space; and</li> </ul> </li> <li>(f) allows for the protection of environmental features; and</li> <li>(g) accommodates site constraints.</li> </ul>	<p><b>AO1.1</b> Lots provide a minimum area and frontage in accordance with <b>Table 9.4.4.3B</b>.</p>	<p><b>Complies with PO</b> The site share an already existing access driveway and are limited by the lot arrangement (shape) to having a frontage of 7.75m each. The ROL will result in Lot 101 to be 1.050ha, and Lot 102 to be 0.705ha.</p> <p>The Lots are an area and have a frontage that:</p> <ul style="list-style-type: none"> <li>1. is consistent with the design of lots in the surrounding area;</li> <li>2. allows the desired amenity of the zone to be achieved;</li> <li>3. is able to accommodate all buildings, structures and works associated with the intended land use;</li> <li>4. allow the site to be provided with sufficient access;</li> <li>5. considers the proximity of the land to:                             <ul style="list-style-type: none"> <li>a. centres;</li> <li>b. public transport services; and</li> <li>c. open space; and</li> </ul> </li> </ul>

Performance outcomes	Acceptable outcomes	Applicant Response
		6. allows for the protection of environmental features; and 7. accommodates site constraints  Refer to section 3.3.
<b>Existing buildings and easements</b>		
<b>PO2</b> Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures: (a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and (b) any continuing use is not compromised by the reconfiguration.	<b>AO2.1</b> Each land use and associated infrastructure is contained within its individual lot.	<b>Complies</b>
	<b>AO2.2</b> All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.	<b>Complies</b>
<b>PO3</b> Reconfiguring a lot which contains an existing easement ensures: (a) future buildings, structures and accessways are able to be sited to avoid the easement; and (b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.	<b>AO3</b> No acceptable outcome is provided.	<b>Complies with PO</b>
<b>Boundary realignment</b>		
<b>PO4</b> The boundary realignment retains all attendant and existing infrastructure connections and potential connections.	<b>AO4</b> No acceptable outcome is provided.	<b>Complies</b>
<b>Access and road network</b>		
<b>PO5</b> Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:	<b>AO5</b> No acceptable outcome is provided.	<b>Complies</b> Access to the sites are already existent.

Performance outcomes	Acceptable outcomes	Applicant Response
(a) safety; (b) drainage; (c) visual amenity; (d) privacy of adjoining premises; and (e) service provision.		
<p><b>PO6</b>                      Reconfiguring a lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> <li>(a) is consistent with that provided in the surrounding area;</li> <li>(b) maximises efficiency and safety; and</li> <li>(c) is consistent with the nature of the intended use of the lot.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<p><b>AO6</b>                      Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p><b>Complies</b>                      Vehicle crossover and access to the site is already existent.</p>
<p><b>PO7</b>                      Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intended use of the lots;</li> <li>(b) the existing use of surrounding land;</li> <li>(c) the vehicular servicing requirements of the intended use;</li> <li>(d) the movement and turning requirements of B-Double vehicles.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<p><b>AO7</b>                      No acceptable outcome is provided.</p>	<p><b>Not applicable</b>                      The site is not located in the Industry zone</p>
<b>Rear lots</b>		
<p><b>PO8</b>                      Rear lots are designed to:</p> <ul style="list-style-type: none"> <li>(a) provide a high standard of amenity for residents and other users of the site;</li> <li>(b) provide a high standard of amenity for adjoining properties; and</li> </ul>	<p><b>AO8.1</b>                      Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p>	<p><b>Not applicable</b>                      The ROL will not see the creation of any rear lot.</p>
	<p><b>AO8.2</b>                      No more than two rear lots are created behind any lot with a road frontage.</p>	<p><b>Not applicable</b>                      The ROL will not see the creation of any rear lot.</p>
	<p><b>AO8.3</b></p>	<p><b>Not applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant Response
<p>(c) not adversely affect the safety and efficiency of the road from which access is gained.</p>	<p>Access to lots is via an access strip with a minimum width of:</p> <p>(a) 4 metres where in the Low density residential zone or Medium density residential zone; or</p> <p>(b) 8 metres otherwise.</p>	<p>The ROL will not see the creation of any rear lot. Access to the lots is already existent and comply with the minimum width.</p>
	<p><b>AO8.4</b> A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note—Figure A provides further guidance in relation to the desired outcome.</p>	<p><b>Not applicable</b> The ROL will not see the creation of any rear lot.</p>
	<p><b>AO8.5</b> No more than 1 in 10 lots created in a new subdivision are rear lots.</p>	<p><b>Not applicable</b> The ROL will not see the creation of any rear lot.</p>
	<p><b>AO8.6</b> Rear lots are not created in the Centre zone or the Industry zone.</p>	<p><b>Not applicable</b> The site is not located in the Centre zone or the Industry zone.</p>
<b>Crime prevention and community safety</b>		
<p><b>PO9</b> Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to:</p> <p>(a) sightlines;</p> <p>(b) the existing and intended pedestrian movement network;</p> <p>(c) the existing and intended land use pattern; and</p> <p>(d) potential entrapment locations.</p>	<p><b>AO9</b> No acceptable outcome is provided.</p>	<p><b>Will comply with PO</b></p>
<b>Pedestrian and cycle movement network</b>		
<p><b>PO10</b> Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle</p>	<p><b>AO10</b> No acceptable outcome is provided.</p>	<p><b>Will comply with PO</b> The site is located at the end of a cul-de-sac with a creek running along the western (rear) boundary</p>

Performance outcomes	Acceptable outcomes	Applicant Response
movement network to achieve safe, attractive and efficient pedestrian and cycle networks.		of the property. The ROL will not adversely affect the Pedestrian and cycle movement network.
<b>Public transport network</b>		
<p><b>PO11</b> Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <ul style="list-style-type: none"> <li>(a) does not prejudice the future provision of the identified infrastructure;</li> <li>(b) appropriately treats the common boundary with the future corridor; and</li> <li>(c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement.</li> </ul>	<p><b>AO11</b> No acceptable outcome is provided.</p>	<b>Not applicable</b>
<b>Residential subdivision</b>		
<p><b>PO12</b> Residential lots are:</p> <ul style="list-style-type: none"> <li>(a) provided in a variety of sizes to accommodate housing choice and diversity; and</li> <li>(b) located to increase variety and avoid large areas of similar lot sizes.</li> </ul>	<p><b>AO12</b> No acceptable outcome is provided.</p>	<b>Complies with PO</b>
<b>Rural residential zone</b>		
<p><b>PO13</b> New lots are only created in the Rural residential zone where land is located within the 4,000m<sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.</p>	<p><b>AO13</b> No acceptable outcome is provided.</p>	<p><b>Not applicable</b> The site is not located in the Rural residential zone.</p>
<b>Additional provisions for greenfield development only</b>		
<p><b>PO14</b> The subdivision design provides the new community with a local identity by responding to:</p>	<p><b>AO14</b> No acceptable outcome provided.</p>	<p><b>Not applicable</b> The proposal is not greenfield development.</p>



Performance outcomes	Acceptable outcomes	Applicant Response
(a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views.		
<b>PO15</b> The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.	<b>AO15</b> No acceptable outcome provided.	<b>Not applicable</b> The proposal is not greenfield development.
<b>PO16</b> The road network is designed to: (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads.  Note—Figure B provides further guidance in relation to the desired outcome.	<b>AO16</b> No acceptable outcome provided.	<b>Not applicable</b> The proposal is not greenfield development.
<b>PO17</b> Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.	<b>AO17</b> The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.	<b>Not applicable</b> The proposal is not greenfield development.
<b>PO18</b> The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.	<b>AO18</b> No acceptable outcome provided.	<b>Not applicable</b> The proposal is not greenfield development.
<b>PO19</b> Provision is made for sufficient open space to: (a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected;	<b>AO19.1</b> A minimum of 10% of the site area is dedicated as open space.	<b>Not applicable</b> The proposal is not greenfield development.

Performance outcomes	Acceptable outcomes	Applicant Response
(b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and (c) meet regional, district and neighbourhood open space requirements.	<b>AO19.2</b> A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.	<b>Not applicable</b> The proposal is not greenfield development.
<b>PO20</b> A network of parks and community land is provided: (a) to support a full range of recreational and sporting activities; (b) to ensure adequate pedestrian, cycle and vehicle access; (c) which is supported by appropriate infrastructure and embellishments; (d) to facilitate links between public open spaces; (e) which is co-located with other existing or proposed community infrastructure; (f) which is consistent with the preferred open space network; and (g) which includes a diversity of settings;	<b>AO20</b> No acceptable outcome is provided.	<b>Not applicable</b> The proposal is not greenfield development.

**Table 9.4.4.3B—Minimum area and dimensions for Reconfiguring a lot**

Zone	Type	Minimum area	Minimum frontage
Low density residential	Where connected to reticulated water		
	Rear lot	1,000m <sup>2</sup>	5 metres
	All other lots	800m <sup>2</sup>	16 metres

#### 9.4.5 Works, services and infrastructure code

The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.

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

- (a) Development provides an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
- (b) Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
- (c) Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
- (d) Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
- (e) Development provides electricity and telecommunications services that meet its desired requirements;
- (f) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
- (g) Development does not affect the efficient functioning of public utility mains, services or installations;
- (h) Infrastructure dedicated to Council is cost effective over its life cycle;
- (i) Work associated with development does not cause adverse impacts on the surrounding area; and
- (j) Development prevents the spread of weeds, seeds or other pests.

**Table 9.4.5.3a – Works, services and infrastructure code – For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Water supply</b>		
<p><b>PO1</b> Each lot has an adequate volume and supply of water that:</p> <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<p><b>AO1.1</b> Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated water supply service area.</li> </ul>	<b>Complies</b>
	<p><b>AO1.2</b> Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with:</p> <ul style="list-style-type: none"> <li>(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or</li> <li>(b) on-site water storage tank/s:                             <ul style="list-style-type: none"> <li>(i) with a minimum capacity of 90,000L;</li> <li>(ii) fitted with a 50mm ball valve with a camlock fitting; and</li> <li>(iii) which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	<b>Not applicable</b>
<b>Wastewater disposal</b>		

Performance outcomes	Acceptable outcomes	Applicant Response
<p><b>PO2</b> Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<p><b>AO2.1</b> Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated sewerage service area.</li> </ul>	<p><b>Not applicable</b></p>
	<p><b>AO2.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located:</p> <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated sewerage service area.</li> </ul>	<p><b>Complies</b> Site has existing on-site effluent disposal.</p>
<b>Stormwater infrastructure</b>		
<p><b>PO3</b> Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.</p>	<p><b>AO3.1</b> Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p><b>Not applicable</b></p>
	<p><b>AO3.2</b> On-site drainage systems are constructed:</p> <ul style="list-style-type: none"> <li>(a) to convey stormwater from the premises to a lawful point of discharge; and</li> <li>(b) in accordance with the Design Guidelines and Specifications set out in the Planning</li> </ul>	<p><b>Complies</b> The proposal is for an ROL. The dwellings and infrastructure are already existing on the site. No development is required.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	Scheme Policy 4 – FNQROC Regional Development Manual.	
<b>Electricity supply</b>		
<p><b>PO4</b> Each lot is provided with an adequate supply of electricity</p>	<p><b>AO4</b> The premises: (a) is connected to the electricity supply network; or (b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (iii) it can be demonstrated that no adverse impact on visual amenity will occur.</p>	<p><b>Complies</b> Site is connected to electricity supply network.</p>
<b>Telecommunications infrastructure</b>		
<p><b>PO5</b> Each lot is provided with an adequate supply of telecommunication infrastructure</p>	<p><b>AO5</b> Development is provided with a connection to the national broadband network or telecommunication services.</p>	<p><b>Complies</b></p>
<b>Existing public utility services</b>		
<p><b>PO6</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p><b>AO6</b> Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in</p>	<p><b>Not applicable</b> No alteration to the public utility mains services are needed for this proposal.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	
<b>Excavation or filling</b>		
<p><b>PO7</b> Excavation or filling must not have an adverse impact on the:</p> <ul style="list-style-type: none"> <li>(a) streetscape;</li> <li>(b) scenic amenity;</li> <li>(c) environmental values;</li> <li>(d) slope stability;</li> <li>(e) accessibility; or</li> <li>(f) privacy of adjoining premises.</li> </ul>	<p><b>AO7.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.</p>	<p><b>Not applicable</b> The proposal for a ROL does not require excavation or filling.</p>
	<p><b>AO7.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.</p>	<p><b>Not applicable</b> The proposal for a ROL does not require excavation or filling.</p>
	<p><b>AO7.3</b> Earthworks batters:</p> <ul style="list-style-type: none"> <li>(a) are no greater than 1.5 metres in height;</li> <li>(b) are stepped with a minimum width 2 metre berm;</li> <li>(c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot;</li> <li>(d) have a slope no greater than 1 in 4; and</li> <li>(e) are retained.</li> </ul>	<p><b>Not applicable</b> The proposal for a ROL does not require earthwork batters.</p>
	<p><b>AO7.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <ul style="list-style-type: none"> <li>(a) adjoining premises; or</li> <li>(b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</li> </ul>	<p><b>Not applicable</b> The proposal for a ROL does not require excavation or filling.</p>
	<p><b>AO7.5</b> All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p><b>Not applicable</b> The proposal for a ROL does not require batters or berms.</p>
	<p><b>AO7.6</b></p>	<p><b>Not applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant Response
	Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	The proposal for a ROL does not require retaining walls.
	<b>AO7.7</b> Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
<b>For assessable development</b>		
<b>Transport network</b>		
<b>PO8</b> The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.	<b>AO8.1</b> Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	<b>Complies</b> Vehicle access, and crossovers to the site is already existent. The proposal is for an ROL. The dwellings and infrastructure are already existing on the site. No development is required.
	<b>AO8.2</b> Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	<b>Will be complied with where applicable</b>
<b>Public infrastructure</b>		
<b>PO9</b> The design, construction and provision of any infrastructure that is to be dedicated to Council is	<b>AO9</b> Development is in accordance with the Design Guidelines and Specifications set out in the	<b>Will be complied with where applicable</b>



Performance outcomes	Acceptable outcomes	Applicant Response
cost effective over its life cycle and incorporates provisions to minimise adverse impacts.	Planning Scheme Policy 4 – FNQROC Regional Development Manual.	
<b>Stormwater quality</b>		
<p><b>PO10</b> Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> <li>(a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters;</li> <li>(b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies;</li> <li>(c) achieve specified water quality objectives;</li> <li>(d) minimise flooding;</li> <li>(e) maximise the use of natural channel design principles;</li> <li>(f) maximise community benefit; and</li> <li>(g) minimise risk to public safety.</li> </ul>	<p><b>AO10.1</b> The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> <li>(a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and</li> <li>(b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: <ul style="list-style-type: none"> <li>(i) drainage control;</li> <li>(ii) erosion control;</li> <li>(iii) sediment control; and</li> <li>(iv) water quality outcomes.</li> </ul> </li> </ul>	<p><b>Complies with PO</b> The proposal is for an ROL. The dwellings and infrastructure are already existing on the site. No development is required. The ROL will not have a worsening effect on the site and surrounding land in relation to:</p> <ol style="list-style-type: none"> <li>1. the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters;</li> <li>2. protecting the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies;</li> <li>3. achieving specified water quality objectives;</li> <li>4. minimising flooding;</li> <li>5. maximising the use of natural channel design principles;</li> <li>6. maximising community benefit; and</li> <li>7. minimising risk to public safety.</li> </ol>
	<p><b>AO10.2</b> For development on land greater than 2,500m<sup>2</sup> or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:</p> <ul style="list-style-type: none"> <li>(a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline;</li> </ul>	<p><b>Complies with PO</b> Lot size is 1.755 ha. The proposal is for an ROL. The dwellings and infrastructure are already existing on the site. No development is required. The ROL will not have a worsening effect on the site and surrounding land in relation to:</p> <ol style="list-style-type: none"> <li>1. the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters;</li> <li>2. protecting the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies;</li> </ol>

Performance outcomes	Acceptable outcomes	Applicant Response
	(b) is consistent with any local area stormwater water management planning; (c) accounts for development type, construction phase, local climatic conditions and design objectives; and (d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity.	3. achieving specified water quality objectives; 4. minimising flooding; 5. maximising the use of natural channel design principles; 6. maximising community benefit; and 7. minimising risk to public safety.
<b>PO11</b> Storage areas for stormwater detention and retention: (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety.	<b>AO11</b> No acceptable outcome is provided.	<b>Complies with PO</b> The proposal is for an ROL. The dwellings and infrastructure are already existing on the site. No development is required.
<b>Excavation or filling</b>		
<b>PO12</b> Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.	<b>AO12.1</b> Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
	<b>AO12.2</b> Transportation of fill to or from the site does not occur: (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
<b>PO13</b>	<b>AO13.1</b>	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant Response
Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	Dust emissions do not extend beyond the boundary of the site.	The proposal for a ROL does not require excavation or filling.
	<b>AO13.2</b> No other air pollutants, including odours, are detectable at the boundary of the site.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
	<b>AO13.3</b> A management plan for control of dust and air pollutants is prepared and implemented.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
<b>PO14</b> Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	<b>AO14</b> Access to the premises (including all works associated with the access): (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	<b>Not applicable</b> The proposal for a ROL does not require excavation or filling.
<b>Weed and pest management</b>		
<b>PO15</b> Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	<b>AO15</b> No acceptable outcome is provided.	<b>Complies with PO</b> The ROL will not result in the spreading of weeds, seeds or other pests into clean areas.
<b>Contaminated land</b>		
<b>PO16</b> Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	<b>AO16</b> Development is located where: (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Applicant Response
<b>Fire services in developments accessed by common private title</b>		
<p><b>PO17</b> Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p><b>AO17.1</b> Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of: (a) 120 metres for residential development; and (b) 90 metres for any other development.</p>	<p><b>Not applicable</b></p>
	<p><b>AO17.2</b> Fire hydrants are located at all intersections of accessways or private roads held in common private title.</p>	<p><b>Not applicable</b></p>

## APPENDIX 2: PROPOSAL PLANS

Drawing or Document	Reference	Date
Reconfiguration Proposal Plan	G.T.POZZI 16/108	June 2016
Lot 1 RP733629 SmartMap	8064-31344	June 2016
Previous Development Application		June 2016
Decision Notice		July 2016

**APPENDIX 3: SITE PHOTOS**



*Photo 2: Existing crossover and access from Ardmore Park Road*



*Photo 3: Existing driveway to proposed Lot 102.*



*Photo 4: Existing driveway and view of proposed Lot 101*



*Photo 5: View looking south along western boundary*



*Photo 6: View across site from northeast corner*



*Photo 7: View looking west along northern boundary*





**Photo 8: View looking south towards existing buildings on proposed Lot 101**



**Photo 9: Detail of unserviced 'sleepout'**



**Photo 10: Detail of water tanks and pump shed**



**Photo 11: Existing dwelling (undergoing renovation) on proposed Lot 102**



*Photo 12: Rear view of existing dwelling on proposed Lot 102*



*Photo 13: Jum Rum Creek looking south*



***Photo 14: Jum Rum Creek looking south***

See **Photos 15-17** for adjacent residential lot and streetscape views.



***Photo 15: No 2 Ardmore Park Road***



*Photo 16: No 3 Ardmore Park Road*



*Photo 17: View east along Ardmore Park Road*

ROL 1 LOT INTO 2: 1 ARDMOE PARK ROAD, KURAND



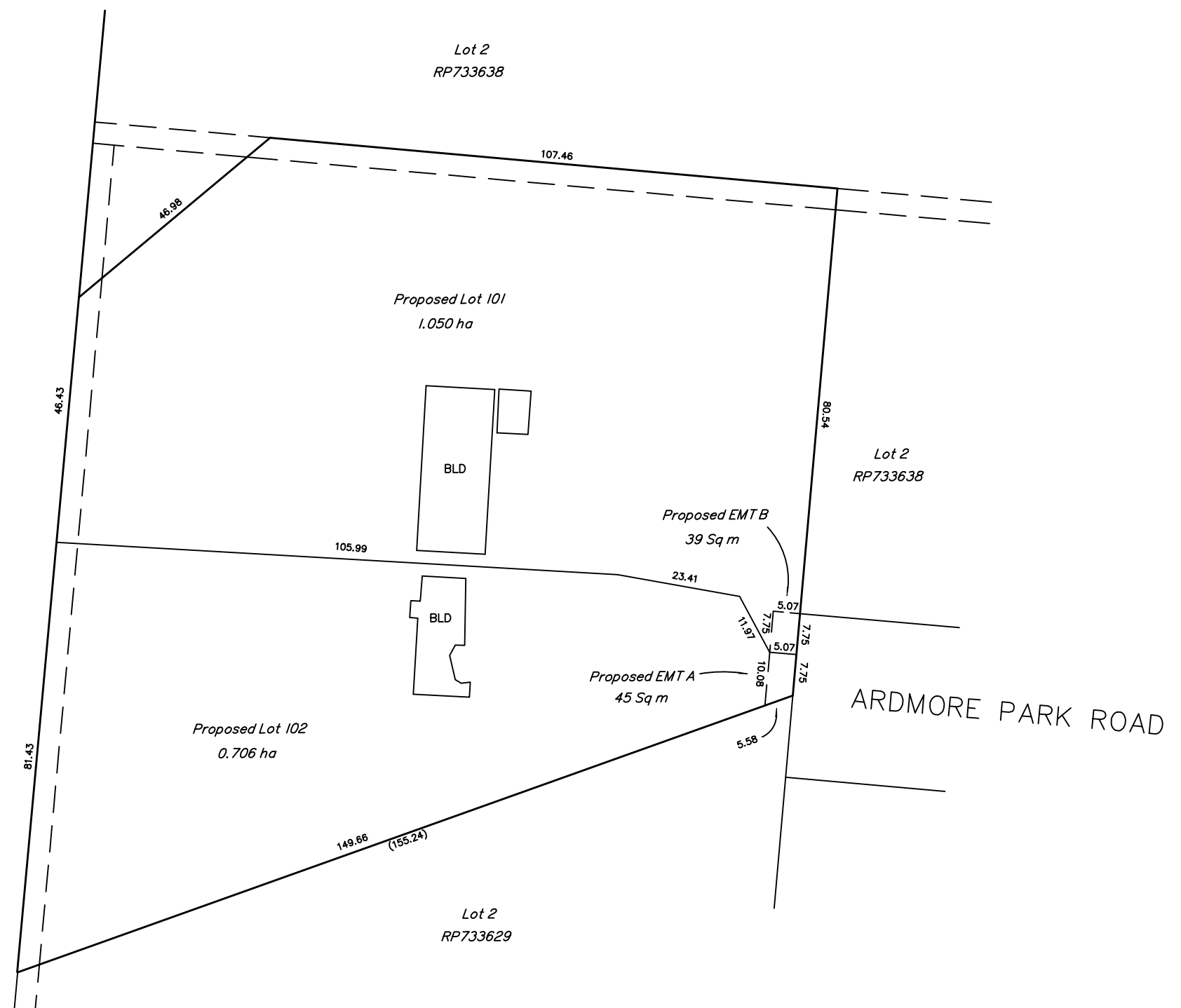
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☎ 0447 323 384

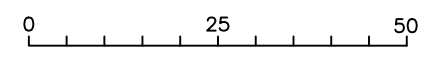
✉ [plan@planztp.com](mailto:plan@planztp.com)

✉ PO Box 181 Edge Hill, QLD 4870

ABN 83 128 085 870

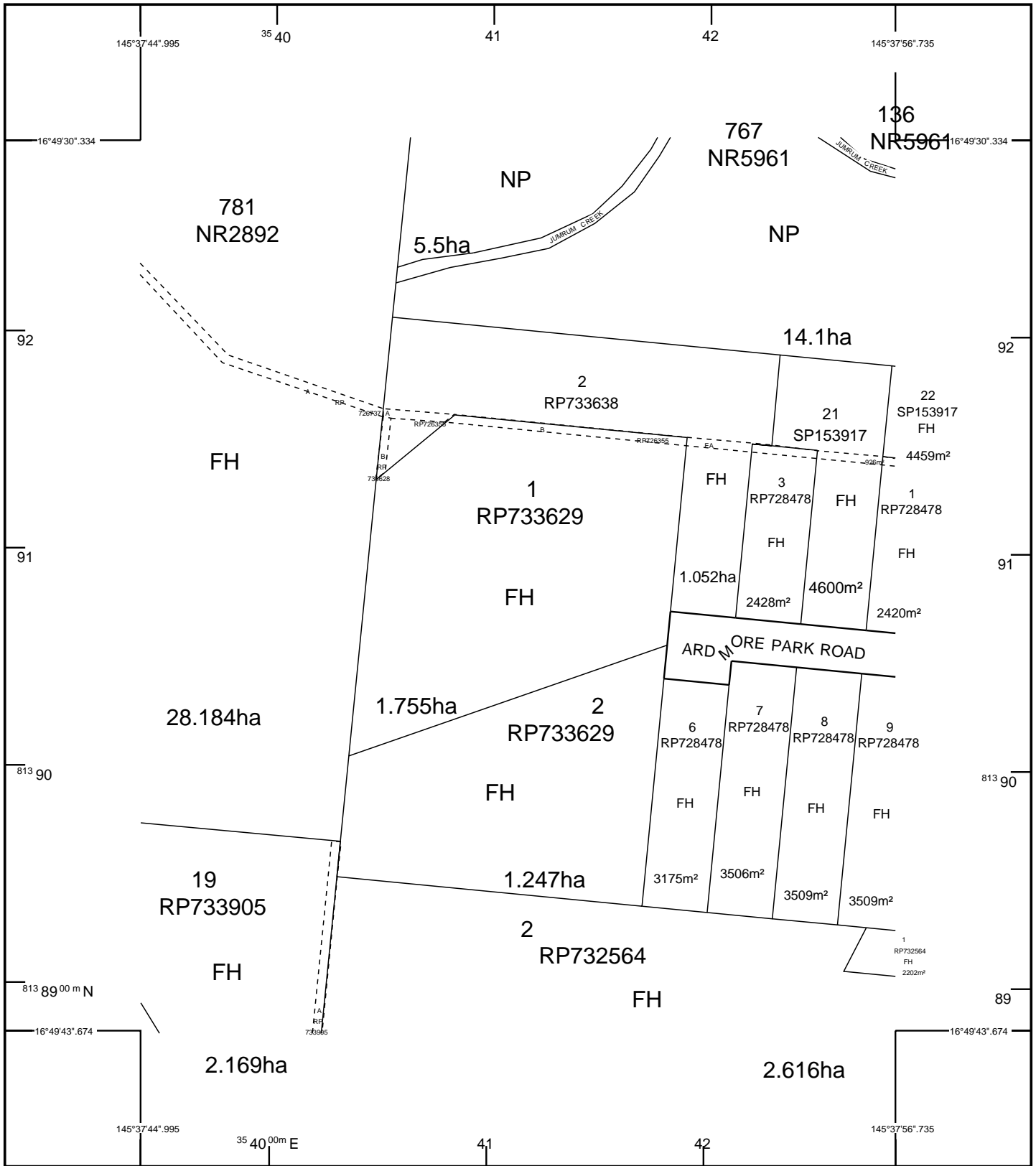


Notes: Boundary locations, Areas and Distances subject to Final Survey.  
 Position of Buildings from Google Earth Image.  
 Status of Existing Easements needs to be determined, Easement A on RP33628 is mentioned on the title, but doesn't appear on the Smart Map,  
 Easement B on RP726355 is shown on the Smart Map but doesn't appear on the Title.

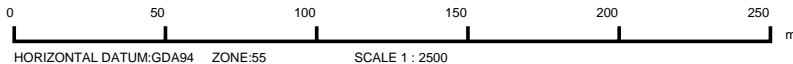


title: <i>PROPOSAL PLAN</i> <i>To Reconfigure Lot 1 on RP 733629</i> <i>into Proposed Lots 101 &amp; 102</i>		CALCULATED	DATE	<b>G.T.POZZI</b> Bach.App.Sc.(Surv.) Cadastral Surveyor  11 Kavieng Street, Trinity Beach 4879. Phone: 0740 577 177 P.O. Box 152 Mob: 0408 772 213 Trinity Beach. Fax: 0740 577 089 Email: gpozzi@bigpond.net.au	SCALE 1:1000 (A3)															
	LOCALITY KURANDA	SURVEYED	DATE		PROPERTY DESC															
	LOCAL AUTH. MAREEBA SHIRE	DRAWN GSM	DATE JUN 16		REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DETAIL</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>			NO.	DETAIL	DATE										
NO.	DETAIL	DATE																		
client : Tallon Falvo	SURVEY EXAMINED	DATE JUN 16	PLAN EXAMINED G HOPKINS	DATE JUN 16	FILE 16/108	SHEET 1/1	VERSION 1													





STANDARD MAP NUMBER  
8064-31344

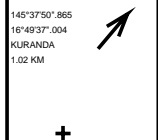


**SmartMap**

An External Product of  
SmartMap Information Services

Based upon an extraction from the  
Digital Cadastral Data Base

MAP WINDOW POSITION &  
NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

DCDB	
Lot/Plan	1/RP733629
Area/Volume	1.755ha
Tenure	FREEHOLD
Local Government	MAREEBA SHIRE
Locality	KURANDA
Segment/Parcel	9697/32

**CLIENT SERVICE STANDARDS**

PRINTED (dd/mm/yyyy)	22/06/2016
DCDB	21/06/2016
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For further information on SmartMap products visit <a href="http://nrw.qld.gov.au/property/mapping/blnmap">http://nrw.qld.gov.au/property/mapping/blnmap</a>	



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# Application for a Development Permit

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Reconfiguring 1 lot into 2 lots

1 Ardmore Park Road  
Lot 1 RP733629

Prepared by



for

Tallon Falvo

24 June 2016

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## APPLICATION SUMMARY

Applicant Details		Tallon Falvo C/- Planz Town Planning
<b>Proposal</b>	Development Permit - Reconfiguring a Lot, 1 lot into 2 lots.	
<b>Property Owner</b>	Chris O'Brien	
<b>Address</b>	1 Ardmore Park Road, Kuranda QLD 4881	
<b>Real Property Description</b>	Lot 1 RP733629	
<b>Lot Size</b>	1.755 ha	
<b>Applicable Planning Scheme</b>	Mareeba Shire Planning Scheme 2004	
<b>Local Plan</b>	None	
<b>Zone</b>	Residential	
<b>Current Use</b>	2 Dwelling Houses	
<b>Level of Assessment</b>	Code	
<b>Applicable Codes</b>	<ul style="list-style-type: none"> <li>• Residential Zone</li> <li>• Reconfiguring a Lot</li> </ul>	
<b>Referral Agencies</b>	None	
<b>Council Division</b>	Mareeba Shire Council	
<b>Supporting Documents</b>	<ul style="list-style-type: none"> <li>• Reconfiguration Proposal Plan</li> <li>• Lot 1 RP733629 SmartMap</li> </ul>	

## 1.0 INTRODUCTION

### 1.1 Nature of the Proposal

The application is for a residential subdivision of Lot 1 RP7336229, located at 1 Ardmore Park Road, into 2 lots (with reciprocal access easements) as described in the table below. See proposal plans in **Appendix 2**, and **Figures 1 - 3**. The site contains two dwelling houses, which are 4.7m apart, the ends of the dwellings that will be closest to the proposed new boundary are not habitable rooms (i.e. bathroom, toilets and open shed refer **photo 4**) and the new boundary allows for sufficient fire separation and compliance with the building code setback provisions.

There are no compliance issues and the application complies with relevant codes. This assessment has also considered the development intentions of the Draft Mareeba Shire Planning Scheme, and is found to be consistent with the purposes of the Scheme.

New Lot	Area	Frontage	Improvements
101	10500m <sup>2</sup>	7.75m	Driveway access from easements A & B, 2 bedroom dwelling house, 1 bedroom sleep-out (unserviced), 2 water tanks and pump shed (previously used for hydroponics), power supply, onsite effluent disposal, town water supply.
EMT B	39m <sup>2</sup>	7.75m	Access crossover
102	7060m <sup>2</sup>	7.75m	Driveway access from easements A & B, dwelling house, gravel driveway, power supply, on site effluent disposal, town water supply.
EMT A	45m <sup>2</sup>	7.75m	Access crossover

This report demonstrates that the proposed RoL is an appropriate development in this existing residential area of Kuranda. Key points are summarised below.

The development:

- Formalises the current situation where there are 2 existing dwellings on site;
- Is consistent with the scale and character of the surrounding residential area;
- Will not impact on the natural values and water quality of Jum Rum Creek;
- Does not require vegetation clearing as dwellings, access and infrastructure provision are in the existing cleared area of the Lot;
- Maintains the existing usable crossover and driveways by the provision of reciprocal access easements;
- Will not place any additional demand on infrastructure and services.

## 2.0 THE SITE

### 2.1 Address and Location

The 1.755 ha site at 1 Ardmore Park Road is located approximately 1.6 kilometres from the Kuranda village centre.



Figure 1: Air photo of Site and Surrounding Area

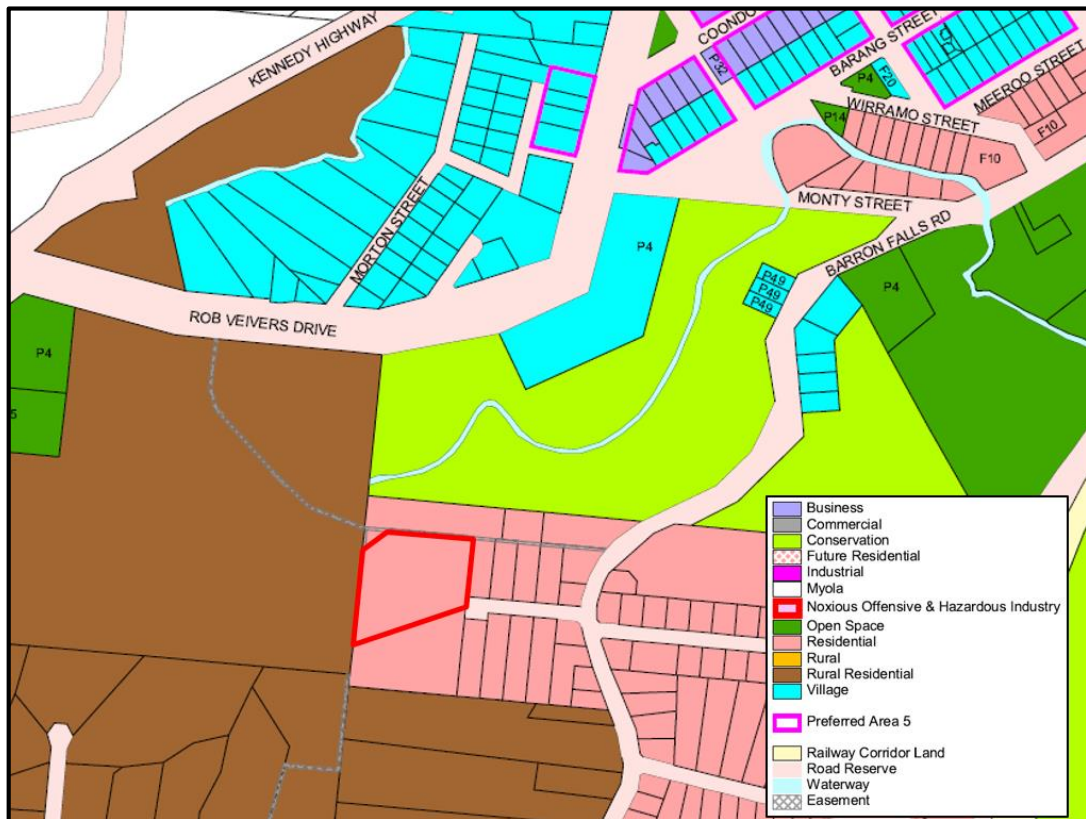
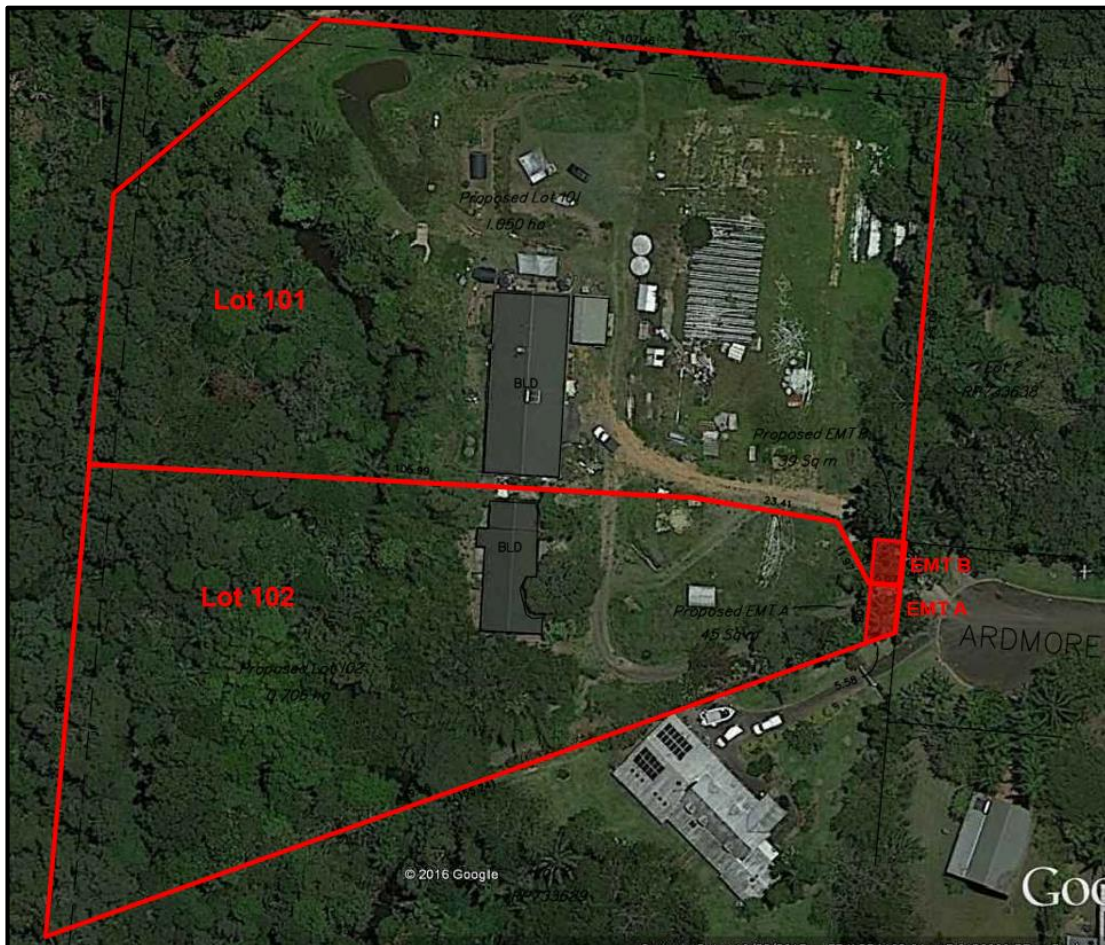


Figure 2: Extract from Zoning Plan



**Figure 3: Extract from proposal plan showing reconfiguration**

## 2.2 Site Description

The site contains two dwelling houses, which are 4.7m apart, the ends of the dwellings that will be closest to the proposed new boundary are not habitable rooms (i.e. bathroom, toilets and open shed refer **photo 4**). The site also includes an unserviced 1 bedroom 'sleepout', two water tanks and a pump shed. The water tanks and pump shed are from a previous hydroponic strawberry growing operation. The site is connected to town water, electricity and telecommunications, has on-site effluent disposal, and is accessed from a bitumen sealed road (Ardmore Park Road).

There is a 15m frontage to the end of Ardmore Park Road, with an existing sealed split crossover that gives vehicle access to each proposed Lot.

The front buildable portion of the site has a gentle slope towards the west with the existing buildings and structures located to the rear of this flat cleared area. The rear



section of the site slopes steeply down to Jum Rum Creek and is heavily vegetated. The land and dwellings have existing stormwater drainage flows to the creek.

The tropical rainforest vegetation is identified as remnant vegetation that is of least concern, and Jum Rum Creek is a Category 3 waterway. These natural areas are an asset to the site, and the development will not require any clearing of vegetation, and will not interfere with the waterway.

There are water supply easements to the north and northwest corner boundaries of the site that are identified on the Lot 1 RP733629 SmartMap (see **Appendix 2**). These easements relate to historical subdivision in 1978, and it has been confirmed with the Department of Natural Resources and Mines, that Lot 1 RP733629 contains no existing easements.

See **Photos 1-14** below for views of the site and improvements.



*Photo 1: Existing crossover and access from Ardmore Park Road*



*Photo 2: Existing driveway to proposed Lot 102.*



*Photo 3: Existing driveway and view of proposed Lot 101*



*Photo 4: Dwelling views looking west along proposed boundary between Lots*



*Photo 5: View looking south along western boundary*



*Photo 6: View across site from northeast corner*



*Photo 7: View looking west along northern boundary*



*Photo 8: View looking south towards existing buildings on proposed Lot 101*



*Photo 9: Detail of unserviced 'sleepout'*



*Photo 10: Detail of water tanks and pump shed*



*Photo 11: Existing dwelling (undergoing renovation) on proposed Lot 102*



*Photo 12: Rear view of existing dwelling on proposed Lot 102*



*Photo 13: Jum Rum Creek looking south*



*Photo 14: Jum Rum Creek looking south*

### 2.3 Surrounding Land Uses

There is a large Rural Residential lot to the rear of the site, with other uses in Ardmore Park Road being residential on lots typically larger than 3000m<sup>2</sup>. See **Photos 15-17** for adjacent residential lot and streetscape views.



*Photo 15: No 2 Ardmore Park Road*





*Photo 16: No 3 Ardmore Park Road*



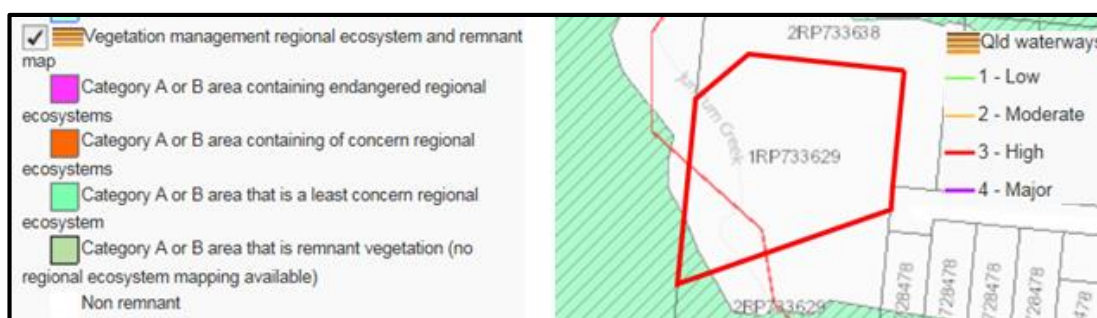
*Photo 17: View east along Ardmore Park Road*

### 3.0 PLANNING CONSIDERATIONS

#### 3.1 State Assessment and Referral

The *Sustainable Planning Regulations* and State Mapping (**Figure 4**) set out the matters of interest to the State for development assessment. Where the State is a Referral Agency for a development application the *State Development Assessment Provisions* (SDAP) apply.

The applicable state mapping shows that only the vegetation layer applies, the site contains “vegetation of least concern”. The Sustainable Planning Regulation Schedule 7, Table 3 Item 10 confirms that **the site does not trigger referral** for vegetation matters as the site is less than 5ha. The site also contains a category 3 waterway, however the proposal does not involve barrier works and referral is not required.



**Figure 4: Mapping layers for State Matters of Interest**

#### 3.2 Planning Scheme Assessment

The proposed use is Code Assessable Development against the Mareeba Shire Planning Scheme 2004. The assessment and compliance table for this development, is shown below.

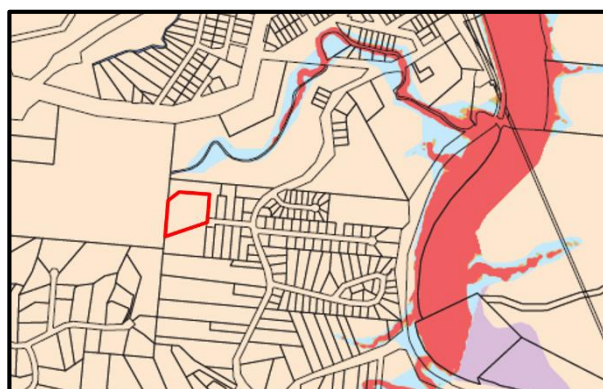
The Planning Scheme and the Sustainable Planning Act provide that:

1. Assessable development must demonstrate that the Specific Outcomes can be achieved.
2. The Specific Outcomes that are nominated in the codes are just one means by which the Specific Outcomes may be achieved.

The proposal satisfies the Purpose and Overall Outcomes of the Planning Scheme Codes, as identified in **Appendix 1**, and discussed in **Sections 3.2.1 to 3.2.5** below.

Planning Scheme – Assessment Table Codes		Applicability	Comments
<b>Zone Code</b>	Residential	✓	Complies – see <b>Appendix 1</b> .
<b>Local Plan Code</b>	None	n/a	There is no Local Plan for the site.
<b>Overlay Codes</b>	Natural and Cultural Heritage Features	n/a	The Lot is mapped within 50m of a waterway (Jum Rum Creek), but the proposal does not involve excavation, filling, or draining/pumping of groundwater (see <b>Section 3.2.5</b> ).
	Airport and Aviation Facilities	n/a	The site is not within the buffer zones of an aviation facility as delineated on Planning Scheme Map A2.
	Significant Vegetation	n/a	The site is mapped as containing Category A significant vegetation, but the code does not apply as there is no clearing required. However, code compliance is shown in <b>Appendix 1</b> for completeness, and vegetation is discussed in <b>Section 3.2.4</b> .
	Natural Disaster - Bushfire	n/a	The subject lot is not located in a bushfire hazard area (see <b>Section 3.2.2</b> ).
<b>Development Codes</b>	Reconfiguring a Lot	✓	Complies – see <b>Appendix 1</b> .

### 3.2.1 Flood



Latest flood hazard mapping from the Mareeba Shire Draft Scheme, shows the proposed Lots are not located in a modelled flood hazard area.

**Figure 5: Extract from Draft Scheme Flood Hazard Overlay**

### 3.2.2 Bushfire

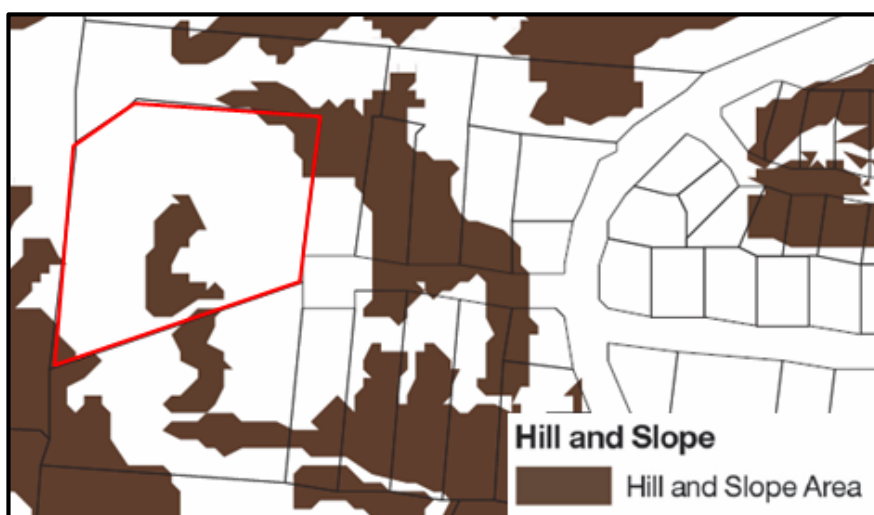
Latest bushfire hazard mapping from the Mareeba Shire Draft Scheme, shows the proposed Lots are not located in a potential bushfire hazard area.



**Figure 6: Extract from Draft Scheme Bushfire Hazard Overlay**

### 3.2.3 Landslide

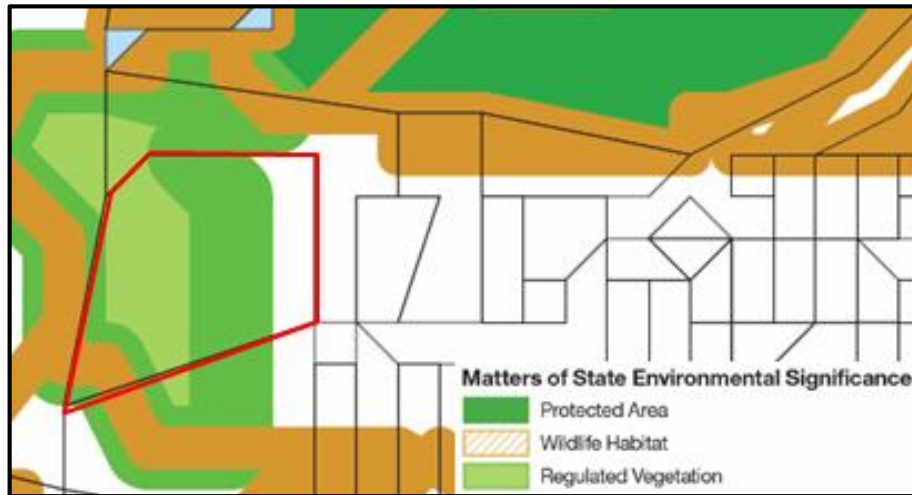
Latest hill and slope mapping from the Mareeba Shire Draft Scheme, shows the proposed Lots contain a small amount of land with a gradient of greater than 15%. However, the site contains existing access, houses, and service infrastructure and the RoL development will not result in the need for earthworks or trigger any slope stability considerations.



**Figure 7: Extract from Draft Scheme Flood Hill and Slope Overlay**

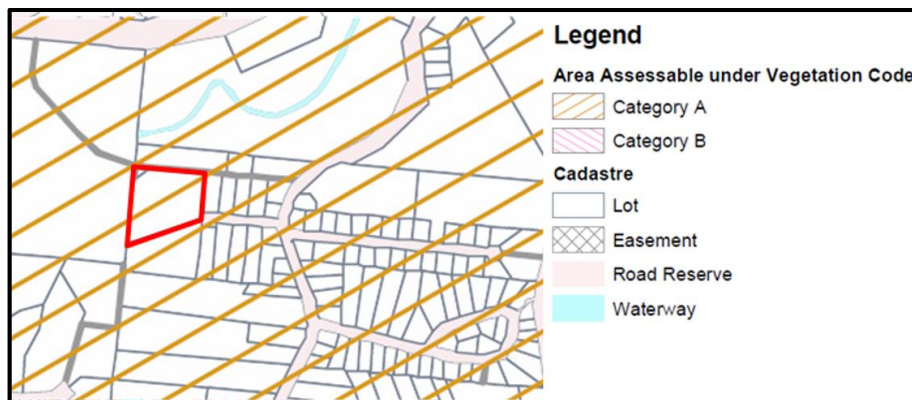
### 3.2.4 Vegetation

The State vegetation mapping has the site as containing vegetation of least concern. Referral to the State is currently not required if the area of land to be subdivided is less than 5ha.



**Figure 8: Extract from Draft Scheme Environmental Significance Overlay**

The new Mareeba Shire Planning Scheme maps the site for wildlife habitat and does not have regulated vegetation. The current Planning Scheme has the site included as Category A, requiring Code Assessment if clearing is required. No clearing is required by this proposal. Existing dwellings, accesses, and infrastructure provision is located in the previously cleared front portion of the site.



**Figure 9: Extract from Significant Vegetation Overlay**

### 3.2.5 Waterway

The lot is mapped within 50m of a waterway – Jum Rum Creek. However, the Natural and Cultural Heritage Features Overlay code does not apply (in accordance with Accessment Table 26), as the proposal does not involve:

- Excavation of greater than 100m<sup>3</sup> of material; or
- Draining or pumping of groundwater for longer than two weeks; or
- Filling of land within 50 metres of a waterway.



**Figure 10: Extract from Natural and Cultural Heritage Features Overlay**

## APPENDIX 1: ASSESSMENT AGAINST THE PLANNING SCHEME

### 1 Residential zone code

The overall outcomes sought for the Residential zone code are to achieve an area that:

- Is attractive and contains housing at a range of population densities that provides a pleasant and safe living environment for its occupants;
- Allows for a mix of uses that support the privacy of the residential area;
- Allows for a range of residential lot sizes and residential arrangements that provide more compact and efficient urban form;
- Provides for a mix of medium and high-density development within the existing urban fabric and is visually compatible with the scale and character of the surrounding area;
- Provides for medium and high density housing in designated areas close to the centre of Mareeba so that residents have good access to community services and facilities.

#### Comment

The small scale 1 into 2 Lots RoL proposal complies with the purpose and outcomes of the Residential zone code as shown below.

#### Development Requirements

**Note:** Code provisions relating to residential units are not applicable to the proposed development, and are not included in this table.

Specific Outcomes	Probable Solutions	Comments
<b>Building Siting, Scale and Amenity</b>		
<b>For Code Assessable Development</b>		
<b>S1 Non-residential uses and amenity</b> (a) non-residential uses are located, designed and operated to avoid significant adverse changes to the light, noise, dust, odours, traffic conditions or other physical conditions experienced by occupants of: (i) associated, adjoining or nearby residential uses; or (ii) other types of non-residential uses.	<b>PS1.1</b> Any areas used for storage of materials, equipment, rubbish and waste bins are screened from open view of any public road by a one (1) metre wide landscaping buffer (refer to Part 6 Div 15- Landscaping Code) or a 1.8 metre high solid fence; and  <b>PS1.2</b> Developments are connected to reticulated water and sewerage to the standards as stated in Planning Scheme Policy 4- Development Manual; and  <b>PS1.3</b> If adjacent to a dwelling house, a 1.8 metre high	<b>Not applicable</b> The existing use is residential and the development is a RoL.           <b>Not applicable</b> As above           <b>Not applicable</b> As above

Specific Outcomes	Probable Solutions	Comments
	solid fence established on the common boundary with the dwelling house.	
<b>Provision and Design of Infrastructure</b>		
<p><b>S1 Provision of water supply and sewerage</b> Water supply and sewerage are provided to:</p> <ul style="list-style-type: none"> <li>(i) meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and</li> <li>(ii) be of adequate standards and robust to the purpose of the intended period of operation; and</li> <li>(iii) be easily maintained without unnecessarily requiring specialist expertise or equipment; and</li> <li>(iv) be readily integrated with existing systems and facilitate the orderly provision of future systems.</li> </ul>	<p><b>PS1</b> Water supply, sewerage and roads are constructed in accordance with the Planning Scheme Policy 4 - Development Manual.</p>	<p><b>Complies</b> Water supply, sewerage and road infrastructure is existing to the site. Both proposed Lots will have separate infrastructure provision as part of the RoL development.</p>
<b>Reconfiguring a Lot</b>		
<b>For Code Assessable Development</b>		
<p><b>S1</b> A range and mix of lot sizes with areas and dimensions that meet user requirements provide more compact urban form and facilitate infill and redevelopment opportunities.</p>	<p><b>PS1.1</b> Lots have a minimum area of 800m<sup>2</sup> and a minimum frontage of twenty (20) metres; or</p> <p><b>PS1.2</b> Lots may vary in area to a minimum of 600m<sup>2</sup> and a minimum frontage of 15 metres, if</p> <ul style="list-style-type: none"> <li>(i) the lot enables the siting and construction of a dwelling house and ancillary buildings; and</li> </ul>	<p><b>Complies with specific outcomes</b> The proposed Lots are very large residential blocks of 10500m<sup>2</sup> and 7060m<sup>2</sup>. They are located at the end of Ardmore Park Road, and each lot has a frontage (via reciprocal easement) of 7.5m. The proposed Lot sizes and dimensions meet the requirements for residential use.</p> <p><b>Not applicable</b> As above.</p>



Specific Outcomes	Probable Solutions	Comments
	(ii) the lot provides for vehicle access and on site car parking; and (iii) the lessor area is in keeping with the predominant character of the locality	
<b>S2</b> Design and construction caters for the intended use of the road	<b>PS2</b> Design and construction of roads and accesses are in accordance with the Planning Scheme Policy 4 - Development Manual and the provisions of the Part 6 Division 5 - Car parking code.	<b>Complies with specific outcomes</b> The Lot has an existing 3m wide (at the kerb) sealed crossover that splits into a 3.5 m wide crossover for proposed Lot 102, and a 2.7m wide crossover for proposed Lot 101. This access is suitable for residential use and appropriate for the Ardmore Park Road, which is an access road in the road hierarchy (see <b>Photos 1-3</b> ).
<b>S3</b> Accessible and convenient public open space is provided for the recreation and well being of the community.	<b>PS3.1</b> Land for parks and recreation is provided in accordance with Planning Scheme Policy 5 - Open Space Contribution or <b>PS3.2</b> A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution <b>PS3.3</b> Access is in accordance with AS1428-Design for Access and Mobility to infrastructure associated with development of public open space for community recreation use.	<b>Not applicable</b> The proposal is a small scale 1 into 2 RoL.  <b>Not applicable</b> As above.  <b>Not applicable</b> As above.
<b>S4</b> Augmentation of the road network servicing the development is provided.	<b>PS4.1</b> A cash contribution is paid in accordance with the Planning Scheme Policy 6 – Augmentation of the Road Network	<b>Not applicable</b> The proposal is a small scale 1 into 2 RoL.
<b>S5</b> Lots are provided with an appropriate level of water and sewerage infrastructure.	<b>PS5.1</b> (i) Lots are connected to reticulated water and sewerage to the standards as stated in Planning Scheme Policy	<b>Complies/Will be complied with</b> The existing Lot is connected to Councils water supply, and each dwelling has an existing on site effluent disposal system. Both proposed Lots will have separate

Specific Outcomes	Probable Solutions	Comments
	<p>4 – Development Manual in towns where these services are available; and</p> <p>(ii) A cash contribution is paid in accordance with the Planning Scheme Policy 2 – Headworks Charges for Water Supply and Sewerage; or</p> <p><b>PS5.2</b></p> <p>(i) Lots are provided with a water supply in accordance with Planning Scheme Policy 1 – Water Supply (Outside Reticulated Water Supply Areas); and</p> <p>(ii) On site sewage disposal facilities are provided in accordance with the Plumbing and Drainage Act 2002.</p>	<p>infrastructure provision as part of the RoL development.</p> <p><b>Will be complied with</b></p> <p><b>Complies/Will be complied with</b> The existing Lot is connected to Councils water supply, and each dwelling has an existing on site effluent disposal system. Both proposed Lots will have separate infrastructure provision as part of the RoL development.</p>
<p><b>S6</b> Electricity and telephone are provided for each allotment.</p>	<p><b>PS6</b> Lots are provided with underground electricity and telephone supplies.</p>	<p><b>Complies/Will be complied with</b> The existing Lot has electricity and telephone connections. Both proposed Lots will have separate infrastructure provision as part of the RoL development.</p>
<p><b>S7</b> Lots created for residential purposes in the vicinity of and identified on Agricultural Land Quality Maps S2 to S5 must ensure that potential impacts from agricultural activities do not adversely affect community health, safety, amenity and the continuing use of the agricultural land resource.</p>	<p><b>PS7</b> Lot layout is consistent with State Planning Policy 1/92: Development and Conservation of Agricultural Land and its supporting Planning Guidelines: Separating Agricultural and Residential Land Uses.</p>	<p><b>Not applicable</b> The subject land is not in the vicinity of agricultural land or activities.</p>

## 2 Reconfiguring a lot code

The overall outcomes sought for the Reconfiguring a Lot code include the following:

- (a) If rearranging the boundaries of a lot, the useability of and access to all lots affected is improved, or maintained to an adequate extent;
- (b) If creating an access easement from a constructed road, the useability of and access to all lots affected is improved, or maintained to an adequate extent;
- (c) If a new lot is created, the lot is, or is capable of being, adequately serviced having regard to how the land is proposed to be used and the circumstances of its location;
- (d) If reconfiguring a lot opens a new road, the subdivision design is consistent with:
  - (i) The outcomes sought for the zone in which it occurs and the intended use, or the use approved for the subject land; and
  - (ii) The efficient connection to available services; and
  - (iii) Any significant physical characteristics of the land, both landscape features and hazards; and
  - (iv) The design of adjoining lots;
- (e) If the lot subject to a reconfiguration contains or abuts an identified waterway or endangered or of concern regional ecosystems, the lot reconfiguration excludes any waterway and adjacent land to a width measured from the high bank (VMA13 classification) of:
  - (i) Ten (10) metres in the Residential, Rural Residential (lots below two (2) hectares), Village, Business, Commercial, Industry, Noxious Offensive and Hazardous zones;
  - (ii) Twenty-five (25) metres in the Rural Residential (lots of two (2) hectares and above), Myola and Future Residential zones;
  - (iii) Fifty (50) metres in the Rural, Open Space and Conservation zones.
- (f) If the reconfigured lot is provided with an Electricity connection, the following is also provided where required by the relevant electricity entity:
  - (i) Easements for electricity works are provide where electricity works cross private property;
  - (ii) Access easements are provided to ensure access is available to electricity works;
  - (iii) Gates are provided in fences to ensure vehicular and pedestrian access to electricity works. (This access is necessary for investigations for, and the construction, maintenance, repair, replacement or removal of, those electricity works).

**Comment**

The small scale 1 into 2 Lots RoL proposal complies with the purpose and outcomes of the Reconfiguring a lot code as shown below.

**Development Requirements**

Specific Outcomes	Acceptable Solutions or Probable Solutions	Comment
<b>Table 7A</b>		
<b>For all Zones in Part 4 – Zones</b>		
<p><b>S1 Vehicular access</b> Each new lot has appropriate vehicular access to a road that does not significantly detract from the function of the road; and complies with the Planning Scheme Policy 4- Development Manual.</p>	<p><b>PS1</b> No probable solution provided.</p>	<p><b>Complies</b> Access exists for each lot. The road frontage is sufficient to allow appropriate vehicular access for the new lots. The development will not alter or detract from the function of the existing rural road network</p>
<p><b>S2 On-site services and facilities</b> Each new lot is provided with an appropriate level of the following: (i) water supply; and (ii) sewage treatment; and (iii) drainage; and (iv) power supply; and (v) telecommunications; and complies with the Planning Scheme Policy 4 - Development Manual.</p>	<p><b>PS2</b> No probable solution provided.</p>	<p><b>Will be complied with</b> The existing Lot has on-site services and facilities. Both proposed Lots will have separate infrastructure provision as part of the RoL development which will include: Council water supply, on site effluent disposal, drainage, and connections to electricity and telecommunications.</p>
<p><b>S3 Works</b> All works are carried out in accordance with the Planning Scheme Policy 4- Development Manual.</p>	<p><b>PS3</b> No probable solution provided.</p>	<p><b>Will be complied with</b></p>
<b>For Residential, Village and Rural Residential zone Reconfigurations</b>		
<p><b>S4 Urban use</b> Each new lot intended for residential use has adequate useable area to allow for: (i) a dwelling house and ancillary buildings and structures to be erected in a location that is</p>	<p><b>PS4</b> No probable solution provided.</p>	<p><b>Complies</b> Each new lot contains an existing dwelling and has adequate useable area to allow for: (i) ancillary buildings and structures in a location that is convenient and avoids placing people and works at</p>

Specific Outcomes	Acceptable Solutions or Probable Solutions	Comment
<p>convenient and, as far as practicable, avoids placing people and works at risk from flooding or other hazard; and</p> <p>(ii) adequate useable open space for the occupants; and</p> <p>(iii) reasonable vehicular access for a car from the road to a site for the dwelling house; and</p> <p>(iv) for new reconfigurations creating in excess of twenty (20) lots, street networks are designed to ensure connected open space networks or streets to facilitate convenient bicycle and pedestrian trips; and</p> <p>(v) for reconfigurations including the opening of new roads, new road networks are designed with a hierarchy of streets and connectivity to ensure future bus servicing is practical; and complies with the Planning Scheme Policy 4- Development Manual.</p>		<p>risk from flooding or other hazard; and</p> <p>(ii) adequate useable open space for the occupants; and</p> <p>(iii) reasonable vehicular access for a car from the road to a site for the dwelling house.</p> <p>The reconfiguration does not include the opening of new roads.</p>

### 3 Significant Vegetation Overlay

The overall outcomes sought for the Significant Vegetation Overlay code are:

- (a) the protection of remnant endangered regional ecosystems;
- (b) the protection of vegetation in areas of high nature conservation values;
- (c) the maintenance of biodiversity;
- (d) the prevention of land degradation;
- (e) prevent the fragmentation of wildlife corridors (Category B on Maps V1 and V2);
- (f) the maintenance of scenic amenity.

**Comment:**

The State vegetation mapping has the site as containing vegetation of least concern. Referral to the state is currently not required if the area of land to be subdivided is less than 5ha.

The Council's planning scheme has the site included as Category A, requiring Code Assessment if clearing is required. No clearing is required by this proposal.

#### Development Requirements

Specific Outcomes	Acceptable Solutions or Probable Solutions	Comment
<b>For Code Assessable Development</b>		
<p><b>S1</b> Waterways and adjacent habitat are protected by:</p> <ul style="list-style-type: none"> <li>(i) Maintaining bank stability by protecting against erosion and slumping; and</li> <li>(ii) Maintaining water quality by filtering sediments, nutrients and other pollutants; and</li> <li>(iii) Maintaining aquatic habitat; and</li> <li>(iv) Maintaining wildlife habitat.</li> </ul>	<p><b>PS1.1</b> In areas identified as Category A or B on Planning Scheme Maps V1 and V2, vegetation is retained along each side of a waterway, within at least:</p> <ul style="list-style-type: none"> <li>(i) 50 metres of each high bank of a waterway in the Rural (lots with areas of two (2) hectares and above), Open Space and Conservation zone; and</li> <li>(ii) 25 metres of each high bank of a waterway in the Rural Residential (lots with areas of two (2) hectares and above only) and Myola zone; and</li> </ul>	<p><b>Complies</b></p> <p>No clearing is required by this proposal. Existing dwellings, accesses, and infrastructure provision is located in the previously cleared front portion of the site.</p>

Specific Outcomes	Acceptable Solutions or Probable Solutions	Comment
<b>For Code Assessable Development</b>		
	<p>(iii) 10 metres of each high bank of a waterway in the Rural Residential (lots with areas below two (2) hectares) and Rural (lots with areas below two (2) hectares) zone.</p> <p><b>PS1.2</b> Vegetation is retained on land with a slope greater than 15%.</p>	<b>Complies</b>
<p><b>S2</b> Vegetation is retained outside the immediate area required for development to protect remnant endangered regional ecosystems and wildlife corridors (Wildlife Corridors are shown as Category B on Maps V1 and V2).</p>	<p><b>PS2</b> In areas identified as Category B on Maps V1 and V2,</p> <p>(i) For dwelling houses only an area of no more than 600m<sup>2</sup> which includes the dwelling house, areas for infrastructure provision, driveways and effluent disposal/irrigation areas is cleared and fenced; and</p> <p>(ii) For all developments All vegetation outside the area required for the approved development is retained.</p>	<p><b>Complies</b></p> <p>No clearing is required by this proposal. Existing dwellings, accesses, and infrastructure provision is located in the previously cleared front portion of the site.</p> <p><b>Will be complied with</b></p>

## APPENDIX 2: PROPOSAL PLANS

Drawing or Document	Reference	Date
Reconfiguration Proposal Plan	G.T.POZZI 16/108	Jun 2016
Lot 1 RP733629 SmartMap	8064-31344	June 2016





26 July 2016

Council Ref: DA/16/0034

Our Ref: BM:CE:nj

Your Ref: P61616

Tallon Falvo  
C/- Planz Town Planning Pty Ltd  
PO Box 181  
EDGEHILL QLD 4870

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS)  
LOT 1 ON RP733629  
SITUATED AT 1 ARDMORE PARK, KURANDA**

I wish to advise that, under Council's delegated authority on 25 July 2016, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 5** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### **Approval under Section 331**

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

#### **1. Details of the approval –**

Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots) and access easements

#### **2. Other approvals required from Council**

- Nil

**3. Submissions -**

Not applicable

**4. Conflict with a relevant instrument and reasons for the decision despite the conflict -**

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

**5. Conditions –****(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.

A plan demonstrating compliance with the above must be submitted prior to the endorsement of a plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.

3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.10 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the endorsement of plan of survey.

4. Infrastructure Services and Standards

4.1 Access/Services Easement

Easement documents for Easements A and B must be submitted, in the approved form, at the same time the applicant/developer seeks endorsement of the plan of survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the plan of survey.

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 Water Supply

A water service connection must be provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.4 On-Site Wastewater Management

Any existing on-site effluent disposal system on Lot 101 or 102 must be evaluated by a registered site and soil evaluator, and a report lodged with Council outlining compliance with the On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's

Any future on-site effluent disposal system on either lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.5 Electricity Provision/Supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation to each lot.

#### 4.6 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

### (B) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

- (d) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning

Section for more information regarding the drafting of easement documents for Council easements.

(e) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(f) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(g) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered easement over the subject site
- flood immunity

(h) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(i) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

**6. IDAS referral agencies –**

The application did not require referral to any Referral Agency.

**7. Approved Plans**

The approved plans and/or documents for this development approval are listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
16/108	Proposal Plan To Reconfigure Lot 1 on RP733629 into Proposed Lots 101 & 102	G. T. Pozzi Cadastral Surveyor	June 2016

**8. When approval lapses if development not started (s341)**

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Reconfiguring a Lot not requiring Operational Works – two (2) years (starting the day the approval takes effect);

If there is one (1) or more subsequent related approvals for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

**9. Appeal rights –*****Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**Attachment 2** is an extract from SPA which contains details regarding making representations about the decision.

***Appeals by applicants***

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

### ***Appeals by submitters***

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

**Attachment 3** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

#### **10. When the development approval takes effect –**

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

**OR**

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

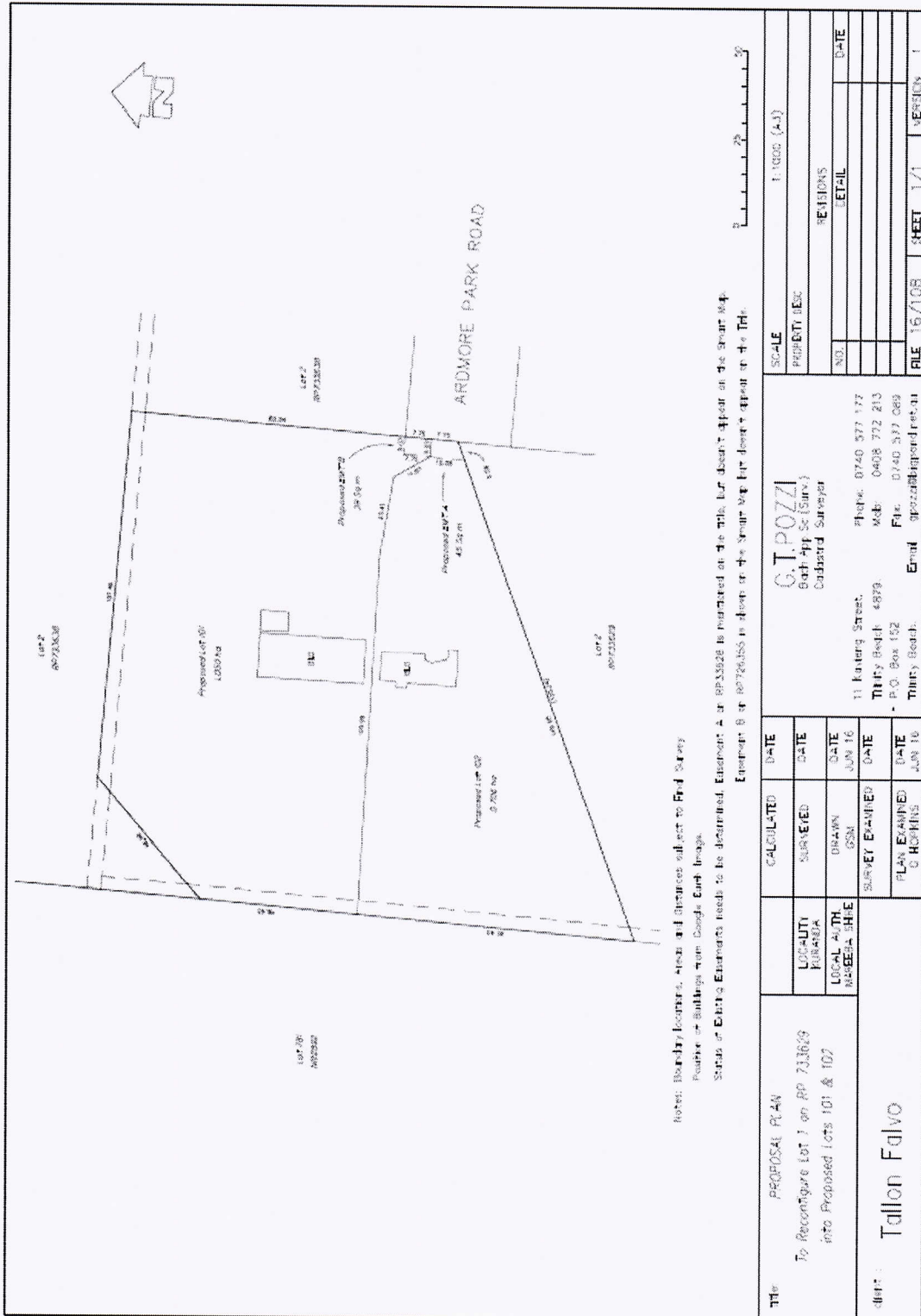
Yours faithfully



**BRIAN MILLARD  
SENIOR PLANNER**

**Enclosures: Attachment 1 - Approved Plans of Development  
Attachment 2 - SPA Extract - Making Representations about Decision  
Attachment 3 - SPA Extract on Appeal Rights**

ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS DOC SET ID 3179154)



26/7/2016  
 B. Zell



**ATTACHMENT 2 - MAKING REPRESENTATIONS ABOUT DECISION****PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

#### **365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

#### **366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

**ATTACHMENT 3 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 APPEALS BY SUBMITTERS—GENERAL**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**Owner's consent to the making of a development application  
under the Sustainable Planning Act 2009**

I / We CHRIS O'BRIEN as Owners / Directors of premises identified as **1 Ardmore Park, Kuranda** described as **Lot 1 on RP733629** to include easements **A/RP726355, B/RP733628, B/RP726355** consent to the making of a development application for a **Development Application for Reconfiguring of a Lot** by **Planz Town Planning**.



[Signature of Owner / Director\*\* / Body Corporate\*\*]

16-5-16

[Date]

\*\* If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

[Signature of Owner / Director / Body Corporate]

[Date]

\*\* If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

**Who is the owner of the land?** In simple terms this is The Person, Company, or Body Corporate shown on the rates notice or lease documents.

**When there are multiple owners** If there are multiple owners of the land, the consent of each owner must be obtained. If there are a number of lots, the consent of each of those landowners is required.

**When the owner is a company** The company must consent to the application in accordance with Section 127 of The Corporations Act 2001

**Easements** The consent of easement owners is not always required. This is considered on an application by application basis.

**Leases** If the land leased to you from someone else or Council or the State, the lessors (not you) of the land must give the owner's consent.

**State owned land** If the land is state-owned land that is leased or subleased, The State as the lessor of the land must give owner's consent

**Power of attorney** If power of attorney has been granted authorising another person to sign on the owner's behalf, a certified copy of the power of attorney is required to accompany the consent.