

**Our Ref: R9-19**

23 August 2019

Chief Executive Officer  
Mareeba Shire Council  
65 Rankin Street  
**Mareeba, QLD, 4880**

**Attention: Planning Department**

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT  
RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT  
(PROPERTY BOUNDARIES & EASEMENT)  
LOCATED AT 336 FICHERA ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOTS 2 & 3 ON RP717083 & LOT 4 ON SP160172**

We act on behalf of our clients, Michael & Teresa Samanes in preparing and submitting the following development application which seeks a Development Permit to Reconfigure the subject allotments under the *Planning Act 2016* located at 336 Fichera Road, Mareeba to facilitate the realignment of the boundaries.

The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the Mareeba Shire Planning Scheme 2016.

In terms of application fees, the current fees and charges schedule stipulates that the application fee for a boundary realignment is **\$1,040.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately. We also ask if possible that a copy of all correspondence be forwarded to our office via email.

Yours faithfully,



Ramon Samanes  
**Director, U&i Town Plan**  
Bachelor of Applied Science, Majoring in Environmental and Urban Planning

## **PLANNING REPORT**

**DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A  
LOT – BOUNDARY REALIGNMENT (PROPERTY BOUNDARY &  
EASEMENT**

### **PROJECT LOCATION:**

**SITUATED AT 336 FICHERA ROAD, MAREEBA  
FORMALLY DESCRIBED AS LOT 2 & 3 ON RP717303, LOT 4 ON  
SP160172**



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<b>ASSESSMENT MANAGER:</b>	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
<b>DEVELOPMENT TYPE:</b>	DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT (CODE ASSESSABLE)
<b>PROPOSED WORKS:</b>	BOUNDARY REALIGNMENT (PROPERTY BOUNDARY & EASEMENT)
<b>REAL PROPERTY DESCRIPTION:</b>	LOTS 2 & 3 ON RP717083, LOT 4 ON SP160172
<b>LOCATION:</b>	336 FICHERA ROAD, MAREEBA
<b>ZONE:</b>	RURAL ZONE
<b>APPLICANT &amp; OWNERS:</b>	MICHAEL & TERESA SAMANES C/- U&I TOWN PLAN
<b>ASSESSMENT CRITERIA:</b>	RECONFIGURATION OF A LOT (CODE ASSESSABLE)
<b>REFERRAL AGENCIES:</b>	CLEARING OF NATIVE VEGETATION (SCHEDULE 10, PART 3, DIVISION 4, TABLE 2 OF THE <i>PLANNING LEGISLATION 2017</i> )
<b>STATE PLANNING:</b>	THE PROPOSAL DOES TRIGGER ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS.

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## **IMPORTANT NOTE**

*Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report may be reproduced by any process without the written consent of R&A Samanes Pty Ltd ('U&i Town Plan').*

*This Report has been prepared for Michael & Teresa Samanes for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot on land at 336 Fichera Road, Mareeba (over Lots 2 & 3 on RP717083, Lot 4 on SP160172) for the purpose of a boundary realignment. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.*

*U&i Town Plan has made certain assumptions in the preparation of this report, including:*

- a) That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;*
- b) That information obtained as a result of a search of a government register or database is complete and accurate.*

*U&i Town Plan is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report.*

*While every effort has been made to ensure accuracy, U&i Town Plan does not accept any responsibility in relation to any financial or business decisions made by parties' other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and/or content of this Report without consent of U&i Town Plan, U&i Town Plan disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified U&i Town Plan from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.*

## 1.0 EXECUTIVE SUMMARY

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 336 Fichera Road, Mareeba to facilitate the realignment of the boundaries of the three (3) properties including some changes to the access easement. The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts. By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

The conclusion of this report is that all the requirements set by the assessment criteria can be met and that the strategic level policy outcomes sought by the planning scheme and any applicable State planning instruments can be achieved. It is the opinion of the applicant that once all the policy requirements have been considered by assessing authorities and equitably balanced with the site constraints and benefits of the proposal; the assessment process established under the Planning Act will result in the approval of this development application and the issuing of a development permit subject to conditions. This opinion is based on the level of strategic and analytical justification provided in support of the proposal and the decision-making requirements imposed on regulatory authorities under the Planning Act.

## 2.0 SITE DESCRIPTION

The subject land is described as Lots 2 & 3 on RP717083, and Lot 4 on SP160172, located at 336 Fichera Road, Mareeba. The site encompasses three (3) freehold allotments with road frontages to two (2) of the three (3) properties along Fichera Road, and an easement along the northern boundary of Lot 2 to provide access to lots 2 & 4. Combined all three (3) properties cover a total area of 31.68 hectares. Lots 2 contains an existing dwelling house and associated outbuildings used as part of the farming use on-site, while lot 3 & 4 contain structures associated with the farm when it was operating as a Tobacco Farm. Lots 3 & 4 contain frontage to the Barron River along the western boundary which will provide water all year round to those allotments. The easement along the northern boundary will ensure Lot 2 obtains access to the river to ensure access to the river for water if required.



**Figure 1: Aerial View of the Subject Land** (© The State of Queensland, all rights reserved, 2019.)

A site summary is provided below:

**Table 2.0: Site summary**

<b>Street address:</b>	336 Fichera Road, Mareeba
<b>Real property description:</b>	Lots 2 & 3 on RP717083 & Lot 4 on SP160172
<b>Local government area</b>	Mareeba Shire Council
<b>Tenure:</b>	Freehold title
<b>Site area:</b>	31.68 hectares
<b>Zone:</b>	Rural zone
<b>Current use:</b>	Agriculture – Lime Farm
<b>Road frontage:</b>	Fichera Road
<b>Adjacent uses:</b>	Rural Farm to south, Skydive Australia / Hot Air Balloon to the north
<b>Topography:</b>	Starting from Fichera Road the land slopes down into a valley then gently slopes to the west as you move from East to West towards the Barron River, then it falls again into the riparian area.
<b>Vegetation:</b>	. The riparian vegetation along the Barron River and part of the vegetation along Fichera Road is mapped as remnant vegetation. The remainder of the land is predominantly cleared and void of any significant vegetation. The majority of the property is cleared, with some mango and lime trees still remaining on the property.
<b>Easements:</b>	Access Easement along the northern boundary of lot 2 for access to lots 2 & 4. There is also an easement across lot 3 into lot 2 to provide access to the private channel water main.
<b>Existing infrastructure:</b>	The site has access to Fichera Road which is an existing sealed road. The Power lines run into the property from the north along the proposed boundary between lots 2 & 4, with existing connections to all three properties.

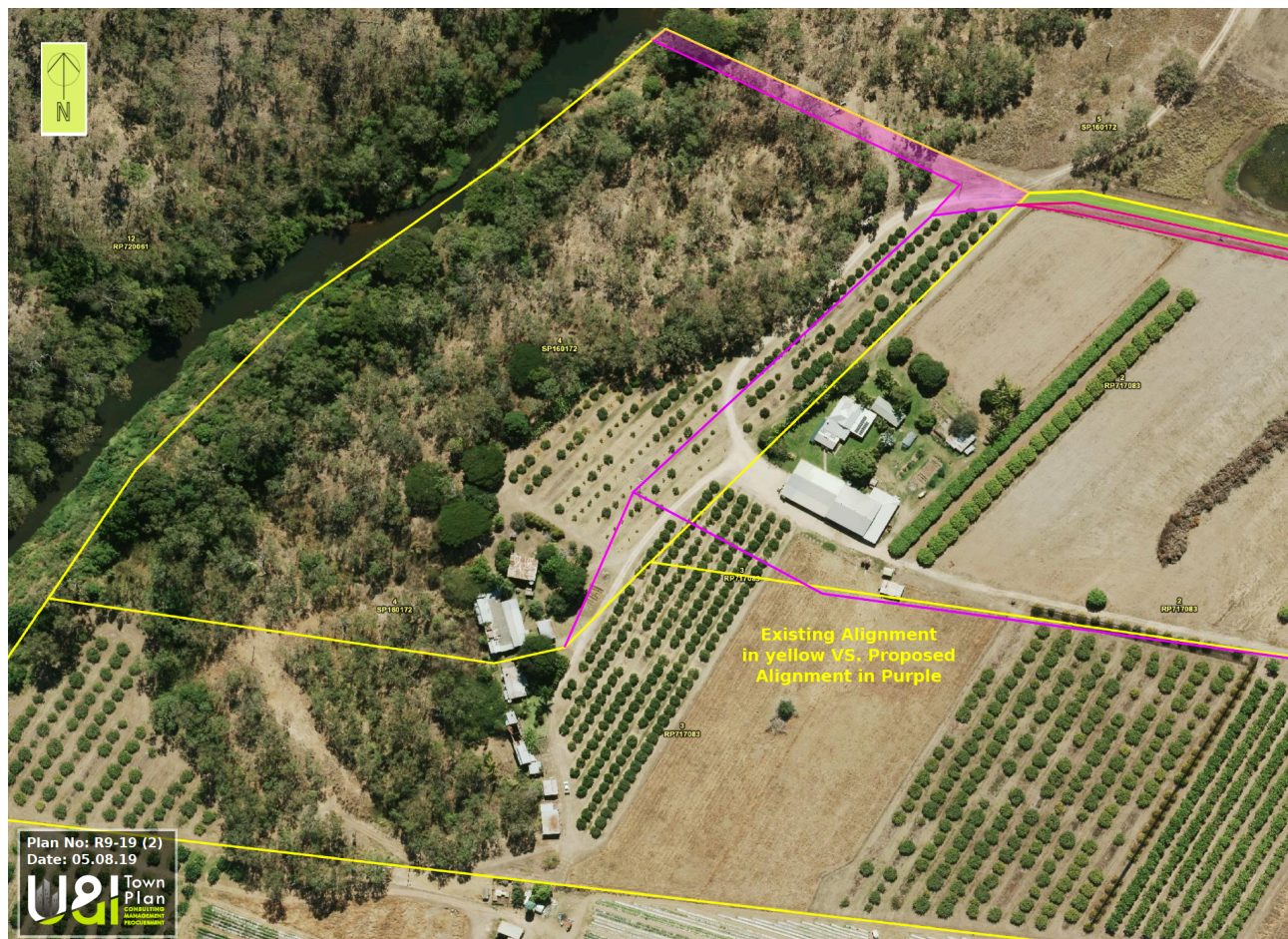


**Figure 2: Site Locality** (© The State of Queensland, all rights reserved, 2019.)



### 3.0 DEVELOPMENT PROPOSAL

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 336 Fichera Road, Mareeba to facilitate the realignment of the boundaries of the three (3) properties including some changes to the access easement. The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts.



**Figure 3:** Extract from Development Plans (© The State of Queensland, all rights reserved, 2019.)

See *Appendix 3: Development Plans* for further detail.

### 3.1 Development Definition

The proposal is described as a “Reconfiguration of a Lot” under the Planning Act and planning scheme, more specifically described as rearranging the boundaries of the allotments. The proposal is defined under the Planning Act as follows:

**reconfiguring a lot means—**  
(a) creating lots by subdividing another lot; or

- (b) amalgamating 2 or more lots; or*
- (c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—*
  - (i) a lease for a term, including renewal options, not exceeding 10 years; or*
  - (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997 ; or*
- (e) creating an easement giving access to a lot from a constructed road.*

### **3.2 Boundary Realignment**

The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts.

It is also proposed to extend Lot 2 into Lot 3 along the water main easement to include the existing pump shed infrastructure along the main line which services Lot 2, and to ensure suitable access to this infrastructure.

It is also proposed to widen the access easement along the northern boundary from five (5) metres to nine (9) metres to ensure it covers the full width of the existing driveway infrastructure in place. This easement will be either extended, or another will be created along the northern boundary of Lot 4 to provide access to the river for water for Lot 2.

The minimum lot size in the Rural Zone is 60 hectares with a minimum road frontage of 400 metres. The existing areas of the allotments are listed as follows:

- Lot 2 – 13.12 hectares;
- Lot 3 – 12.82 hectares; and
- Lot 4 – 5.74 hectares.

The proposed boundary realignment will result in the following lot areas proposed:

- Proposed Lot 2 – 13.38 hectares;
- Proposed Lot 3 – 13.08 hectares; and
- Proposed Lot 4 – 5.22 hectares.

## **4.0 DEVELOPMENT APPLICATION DETAILS**

This code assessable development application seeks a development permit to Reconfigure the Lots under the *Planning Act 2016* to facilitate a realignment of the boundaries. By way of this development application, the applicant is seeking specific approval of the following development permit to authorise the subdivision of the allotments as detailed in this planning report.

## 5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for the Reconfiguration of three (3) allotments at 336 Fichera Road, Mareeba to facilitate the realignment of the boundaries. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Zone and Reconfiguring a Lot Code.

### 5.1 Mareeba Shire Planning Scheme 2016

Given that the application is code assessable, the application is required to be assessed against only the relevant codes within the planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Rural Zone Code
- Reconfiguration of a Lot Code
- Landscape Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Agricultural Land Code
- Airport Environs Overlay Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- State Development Assessment Provisions

Accordingly, an assessment of the proposed development against the above listed codes has been completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the planning scheme. In terms of the assessment documented in this report, should any part of the development not comply with any sections of the codes, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

#### 5.1.1 Rural Zone Code

1. *The purpose of the Rural Zone Code is to:*
  - a) *Provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*
  - b) *Provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*
  - c) *Protect or manage significant natural resources and processes to maintain the capacity for primary production.*
2. *Mareeba Shire Council’s purpose of the Rural zone code is to recognise the importance of primary productions to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.*



*The purpose of the Rural zone code is to:*

- a) Recognise the diversity of rural uses that exists throughout the region;*
- b) Protect the rural character of the region;*
- c) Provide facilities for visitors and tourists that are accessible and offer unique experience;*
- d) Protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;*
- e) Maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;*
- f) Provide for a range of uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;*
- g) Prevent adverse impacts of development on ecological values;*
- h) Preserve land in large holdings; and*
- i) Facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.*

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

- (a) Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoided;*
- (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;*
- (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;*
- (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;*
- (e) Development is reflective of and responsive to the environmental constraints of the land;*
- (f) Residential and other development is appropriate only where directly associated with the rural nature of the zone;*
- (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;*
- (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;*
- (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;*
- (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and*
- (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.*

The proposed boundary realignment will not see the creation of any additional allotments within the Rural Zone. The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts. The changes are only minor in nature and will not impact nor change the existing capacity in which these properties can be utilised as a Rural Property.



### 5.1.2 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.

### ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Proposal Justification
<b>Area and frontage of Lots</b>		
PO1	AO1.1	<p>In the rural zone, the minimum acceptable area and frontages are a 400m frontage and an area of 60 hectares.</p> <p>The minimum lot sizes and frontages are not necessarily applicable to this assessment as we are not creating any new allotments, instead are simply seeking to realign the existing boundaries. The boundary realignment will not change the frontages of the existing allotments and will only result in minor</p>

		<p><i>shuffles of the boundaries to reflect the existing services and infrastructure on-site.</i></p> <p><i>Overall the development is proposed to improve the amenity between all three (3) allotments to ensure they can be serviced and function separately. As such, complying with the outcomes sought within this provision.</i></p> <p><b>Satisfied.</b></p>
<b>Existing buildings and easements</b>		
PO2	AO2.1	<p><i>No new lots are to be created.</i></p> <p>The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts.</p> <p><b>Satisfied.</b></p>
	AO2.2	<p><i>The setbacks from existing structure within proposed lot 2 to the realigned boundary are increased to improve buffers and separations to protect the amenity of the existing dwelling. The future anticipated dwellings on proposed lots 3 &amp; 4 will be developed an established as part of subsequent development applications for building works.</i></p> <p><b>Satisfied.</b></p>
PO3	AO3	<p><i>The site contains two (2) existing easements, one for access and another for water.</i></p> <p><i>It is proposed to extend Lot 2 into Lot 3 along the water main easement to include the existing pump shed infrastructure along the main line which services Lot 2, and to ensure suitable access to this infrastructure.</i></p> <p><i>It is also proposed to widen the access easement along the northern boundary from five (5) metres to nine (9) metres to ensure it covers the full width of the existing driveway infrastructure in place. This easement will be either extended, or another will be created along the northern boundary of Lot 4 to provide access to the river for water for Lot 2.</i></p> <p><b>Satisfied.</b></p>
<b>Boundary Realignment</b>		
PO4	N/A	<p><i>Will be complied with.</i></p> <p><i>The existing infrastructure connections to all three (3) existing allotment will remain unchanged.</i></p>

		<b>Satisfied.</b>
<b>Access and road network</b>		
PO5	N/A	Complied. Existing accesses will remain unchanged and will not create any new impacts.  <b>Satisfied.</b>
PO6	AO6	Will be complied with.  The existing infrastructure connections to Lots 2, 3 & 4 will remain unchanged.  <b>Satisfied.</b>
PO7	N/A	<b>Not applicable.</b> Site is in the rural zone.
<b>Rear Lots</b>		
PO8	AO8.1	Proposed Lot 4 currently obtains access via the existing five (5) metre wide access easement along the northern boundary of proposed lot 2. This easement is proposed to be widened to be a minimum of nine (9) metres wide to encompass the existing driveway infrastructure.  <b>Satisfied.</b>
	AO8.2	Existing lot 4 is the only rear lot in this development which is proposed to be maintained.  <b>Satisfied.</b>
	AO8.3	The access handle/easement is proposed as part of this development to meet the minimum width of 8 metres prescribed under this provision.  <b>Satisfied.</b>
	AO8.4	Only one (1) rear lot is proposed as part of this development and is provided in accordance with this provision.  <b>Satisfied.</b>
	AO8.5	Only one (1) rear lot is proposed as part of this development and is provided in accordance with this provision.  <b>Satisfied.</b>
	AO8.6	<b>Not applicable.</b> Site is in the rural zone.
<b>Crime prevention and community safety</b>		
PO9	N/A	The development is for a boundary realignment, and is located in the Rural zone. This provision doesn't particularly apply to this type of development within this zone and is more associated with residential lot developments within town.  <b>Satisfied.</b>

<b>Pedestrian and cycle movement network</b>		
PO10	N/A	The development is for a boundary realignment, and is located in the Rural zone. This provision doesn't particularly apply to this type of development within this zone and is more associated with residential lot developments within town  <b>Satisfied.</b>
<b>Public transport network</b>		
PO11	N/A	The development is for a boundary realignment, and is located in the Rural zone. The Site does not include public transport corridor or future public transport.  <b>Satisfied.</b>
<b>Residential Subdivision</b>		
PO12	N/A	The development is for a boundary realignment, and is located in the Rural zone. The development is not creating a residential subdivision.  <b>Satisfied.</b>
<b>Rural residential zone</b>		
PO13	N/A	The development is for a boundary realignment and is located in the Rural zone. The development is not creating a rural residential subdivision.  <b>Satisfied.</b>
<b>Additional provisions for greenfield development only</b>		
PO14	N/A	<b>Not applicable</b>
PO15	N/A	<b>Not applicable</b>
PO16	N/A	<b>Not applicable</b>
PO17	N/A	<b>Not applicable</b>
PO18	N/A	<b>Not applicable</b>
PO19	N/A	<b>Not applicable</b>
PO20	N/A	<b>Not applicable</b>

### 5.1.3 Landscaping Code

The proposal is for a Boundary Realignment within the Rural Zone. As such this code is not considered applicable to this development.

### 5.1.4 Parking and Access Code

The proposal is for a Boundary Realignment within the Rural Zone. As such, this code is not considered applicable to this development in terms of controlling parking demands and requirements as part of a reconfiguration of a lot. However, it is noted that the existing services and connections to Fichera Road will be maintained and will not be altered as part of this development.

### 5.1.5 Works, Service and Infrastructure Code

The proposal is for a Boundary Realignment within the Rural Zone, and as such limited services and infrastructure are required to be provided. As noted previously, access and power infrastructure already exists to all three (3) allotments and will remain unchanged as part of this development. Proposed lots 3 & 4 will have access to the Barron River for water supply with associated allocations to be determined and provided to each at the time of sale of each property. Existing on-site sewerage treatment systems in place for the existing dwelling and structures are contained within proposed lot 2 and will remain unchanged.

In terms of on-site sewerage disposal, both lots 3 and 4 will have adequate area on-site to accommodate a suitably designed sewerage system to be submitted as part of the building application.

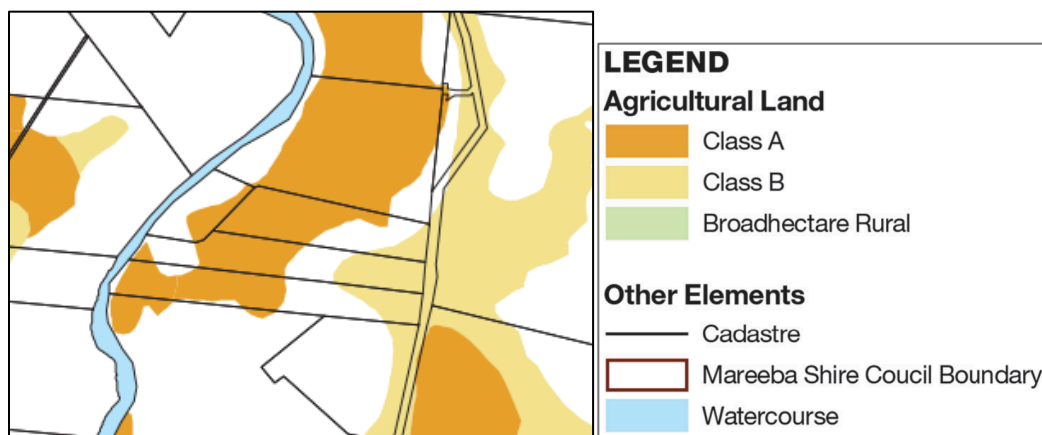
It is considered that the proposed Reconfiguration of a lot development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

### 5.1.6 Agricultural Land Overlay Code

*The purpose of the Agricultural land overlay code is to protect or manage important agricultural areas, resources, and processes which contribute to the shire's capacity for primary production.*

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

- (a) *The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:*
  - (i) *an overriding need exists for the development in terms of public benefit,*
  - (ii) *no suitable alternative site exists; and*
  - (iii) *the fragmentation or reduced production potential of agricultural land is minimised;*
- (b) *'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;*
- (c) *Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and*
- (d) *Land with the 'Broadhectare rural' area is maintained in its current configuration.*



The boundary realignment will not see the creation of any new allotments. The proposed realignment of the boundaries and access easement are proposed to rectify the boundaries between the properties including the

easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce any potential dust impacts. The changes are only minor in nature and will not impact nor change the existing capacity in which these properties can be utilised as a Rural Property. Accordingly, it is considered that this development achieves compliance with the purpose outcomes sought under the Agricultural Land Overlay Code.

### 5.1.7 Airport Environs Overlay Code

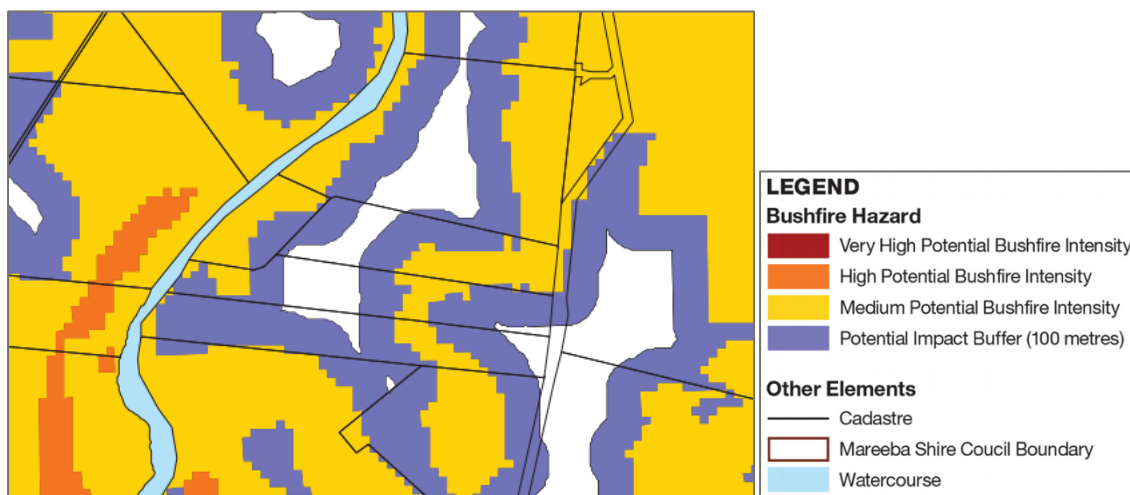
The site is within the 6kms buffer of the Mareeba Airport, within Light Intensity buffer on the overlay mapping. No buildings or structures are proposed as part of the Boundary Realignment development. It is considered that the Airports Environs Overlay Code does not apply to the assessment of the proposed Boundary Realignment given that the site's location and that the development simply involves a realignment of existing boundaries.

### 5.1.8 Bushfire Hazard Overlay Code

*The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.*

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

- (a) *Development in a Bushfire hazard area is compatible with the nature of the hazard;*
- (b) *The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;*
- (c) *Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and*
- (d) *Appropriate infrastructure is available to emergency services in the event of a bushfire.*



The site is mapped as containing areas of Potential Impact Buffer (100 metres) and Medium Bushfire Hazard over the site. It appears that the riparian areas along the Barron River and the vegetation along the road are mapped as containing the hazard. The proposal is for the Boundary Realignment over the site with no change to the existing buildings or structures over the site. It is anticipated that future dwellings and structures will be constructed on proposed lots 3 and 4. Accordingly, it is considered there is adequate area on site for future dwellings to be constructed with appropriate setbacks and firebreaks from the potential mapped fire hazard area. Additionally, the future dwellings to be built on lots 3 & 4 have riparian access and/or allocation to water from the Barron River which can be used for fire-fighting purposes. The appropriate water source contains sufficient storage of water for

Firefighting Supply and will be provided with the appropriate connections where required. Lastly, the properties will be maintained by the landowners to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. Accordingly, it is considered that this development achieves compliance with the outcomes sought under the Bushfire Hazard Overlay Code.

### 5.1.9 Environmental Significance Overlay Code

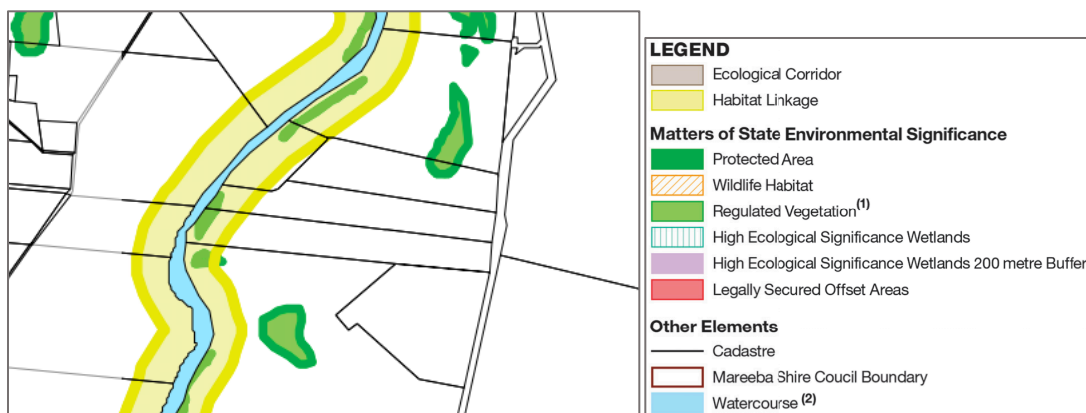
*The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.*

*The Environmental significance overlay code ensures that:*

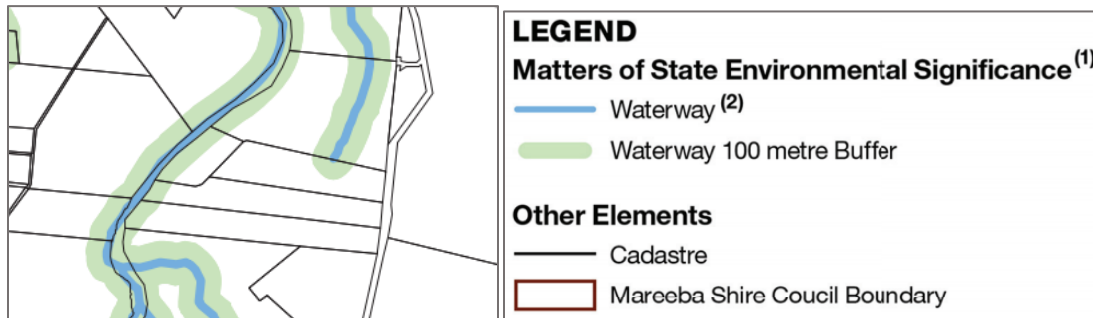
- (a) *waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) *the environmental values of regulated vegetation, wildlife habitat, protected areas and legally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







The site is Mapped as containing small patches of Regulated Vegetation, a Waterway and a Waterway Buffer along the Barron River on the relevant Environmental Significance Overlay Mapping. The areas mapped under this overlay are reflected in the state vegetation mapping, and therefore is triggered for referral to the state government for assessment. Accordingly, the outcomes sought within this code will be assessed and considered as part of the referral agencies assessment, therefore we consider that no further assessment of this development is required against the Environmental Significance Overlay Code.

#### 5.1.10 Flood Hazard Overlay Code

*The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas identified on the Flood hazard overlay maps (OM-006ao) so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.*

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

- (a) *Development in the 'Extreme flood hazard area':*
  - i. *maintains and enhances the hydrological function of the land;*
  - ii. *does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
  - iii. *is limited to:*
    - A. *flood proofed Sport and recreation activities;*
    - B. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
    - C. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
    - D. *conservation and natural area management; and*
    - E. *replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined flood level and include freeboard;*

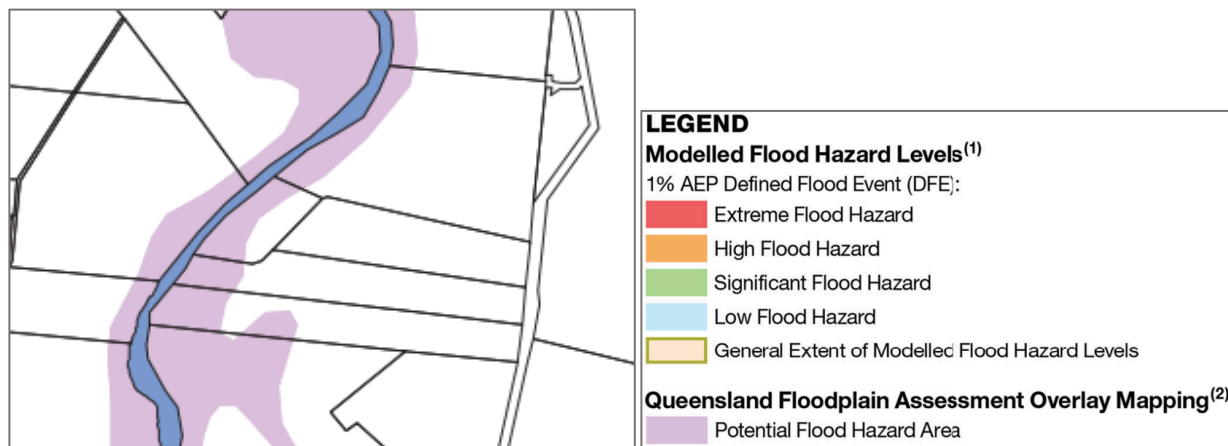
*Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*

- (b) *Development in the 'High flood hazard area':*
  - i. *maintains the hydrological function of the land;*
  - ii. *does not involve filling (earthworks) or changes to the existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;*
  - iii. *is limited to:*
    - A. *flood proofed Sport and recreation activities and Club uses;*
    - B. *Non-resident workforce accommodation, Relocatable home park, Resort complex, Rooming accommodation, Short term accommodation and Tourist park uses where*



- these uses comprise permanent on-site management and a flood evacuation management plan ensures the health and safety of persons during a flood event;*
- C. *a Dwelling house only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone or where for minor intensification of existing Dwelling houses;*
  - D. *Rural activities where for Animal husbandry, Cropping or Permanent plantation;*
  - E. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
  - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
  - G. *conservation and natural area management; and*
  - H. *replacement of existing lawful development; Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*
- iv. *protects surrounding land and land uses from increased flood hazard impacts;*
  - v. *elevates habitable rooms for all accommodation activities (including where for minor building work) above the defined flood level, including freeboard.*
- (c) *Development in the 'Significant flood hazard area':*
- i. *minimises risk to life and property from flood events;*
  - ii. *involves changes to the existing landform and drainage lines in this area only where detrimental impacts to the flood hazard risk of surrounding areas is avoided;*
  - iii. *is limited to:*
    - A. *Sport and recreation activities;*
    - B. *Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;*
    - C. *Rural activities;*
    - D. *Accommodation activities, excluding Residential care facility and Retirement facility;*
    - E. *flood proofed Community activities, excluding Child care centre, Hospital and Community use where a flood emergency evacuation plan ensures the safety of people during a flood event;*
    - F. *flood proofed Utility installations, Substations or Major electricity infrastructure;*
    - G. *conservation and natural area management;*
  - iv. *locates habitable rooms for all accommodation activities above the defined flood level, including freeboard; and*
  - v. *locates the minimum floor level for all buildings other than accommodation activities, industrial activities and business activities above the defined flood level.*
- (d) *Development in the 'Low flood hazard area':*
- i. *minimises risk to life and property from flood events;*
  - ii. *locates habitable rooms for all Accommodation activities above the defined flood level, including freeboard; and*
  - iii. *locates the minimum floor level for all buildings other than Accommodation activities above the defined flood level, including freeboard.*
- (e) *Development in the 'Potential flood hazard area':*

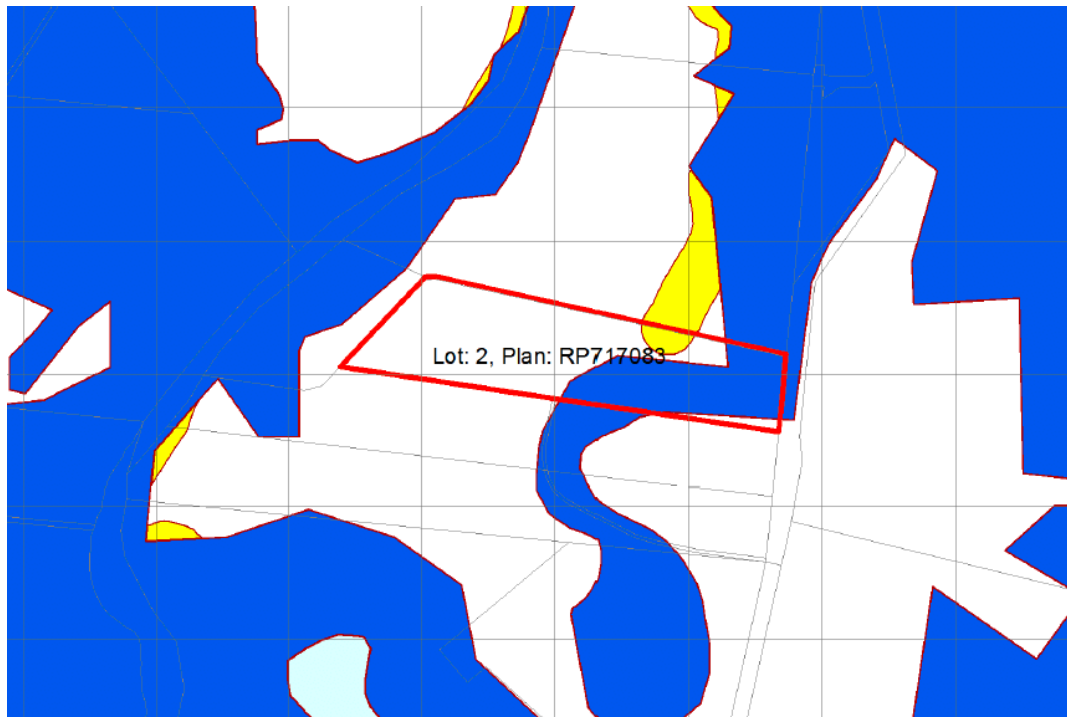
- i. maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property;
- ii. does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain;
- iii. locates habitable rooms for all Accommodation activities above a 1% Annual Exceedance Probability (AEP), including freeboard; and
- iv. locates the minimum floor level for all building work other than Accommodation activities above the 1% AEP flood level, including freeboard.



The site is mapped within the Potential Flood Level Hazard Area, although the mapping is somewhat extreme in terms of its projections and has never flooded to the mapped extent. Nevertheless, in terms of any potential impacts on proposed lot 3 & 4, it is anticipated that any future dwellings and structures proposed to be built on these properties will be adequately positioned to ensure they immune from flooding. It is considered that the proposed Boundary Realignment is complies with the Flood Hazard Overlay Code requirements and no further assessment is required.

## 5.2 State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The SDAP identifies the matters of interest – where relevant they have been addressed by heading in this section. Where the State is a referral agency for a development application under the provisions, the state code applies.



**Figure 4:** Extract from Regulated Vegetation Management Mapping of the site.

### 5.2.1 Clearing Native Vegetation

The subject site is mapped by the state government as containing regulated vegetation protected under the *Vegetation Management Act 1999*. Accordingly, the development triggers referral under Schedule 10, part 3, division 4, table 2 – Clearing native vegetation of the *Planning Regulations 2017*, because the new boundaries between lots 2 and 3 to include the existing water infrastructure creates new boundaries within protected vegetation and the lots that the application relates to are larger 5ha, and are less than 25ha. The relevant SDAP code response is provided in **Appendix 4**.

### 5.3 Far North Regional Plan 2009-2031

The site is located within the 'Regional Landscape and Rural Production Area Regional Land Use Category of the Far North Queensland 2009-2031 (see also Attachment 3). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009- 2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

## 6.0 CONCLUSION

It is considered that the proposed development being a Reconfiguration of a Lot – Boundary Realignment over land described as Lots 2 & 3 on RP717083 and Lot 4 on SP160172 is appropriately designed to comply with the planning scheme requirements. In particular, the proposed development:

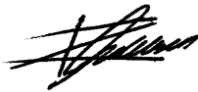
- Achieves compliance with the Performance Outcomes relating to minimum allotment size and dimensions;
- Achieves compliance with the Performance Outcomes, Purposes and the Intent of the Reconfiguring a Lot Code for land included in the Rural Zone;

- Satisfies compliance with the relevant applicable mapped Overlays, with particular regard to the Agricultural Land Overlay;
- Does not conflict with the Far North Queensland Regional Plan 2009 – 2031, in particular the Rural Production Area Regional Land Use Category.

The applicant strongly believes that an assessment of the common material forming part of this development application in accordance with the decision-making rules established under the Planning Act will result in the approval of the development application and the issuing of a development permit subject to conditions.

The proposal is consistent with the “Purpose” of the Rural Zone & Reconfiguring a Lot Code and the applicable State level policy. The proposal constitutes works and a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. The conclusion of this report is that all the requirements set by the assessment benchmarks can be met and that the strategic level policy outcomes sought by the planning scheme for the site and locality can be achieved. The common material provided as part of this development application contains sufficient justification to establish compliance with the assessment benchmarks. It is the applicant’s opinion that the development application contains sufficient justification to warrant approval subject to reasonable and relevant conditions.

We request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice for the development. If you have any queries please do not hesitate to contact our office on 0411 344 110.



**Ramon Samanes**

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

## **APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS**

# 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) (individual or company full name)	Michael & Teresa Samanes c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes, Director
Postal address (P.O. Box or street address)	PO Box 71
Suburb	MAREEBA
State	QLD
Postcode	4880
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	<a href="mailto:ramon@uitownplan.com.au">ramon@uitownplan.com.au</a>
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	n/a
Applicant's reference number(s) (if applicable)	R9-19

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
		336	Fichera Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	2 & 3 4	RP717083 SP160172	Mareeba Shire Council

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

☒ Not required

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

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

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

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

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

<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

#### 6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Boundary Realignment (Property & Easement Boundaries)

e) Relevant plans

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

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

#### 6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application



☒ Not required

## Section 2 – Further development details

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

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

### Division 1 – Material change of use

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

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

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

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

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

### Division 2 – Reconfiguring a lot

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

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

Three (3) Allotments

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

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

### 10) Subdivision

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

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify: Rural Lifestyle Allotments
Number of lots created				0

#### 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> )
Lot 2 on RP717083	13.12ha	Proposed lot 2	13.38ha
Lot 3 on RP717083	12.82ha	Proposed lot 3	14.45ha
Lot 4 on SP160172	5.74ha	Proposed lot 4	5.22ha

12.2) What is the reason for the boundary realignment?

To rectify the boundaries between the properties including the easements to allow each property to be serviced and sold separately. This will also improve current buffers from the existing dwelling on Lot 2 to reduce and potential dust impacts.

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
Existing Driveway Easement	Existing: 5m Proposed: 9m	Existing: 695m Proposed: 870m	Access to lots 2 & 4. Also provides access to the Barron River to allow access to water for Lot 2.	Lot 4 on SP160172 & Lot 2 on RP 717083 (benefited)
Existing Water Easement	6m	Approx 138m over lot 3	No changes proposed to this easement.	Lot 2 benefits from the easement over lot 3 as it provides access to a private channel main line.

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

- |                                                        |                                     |                                                |
|--------------------------------------------------------|-------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Road work                     | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work                 | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping                   | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: _____ |                                     |                                                |

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

☐ Yes – specify number of new lots: \_\_\_\_\_

☐ No

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

\$ \_\_\_\_\_

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

- ☒ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ 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

<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
<b>Matters requiring referral to the chief executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Electricity infrastructure
<b>Matters requiring referral to:</b> <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
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Brisbane core port land
<b>Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
<b>Matters requiring referral to the relevant port operator:</b> <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
<b>Matters requiring referral to the Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Land within limits of another port (below high-water mark)
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
<b>Matters requiring referral to the 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 checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application <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> By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>
Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## 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>, Planning Regulation 2017 and the DA Rules 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 Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; 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

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Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

## **APPENDIX 2: OWNER'S CONSENT FORM**

Individual owner's consent for making a development application under  
the *Planning Act 2016*

I, Michael & Teresa Samanes

[Insert full name of ALL owners listed on title.]

as owner of the premises identified as follows:

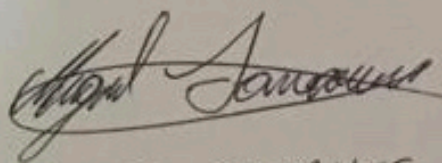
336 Fichera Road, Mareeba  
formally described as Lot 4 on SP160172, Lot 2 on RP717083 & Lot 3 on RP717083

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

Michael & Teresa Samanes c/- U&i Town Plan

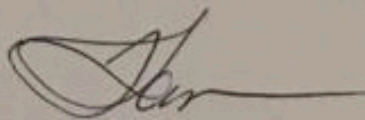
on the premises described above for:

Reconfiguration of a Lot – Boundary Realignment (Property Boundary & Easement)



MIGUEL SAMANES

30-7-2019



TERESA SAMANES

30-7-2019

[signature of ALL owners and  
date signed]

## **APPENDIX 3: DEVELOPMENT PLANS**



# Proposed Development Plans - Existing Lot Configuration



Plan No: R9-19 (1)  
Date: 21.06.19



This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.



# Proposed Development Plans - Boundary Realignment (Property Boundaries & Easements)



**Proposed Lot 4**  
(~5.22ha)

Extend Easement Access down to  
Barron River (5 metres wide)

**Access Easement**  
(~7,300sqm)

Widen Access Easement from 5m to 9m

The Key changes to the boundaries are primarily  
proposed within in this area of the proposed development.  
Increased buffers to the primary dwelling on Lot 2 is a key element  
of the changes, along with water services and access arrangements.

**Proposed Lot 2**  
(~13.38ha)

**Proposed Lot 3**  
(~13.08ha)

Extend the Lot 2 into Lot 3  
to ensure the water pump shed  
which services lot 2 is included  
into Proposed Lot 2.

35m  
15m

Existing Easement over Water Main  
line that services proposed Lot 2

**Plan No: R9-19 (1)**  
**Date: 05.08.19**

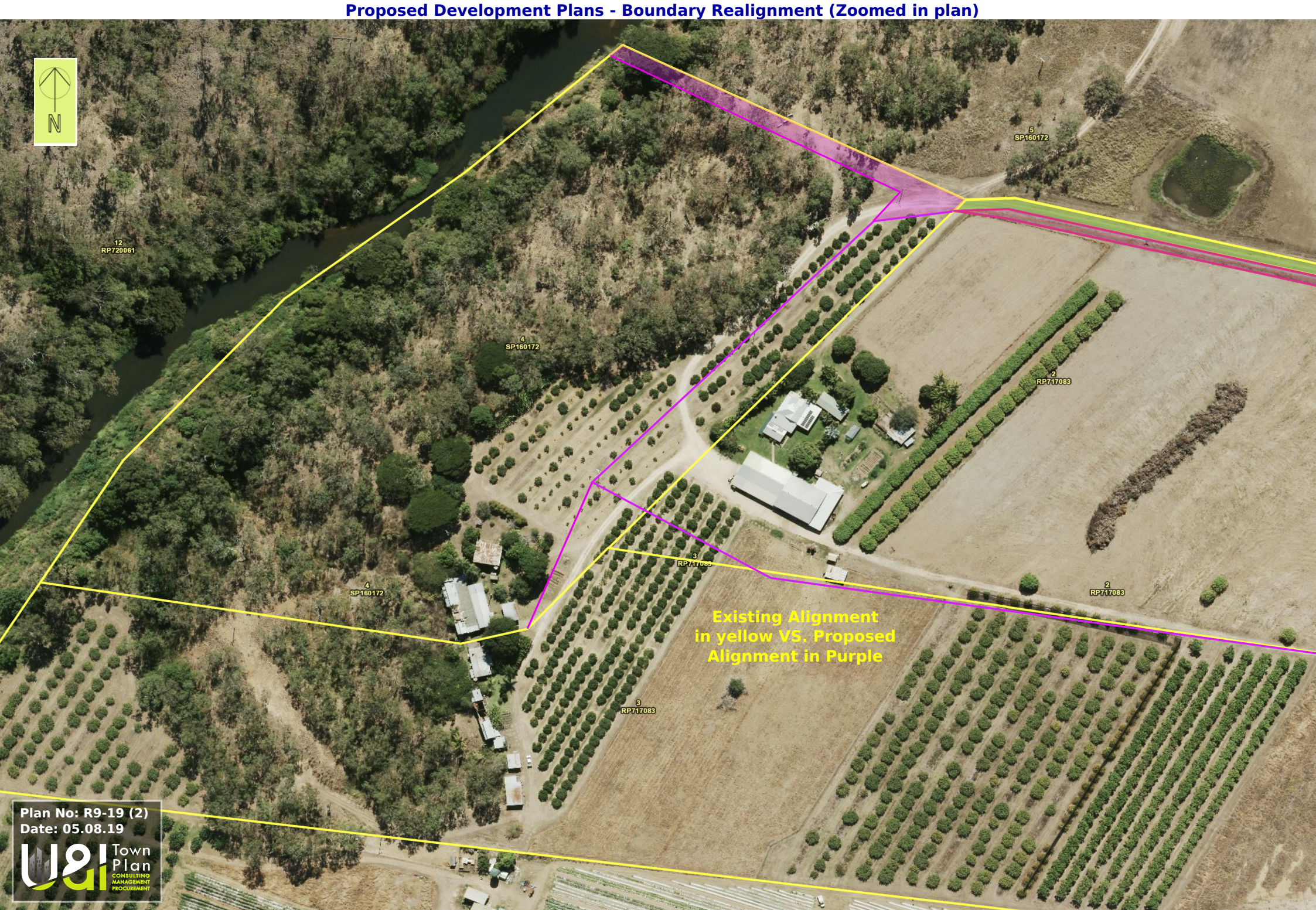


This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

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# Proposed Development Plans - Boundary Realignment (Zoomed in plan)



Plan No: R9-19 (2)  
Date: 05.08.19





## **APPENDIX 4: SDAP CODE RESPONSE – CLEARING NATIVE VEGETATION**



# State code 16: Native vegetation clearing

**Table 16.2.2: General**

Performance outcomes	Acceptable outcomes	Response
Clearing avoids or minimises impacts		
<p><b>P01</b> Clearing and adverse impacts of clearing do not occur unless the application has demonstrated that the clearing and the adverse impacts of clearing have been:</p> <ol style="list-style-type: none"> <li>1. reasonably avoided; or</li> <li>2. reasonably minimised where it cannot be reasonably avoided.</li> </ol>	No acceptable outcome is prescribed.	<p><b>Complies.</b></p> <p>The proposed boundary realignment is proposing a boundary within the apparently mapped protected vegetation near the pump shed along the water main easement between lots 2 &amp; 3. The majority of the area in question is void of any vegetation.</p> <p>An easement for access to water from the Barron River is proposed along the northern boundary of Lot 4.</p> <p>It is noted that there will be no clearing proposed as part of this development, however the exemptions will apply for clearing along the boundaries should the owners in future wish to.</p>
Clearing on land in particular circumstances		
<p><b>P02</b> Clearing is consistent with any notice requiring compliance on the land subject to the development application, unless a better environmental outcome can be achieved.</p> <p>Note: The discharge of the vegetation management requirements under the notice requiring compliance can only occur in conjunction with the better environmental outcome being legally secured. Further guidance on meeting the requirements of a better environmental outcome can be found in State</p>	No acceptable outcome is prescribed	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>

Performance outcomes	Acceptable outcomes	Response
code 16: Native vegetation clearing guidance material.		
<p><b>P03</b> Clearing is consistent with vegetation management requirements for particular regulated areas unless a better environmental outcome can be achieved.</p> <p>Note: The discharge of the vegetation management requirements under the notice requiring compliance can only occur in conjunction with the better environmental outcome being legally secured. Further guidance on meeting the requirements of a better environmental outcome can be found in State code 16: Native vegetation clearing guidance material.</p>	No acceptable outcome is prescribed	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>

Performance outcomes	Acceptable outcomes	Response
<p><b>P04</b> Clearing of a legally secured offset area:</p> <p>1. is consistent with the offset delivery plan; or agreement for the offset area on the land subject to the development application; or</p> <p>2. only occurs if an additional offset is provided that is consistent with the relevant policy in the Queensland Environmental Offsets Policy, Department of Environment and Heritage Protection, 2014.</p> <p>Note: Reference to 'agreement' above includes the 'agreed delivery arrangement' for the offset area as well as instruments associated with the legally secured offset area. Clearing should be consistent with any agreement however described.</p>	No acceptable outcome is prescribed	<b>Complies.</b>  <b>Not applicable to this development</b>
Clearing of vegetation as a result of the material change of use or reconfiguration of a lot		
<p><b>P05</b> Clearing as a result of a material change of use, or clearing as a result of reconfiguring a lot does not occur.</p>	No acceptable outcome is prescribed.	<b>Complies.</b>  The proposed boundary realignment is proposing a boundary within the apparently mapped protected vegetation near the pump shed along the water main easement between lots 2 & 3. The majority of the area in question is void of any vegetation.  An easement for access to water from the Barron River is proposed along the northern boundary of Lot 4.  It is noted that there will be no clearing proposed as part of this development, however the exemptions will apply for clearing along the boundaries should the owners in future wish to.
Clearing that could already be done under an exemption		

Performance outcomes	Acceptable outcomes	Response
<b>PO6</b> Clearing does not occur unless it is clearing that could be done under an exemption for the purpose of the development (as prescribed under Schedule 21 of the Planning Regulation 2017) prior to the material change of use or reconfiguring a lot application being approved.	No acceptable outcome is prescribed.	<p><b>Complies.</b></p> <p>The proposed boundary realignment is proposing a boundary within the apparently mapped protected vegetation near the pump shed along the water main easement between lots 2 &amp; 3. The majority of the area in question is void of any vegetation.</p> <p>An easement for access to water from the Barron River is proposed along the northern boundary of Lot 4.</p> <p>It is noted that there will be no clearing proposed as part of this development, however the exemptions will apply for clearing along the boundaries should the owners in future wish to.</p>

**Table 16.2.3: Specific**

Performance outcomes	Acceptable outcomes	Response
Clearing associated with wetlands (public safety and infrastructure, a coordinated project, extractive industry, high value agriculture clearing, and irrigated high value agriculture clearing)		
<b>PO7</b> Clearing maintains the current extent of vegetation associated with any natural wetland to protect:	<p><b>AO7.1</b> Clearing does not occur in a natural wetland or within 100 metres of the defining bank of any natural wetland.</p> <p>OR</p>	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>

Performance outcomes		Acceptable outcomes	Response
1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat.	Clearing associated with wetlands (necessary to control non-native plants or declared pests, encroachment, thinning, fodder harvesting)	<b>AO7.2</b> Clearing within 100 metres of any natural wetland: 1. does not occur within 50 metres of the defining bank of any natural wetland; and 2. does not exceed widths in table 16.3.1 in this code. OR <b>AO7.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with a natural wetland (matter of state environmental significance).	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO8.1</b> Where clearing is necessary to control non-native plants or declared pests, mechanical clearing does not occur within 5 metres of a natural wetland. AND <b>AO8.2</b> Clearing only occurs: 1. within a 1.5 metre radius from the base of the stem of individual non-native or declared plants; or 2. to the extent necessary to provide access for the control of the non-native plants or declared pests. AND <b>AO8.3</b> Clearing for access tracks running parallel to a natural wetland is not to be located within 10 metres of the natural wetland.	<b>Complies.</b>  <b>Not applicable to this development</b>
<b>PO8</b> Clearing maintains vegetation associated with a natural wetland to protect: 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat.	Clearing necessary to control non-native plants or declared pests:  <b>AO8.1</b> Where clearing is necessary to control non-native plants or declared pests, mechanical clearing does not occur within 5 metres of a natural wetland. AND <b>AO8.2</b> Clearing only occurs: 1. within a 1.5 metre radius from the base of the stem of individual non-native or declared plants; or 2. to the extent necessary to provide access for the control of the non-native plants or declared pests. AND <b>AO8.3</b> Clearing for access tracks running parallel to a natural wetland is not to be located within 10 metres of the natural wetland.	<b>Complies.</b>  <b>Not applicable to this development</b>	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>Complies.</b>  <b>Not applicable to this development</b>	<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes	Acceptable outcomes	Response
	AND <i>Clearing for thinning:</i>	Complies.
	<b>AO8.4</b> Where the clearing is for thinning, mechanical clearing does not occur within 20 metres of a natural wetland. AND	Not applicable to this development
	<i>Clearing for encroachment:</i>	
	<b>AO8.5</b> Where the clearing is for encroachment, mechanical clearing: 1. does not occur within 20 metres of the defining bank of a natural wetland; and 2. does not include the application of soil applied broad spectrum herbicides within 50 metres of the defining bank of a natural wetland or within the distance specified from a wetland in the directions for use on the label for the product, whichever is the greater. AND	
	<i>Clearing for fodder harvesting:</i>	Complies.
	<b>AO8.6</b> Mechanical clearing does not occur within 20 metres of any natural wetland. AND	Not applicable to this development
	<b>AO8.7</b> Strip harvesting or block harvesting does not occur within 100 metres of any natural wetland.	Complies.
		Not applicable to this development
	Clearing associated with wetlands (necessary environmental clearing – land restoration and natural disaster preparation)	
	<b>PO9</b> Clearing maintains vegetation associated with any natural wetland or rehabilitates the cleared area to protect:	Complies.
	<b>AO9.1</b> Clearing does not occur in, or within 100 metres of, any natural wetland. OR	Not applicable to this development

<b>Performance outcomes</b>		<b>Acceptable outcomes</b>	<b>Response</b>
1. water quality by filtering sediments, nutrients and other pollutants 2. aquatic habitat; and 3. terrestrial habitat.		<b>AO9.2</b> Clearing within 100 metres of any natural wetland and: 1. does not occur within 50 metres of the natural wetland; and 2. does not exceed the widths in table 16.3.1 of this code. OR <b>AO9.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Complies.</b>  <b>Not applicable to this development</b>
			<b>Complies.</b>  <b>Not applicable to this development</b>
Clearing associated with wetlands (necessary environmental clearing - natural channel diversion and contaminants removal)			
<b>PO10</b> Clearing maintains the current extent of vegetation associated with any natural wetland or rehabilitates the cleared area to protect: 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat.		<b>AO10.1</b> Clearing does not occur in, or within 100 metres of the defining bank of any natural wetland. OR <b>AO10.2</b> Clearing within 100 metres of any natural wetland and: 1. does not occur within 50 metres of the defining bank of any natural wetland; and 2. does not exceed the widths in table 16.3.1 of this code. OR <b>AO10.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Complies.</b>  <b>Not applicable to this development</b>
			<b>Complies.</b>  <b>Not applicable to this development</b>
			<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes	Acceptable outcomes	Response
	<b>AO10.4</b> Where clearing is for natural channel diversion or contaminants removal, and clearing cannot be reasonably avoided, and: <ol style="list-style-type: none"> <li>clearing has been reasonably minimised; and</li> <li>the cleared area cannot be reasonably rehabilitated an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with a natural wetland (a matter of state environmental significance).</li> </ol>	<b>Complies.</b>  <b>Not applicable to this development</b>
Clearing associated with watercourses and drainage features (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing)  <b>PO11</b> Clearing maintains the current extent of vegetation associated with any watercourse or drainage feature to protect: <ol style="list-style-type: none"> <li>bank stability by protecting against bank erosion</li> <li>water quality by filtering sediments, nutrients and other pollutants</li> <li>aquatic habitat; and</li> <li>terrestrial habitat.</li> </ol>		
	<b>AO11.1</b> Clearing does not occur in any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code. OR	<b>Complies.</b>  <b>Not applicable to this development</b>
	<b>AO11.2</b> Clearing within any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code: <ol style="list-style-type: none"> <li>does not exceed the widths in table 16.3.1 of this code; and</li> <li>does not occur within 5 metres of the defining bank, unless clearing is required into or across the watercourse or drainage feature.</li> </ol> OR	
	<b>AO11.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with any	<b>Complies.</b>  <b>Not applicable to this development</b>



Performance outcomes		Acceptable outcomes	Response
		watercourse or drainage feature (a matter of state environmental significance).	
Clearing associated with watercourses and drainage features (necessary environmental clearing – land restoration and natural disaster preparation)			
<b>PO12</b> Clearing maintains vegetation associated with any watercourse or drainage feature or rehabilitates the cleared area to protect: <ol style="list-style-type: none"> <li>1. bank stability by protecting against bank erosion</li> <li>2. water quality by filtering sediments, nutrients and other pollutants</li> <li>3. aquatic habitat; and</li> <li>4. terrestrial habitat.</li> </ol>		<b>AO12.1</b> Clearing does not occur within any watercourse or drainage feature or within the relevant distances from each defining bank of any watercourse or drainage feature in table 16.3.2 of this code. OR <b>AO12.2</b> Clearing in any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code: <ol style="list-style-type: none"> <li>1. does not exceed the widths in table 16.3.1 of this code; and</li> <li>2. does not occur within 5 metres of the defining bank, unless clearing is required into or across the watercourse or drainage feature.</li> </ol> OR <b>AO12.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Complies.</b>  <b>Not applicable to this development</b>
			<b>Complies.</b>  <b>Not applicable to this development</b>
Clearing associated with watercourses and drainage features (necessary environmental clearing – natural channel diversion, and contaminants removal)			
<b>PO13</b> Clearing maintains the current extent of vegetation associated with any watercourse or drainage feature or rehabilitates the cleared area to protect: <ol style="list-style-type: none"> <li>1. bank stability by protecting against bank erosion</li> <li>2. water quality by filtering sediments, nutrients and other pollutants</li> <li>3. aquatic habitat; and</li> </ol>		<b>AO13.1</b> Clearing does not occur within any watercourse or drainage feature or within the relevant distances from each defining bank of any watercourse or drainage feature in table 16.3.2 of this code. OR <b>AO13.2</b> Clearing in any watercourse or drainage feature, or within the relevant distance of the	<b>Complies.</b>  <b>Not applicable to this development</b>
			<b>Complies.</b>  <b>Not applicable to this development</b>



Performance outcomes		Acceptable outcomes	Response
		<b>AO14.3</b> Clearing for access tracks running parallel to a watercourse or drainage feature is not to be located within 10 metres of the defining bank of the watercourse or drainage feature. <i>Clearing is for thinning:</i>	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO14.4</b> Mechanical clearing does not occur within 20 metres of the defining bank of a watercourse or drainage feature. <i>Clearing for fodder harvesting:</i>	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO14.5</b> Mechanical clearing does not occur within 20 metres from the defining bank of any watercourse or drainage feature. <b>AND</b>	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO14.6</b> Strip harvesting or block harvesting does not occur within 100 metres of the defining bank of any watercourse or drainage feature.	<b>Complies.</b>  <b>Not applicable to this development</b>
		Clearing associated with watercourses or drainage features (encroachment)	
		<b>PO15</b> Clearing of encroachment maintains: 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat.	<b>AO15.1</b> Mechanical clearing: 1. does not occur within 20 metres of the defining bank of a watercourse or drainage feature; and 2. does not include the application of soil applied broad spectrum herbicides within 50 metres of the defining bank of a watercourse or drainage feature or within the distance specified from a wetland in the directions for use on the label for the product, whichever is the greater.
Maintaining connectivity (public safety and relevant infrastructure activities, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing)			

Performance outcomes		Acceptable outcomes	Response
<b>PO16</b> In consideration of vegetation on the land subject to the development application and on adjacent land, sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes.		<b>AO16.1</b> Clearing occurs in accordance with table 16.3.3 in this code.	<b>Complies.</b>  <b>Not applicable to this development</b>
Connectivity areas (coordinated project)			
<b>PO17</b> In consideration of vegetation on the land subject to the development application and on adjacent land: 1. sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes; or 2. where this not reasonably possible, the applicant provides an offset.		<b>AO17.1</b> Clearing occurs in accordance with table 16.3.3 of this code. OR	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO17.2</b> Where clearing cannot be reasonably avoided; and clearing has been reasonably minimised; an offset is provided for any acceptable significant residual impact from clearing on vegetation that forms a connectivity area (a matter of state environmental significance).	<b>Complies.</b>  <b>Not applicable to this development</b>
Maintaining connectivity (necessary environmental clearing - land restoration and natural disaster preparation)			
<b>PO18</b> In consideration of vegetation on the land subject to the development application and on adjacent land, sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes, or where this is not reasonably possible, the cleared area is rehabilitated.		<b>AO18.1</b> Clearing occurs in accordance with table 16.3.3 of this code. OR	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO18.2</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Complies.</b>  <b>Not applicable to this development</b>
Connectivity areas (necessary environmental clearing - natural channel diversion and contaminants removal)			
<b>PO19</b> In consideration of vegetation on the land subject to the development application and on adjacent land: 1. sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes; or		<b>AO19.1</b> Clearing occurs in accordance with table 16.3.3 of this code. OR	<b>Complies.</b>  <b>Not applicable to this development</b>
		<b>AO19.2</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated. OR	<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes	Acceptable outcomes	Response
2. where this is not reasonably possible, the applicant rehabilitates the cleared area; or 3. where this not reasonably possible, the applicant provides an offset.	<b>AO19.3</b> Where clearing cannot be reasonably avoided, and 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated 3. an offset is provided for any acceptable significant residual impact from clearing of vegetation that forms a connectivity area (a matter of state environmental significance).	<b>Complies.</b>  <b>Not applicable to this development</b>
Soil erosion (public safety and relevant infrastructure activities, coordinated project, high value agriculture clearing, irrigated high value agriculture clearing, necessary environmental clearing)		
<b>P020</b> Clearing does not result in: 1. accelerated soil erosion including, but not limited to – mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and 2. any associated loss of chemical, physical or biological fertility – including, but not limited to water holding capacity, soil structure, organic matter, soil biology, and nutrients, within or outside the land the subject of the development application.	<b>AO20.1</b> Clearing is undertaken in accordance with a sediment and erosion control plan, which includes measures to ensure the rates of soil loss and sediment movement are the same or less than those prior to the proposed development. OR <b>AO20.2</b> The local government is the assessment manager for the development application.  Note: For guidance on developing a sediment and erosion control plan, please refer to the Best Practice Erosion and Sediment Control Document, IECA, 2008.	<b>Complies.</b>  <b>Not applicable to this development</b>
Soil erosion (necessary to control non-native plants or declared pests, thinning, encroachment, fodder harvesting)		
<b>P021</b> Clearing does not result in: 1. accelerated soil erosion – including, but not limited to - mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and	<i>Clearing necessary to control non-native plants or declared pests:</i>  <b>AO21.1</b> Mechanical clearing retains 50 percent of the ground cover (dead or alive) in each 50 by 50 metre (0.25 hectare) area. AND	<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes		Acceptable outcomes	Response
2. any associated loss of chemical, physical or biological fertility – including, but not limited to water holding capacity, soil structure, organic matter, soil biology and nutrients, within or outside the land subject of the development application.		<b>AO21.2</b> New access tracks to gain access to a weed infestation do not exceed 5 metres in width or de-stabilise the banks of any watercourse or drainage feature as a result of crossing, construction or use. AND <i>Clearing for thinning:</i> <b>AO21.3</b> Mechanical clearing must: 1. retain 50 percent of the ground cover (dead or alive) in each 50 by 50 metre (0.25 hectare) area; and 2. not occur on slopes in excess of 10 percent. AND <i>Clearing for encroachment:</i> <b>AO21.4</b> Mechanical clearing: 1. is limited to slopes less than 5 percent; and 2. retains 50 percent of the ground cover (dead or alive) in each 50 by 50 metre (0.25 hectare) area. AND <i>Clearing for fodder harvesting:</i> <b>AO21.5</b> Strip harvesting or block harvesting does not occur on a slope that exceeds 5 percent, and is aligned across the slope. OR <b>AO21.6</b> Harvesting occurs using selective harvesting or breaker harvesting methods.	<b>Complies.</b>  <b>Not applicable to this development</b>  <b>Complies.</b>  <b>Not applicable to this development</b>  <b>Complies.</b>  <b>Not applicable to this development</b>  <b>Complies.</b>  <b>Not applicable to this development</b>
Salinity (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, necessary environmental clearing, fodder harvesting)			

Performance outcomes		Acceptable outcomes	Response
PO22 Clearing does not contribute to or accelerate land degradation through waterlogging, or through the salinisation of groundwater, surface water or soil.	Conserving endangered and of concern regional ecosystems (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing)	No acceptable outcome is prescribed.	Complies.  Not applicable to this development
PO23 Clearing maintains the current extent of endangered regional ecosystems and of concern regional ecosystems.	Conserving endangered and of concern regional ecosystems (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing)	AO23.1 Clearing does not occur in an endangered regional ecosystem or an of concern regional ecosystem. OR	Complies.  Not applicable to this development
		AO23.2 Clearing in an endangered regional ecosystem or in an of concern regional ecosystem does not exceed the width or area prescribed in table 16.3.1 of this code. OR	Complies.  Not applicable to this development
		AO23.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of endangered regional ecosystems and of concern regional ecosystems (a matter of state environmental significance).	Complies.  Not applicable to this development
Essential habitat (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing and irrigated high value agriculture clearing, fodder harvesting)			
PO24 Clearing maintains the current extent of essential habitat.	Conserving endangered and of concern regional ecosystems (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing)	AO24.1 Clearing does not occur in essential habitat. OR	Complies.  Not applicable to this development
		AO24.2 Clearing in essential habitat does not exceed the widths or areas prescribed in table 16.3.1 of this code. OR	Complies.  Not applicable to this development
		AO24.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any	Complies.  Not applicable to this development

<b>Performance outcomes</b>		<b>Acceptable outcomes</b>	<b>Response</b>
		acceptable significant residual impact from clearing of essential habitat (a matter of state environmental significance).	
Essential habitat (necessary environmental clearing – land restoration and natural disaster preparation)			
<b>P025</b> Clearing does not occur in essential habitat, or where this is not reasonably possible, the applicant rehabilitates the cleared area.		<b>AO25.1</b> Clearing does not occur in essential habitat. OR	<b>Complies.</b>
		<b>AO25.2</b> Clearing in essential habitat does not exceed the widths or areas prescribed in table 16.3.1 of this code. OR	<b>Not applicable to this development</b> <b>Complies.</b>
		<b>AO25.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Complies.</b>
			<b>Not applicable to this development</b>
Essential habitat (necessary environmental clearing – natural channel diversion and contaminants removal)			
<b>P026</b> Clearing does not occur in essential habitat, or where this is not reasonably possible, the applicant rehabilitates the cleared area, or maintains the current extent of essential habitat.		<b>AO26.1</b> Clearing does not occur in essential habitat. OR	<b>Complies.</b>
		<b>AO26.2</b> Clearing in essential habitat does not exceed the widths or areas prescribed in table 16.3.1 of this code. OR	<b>Not applicable to this development</b> <b>Complies.</b>
		<b>AO26.3</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated. OR	<b>Not applicable to this development</b>
		<b>AO26.4</b> Where clearing cannot be reasonably avoided, and: 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated 3. an offset is provided for any acceptable significant residual impact from clearing of	<b>Complies.</b> <b>Not applicable to this development</b>



Performance outcomes		Acceptable outcomes	Response
		essential habitat (a matter of state environmental significance).	
Acid sulfate soils (public safety and relevant infrastructure activities, coordinated project, extractive industry, high value agriculture clearing, irrigated high value agriculture clearing, necessary environmental clearing, necessary environmental clearing, necessary to control non-native plants or declared pests, thinning, encroachment)			
<b>PO27</b> Clearing does not result in, or accelerate, disturbance of acid sulfate soils or changes to the hydrology of the location that will result in either of the following: 1. aeration of horizons containing iron sulphides; or 2. mobilisation of acid or metals.		<b>AO27.1</b> Clearing does not occur in land zone 1, land zone 2 or land zone 3. OR <b>AO27.2</b> Clearing in land zone 1, land zone 2 or land zone 3 in areas below the 5 metre Australian Height Datum only occurs where: 1. it does not involve mechanical clearing; and 2. acid sulfate soils are managed consistent with the State Planning Policy, Department of State Development, Infrastructure and Planning, 2014, Department of State Development, Infrastructure and Planning, 2014 and with the Soil Management Guidelines in the Queensland Acid Sulfate Soil Technical Manual, Department of Science Information Technology Innovation and the Arts, 2014. OR <b>AO27.3</b> The local government is the assessment manager for the development application.	<b>Complies.</b>  <b>Not applicable to this development</b>  <b>Complies.</b>  <b>Not applicable to this development</b>
	Clearing is staged (extractive industry)		
	<b>PO28</b> Clearing: 1. is staged in line with operational needs that restrict clearing to the current operational area 2. only occurs in the area from which material will be extracted, and any reasonably associated infrastructure, within the term of the development approval; and	No acceptable outcome is prescribed.	<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes		Acceptable outcomes	Response
3.	does not occur without required permits.		
Clearing for agriculture (coordinated project, high value agriculture clearing, irrigated high value agriculture clearing)			
<p><b>P029</b> Clearing only occurs where the land is suitable for agriculture having regard to topography, climate and soil attributes.</p> <p>Note: Guidance for determining land suitability is provided in the Guidelines for meeting the land suitability and economic viability requirements for high value and irrigated high value agriculture applications, Department of Natural Resources and Mines, 2015.</p> <p><b>P030</b> Clearing only occurs where there is no alternative area on the land subject to the development application for the clearing.</p> <p><b>P031</b> For applications for irrigated high value agriculture clearing, the owner of the land is an eligible owner who has, or may have, access to enough water for establishing, cultivating and harvesting the crops to which the clearing relates.</p>		No acceptable outcome is prescribed.	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>
		No acceptable outcome is prescribed.	<b>Complies.</b>
		No acceptable outcome is prescribed.	<p><b>Not applicable to this development</b></p> <p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>
Clearing for necessary environmental clearing – land restoration and natural disaster preparation			
<p><b>P032</b> Clearing does not occur, or where this is not reasonably possible, the applicant rehabilitates the cleared area.</p>		<b>AO32.1</b> Clearing does not occur. OR	<b>Complies.</b>
		<b>AO32.2</b> Clearing maintains the natural floristic composition and range of sizes across the application area. OR	<p><b>Not applicable to this development</b></p> <p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>
		<b>AO32.3</b> Clearing does not exceed the widths or areas prescribed in table 16.3.1 of this code. OR	<b>Complies.</b>
		<b>AO32.4</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	<b>Not applicable to this development</b>

Performance outcomes		Acceptable outcomes	Response
Clearing for necessary environmental clearing - natural channel diversion and contaminants removal			
<b>PO33</b> Clearing does not occur, or where this is not reasonably possible, the applicant rehabilitates the cleared area or maintains the current extent of vegetation.		<b>AO33.1</b> Clearing does not occur. OR	<b>Complies.</b>
		<b>AO33.2</b> Clearing maintains the natural floristic composition and range of sizes across the application area. OR	<b>Not applicable to this development</b> <b>Complies.</b> <b>Not applicable to this development</b> <b>Complies.</b> <b>Not applicable to this development</b>
		<b>AO33.3</b> Clearing does not exceed the widths or areas prescribed in table 16.3.1 of this code. OR	<b>Complies.</b> <b>Not applicable to this development</b>
		<b>AO33.4</b> Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the endangered regional ecosystems and of concern regional ecosystems are rehabilitated. OR	<b>Complies.</b> <b>Not applicable to this development</b>
		<b>AO33.5</b> Where clearing an endangered regional ecosystem or of concern regional ecosystem cannot be reasonably avoided, minimised or rehabilitated, an offset is provided for any acceptable significant residual impact from clearing of an endangered regional ecosystem or of concern regional ecosystem (a matter of state environmental significance).	<b>Complies.</b> <b>Not applicable to this development</b>
Conserving vegetation (thinning)			
<b>PO36</b> Clearing activities: 1. maintain the natural floristic composition and range of sizes of each species of the regional ecosystem evenly spaced across the application area; and 2. retain habitat trees.		<b>AO36.1</b> Thinning retains mature trees and habitat trees. AND	<b>Complies.</b> <b>Not applicable to this development</b>
		<b>AO36.2</b> Thinning retains immature trees to: 1. return the immature tree density to a more typical level	

Performance outcomes	Acceptable outcomes	Response
	<p>2. retain representatives of all the species that occur in the regional ecosystem in about the proportion to what would normally exist</p> <p>3. retain the range of tree sizes that would normally occur; and</p> <p>4. space immature trees as evenly as possible across the thinned area.</p> <p>AND</p> <p><b>AO36.3</b> Thinning is not undertaken by ground application of soil applied broad spectrum herbicides, or aerial application of any herbicides.</p> <p>Note: The Department of Science, Information Technology and Innovation publishes technical descriptions (<a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions/">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions/</a>) which provide a detailed description of the normal range in structure and floristic composition of remnant regional ecosystems and their component vegetation communities. They should be used in conjunction with the fields from the Regional Ecosystem Description Database (REDD) (<a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download</a>) for a normal description of the regional ecosystem.</p>	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>
<p>Clearing limited to specific regional ecosystems (thinning)</p> <p><b>PO37</b> Clearing does not occur in the regional ecosystems listed in Table 16.3.6 of this code, except where clearing is solely for removing native plants not naturally occurring within the regional ecosystem.</p> <p>Retained vegetation density (thinning)</p>	<p>No acceptable outcome is prescribed.</p>	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>

Performance outcomes		Acceptable outcomes	Response
PO38 Clearing does not occur unless the density of vegetation that is retained is consistent with the natural floristic composition of the regional ecosystem.		AO38.1 The vegetation density is consistent with a representative reference site of the same regional ecosystem. OR	Complies.  Not applicable to this development
		AO38.2 The vegetation density is consistent with the natural floristic composition of the regional ecosystem as demonstrated by BioCondition benchmarks for regional ecosystem condition assessment, and the Regional ecosystem description database.  Note: DSITI publishes Technical descriptions ( <a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions</a> ) which provide a detailed description of the normal range in structure and floristic composition of remnant regional ecosystems and their component vegetation communities. They should be used in conjunction with the fields from the Regional Ecosystem Description Database (REDD) ( <a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download</a> ) for a normal description of the regional ecosystem.	Complies.  Not applicable to this development
Clearing is limited to specific regional ecosystems (encroachment)			
PO39 Clearing of encroachment does not occur, other than in the regional ecosystems listed in table 16.3.7 of this code.		No acceptable outcome is prescribed.	Complies.  Not applicable to this development
Retained trees (encroachment)			
PO40 Clearing of encroachment: 1. results in the restoration of the regional ecosystem 2. retains mature trees and habitat trees 3. retains all woody vegetation within a grove; and		No acceptable outcome is prescribed.	Complies.  Not applicable to this development

Performance outcomes	Acceptable outcomes	Response
4. retains representatives of all immature, non-encroaching species in a natural pattern.		
Limits to clearing for fodder harvesting (fodder harvesting)		
<b>P041</b> Clearing occurs only in the following areas: 1. Balonne Shire Council 2. Barcaldine Shire Council 3. Barcoo Shire Council 4. Blackall Tambo Regional Council 5. Bulloo Shire Council 6. Diamantina Shire Council 7. Goondiwindi Regional Council 8. Longreach Regional Council 9. Maranoa Regional Council 10. Murweh Shire Council 11. Paroo Shire Council 12. Quilpie Shire Council 13. Western Downs Regional Council 14. Winton Shire Council.	No acceptable outcome is prescribed.	<b>Complies.</b>  <b>Not applicable to this development</b>
<b>P042</b> Clearing is limited to the extent necessary to provide fodder for stock.	No acceptable outcome is prescribed.	<b>Complies.</b>
<b>P043</b> Clearing only occurs in regional ecosystems listed in table 16.3.8 or table 16.3.9 of this code.	No acceptable outcome is prescribed.	<b>Not applicable to this development</b>
<b>P044</b> Clearing consists predominantly of fodder species.	No acceptable outcome is prescribed.	<b>Complies.</b>
Conserving vegetation (fodder harvesting)		
<b>P045</b> Clearing retains at least: 1. 50 percent of the predominant canopy cover of the vegetation over each 300 metre by 300 metre (9 hectare) area when selective harvesting or narrow strip harvesting; and	<b>A045.1</b> Selective harvesting does not: 1. harvest more than 5 in 10 individual fodder trees in any given area 2. remove non-fodder species beyond that needed to provide access for harvesting; and	<b>Complies.</b>  <b>Not applicable to this development</b>

Performance outcomes	Acceptable outcomes	Response
<p>2. 55 percent of the predominant canopy cover of the vegetation over each 300 metre by 300 metre (9 hectare) area when block harvesting or wide strip harvesting maintains the range of species of the regional ecosystem at the locality.</p>	<p>3. involve mechanical clearing within 50 metres of a scarp or an area of instability, in the following regional ecosystems 6.7.1, 6.7.6, 6.7.14, 6.7.15, 6.7.16, 11.7.1, 11.7.2 and 11.7.5.</p> <p>AND</p> <p><b>AO45.2</b> Block harvesting:</p> <ol style="list-style-type: none"> <li>1. is limited to the harvesting area and width of retained vegetation listed in table 16.3.10</li> <li>2. retains non-fodder species with height of four metres or more within the harvested area</li> <li>3. does not occur in fodder regional ecosystems that are less than 10 hectares in area or 500 metres in width</li> <li>4. ensures tracks between blocks are limited to a width of 10 metres; and</li> <li>5. only occurs in regional ecosystems listed in table 16.3.8 of this code.</li> </ol> <p>AND</p>	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>
	<p><b>AO45.3</b> Wide strip harvesting:</p> <ol style="list-style-type: none"> <li>1. occurs where the harvested strip is 70 metres – 135 metres in width</li> <li>2. retains a minimum of 165 metres wide strip of retained vegetation on either side of the cleared strip</li> <li>3. only occurs for an 800 metre length with the retention of a 200 metre wide patch of vegetation at the end of each length</li> <li>4. does not occur in fodder regional ecosystems that are less than 10 hectares in area or 500 metres in width; and</li> <li>5. only occurs in regional ecosystems listed in table 16.3.8 of this code.</li> </ol> <p>AND</p>	<p><b>Complies.</b></p> <p><b>Not applicable to this development</b></p>

Performance outcomes	Acceptable outcomes	Response
	<b>AO45.4</b> Narrow strip harvesting: 1. occurs where the harvested strip is 20 to 50 metres in width 2. retains vegetation on either side of the strip a width at least equal to the width of the harvested strip 3. does not occur in fodder regional ecosystems listed in table 16.3.8 and table 16.3.9 of this code that are less than 10 hectares in area or 500 metres in width; and 4. only occurs in regional ecosystems listed in table 16.3.8 of this code.	<b>Complies.</b>  <b>Not applicable to this development</b>
Conserving endangered regional ecosystems and of concern regional ecosystems (fodder harvesting)		
<b>PO46</b> Clearing: 1. does not occur in vegetation that contains endangered regional ecosystems; and 2. is limited to vegetation that contains of concern regional ecosystems 6.5.3, 11.5.13, 6.5.5 and 4.7.3, and by selective harvesting where it does not remove more than three in 10 fodder trees.	No acceptable outcome is prescribed.	<b>Complies.</b>  <b>Not applicable to this development</b>
Cleared vegetation (fodder harvesting)		
<b>PO47</b> Cleared vegetation is not moved from where it falls.	No acceptable outcome is prescribed.	<b>Complies.</b>  <b>Not applicable to this development</b>
Conserving the fodder resource (fodder harvesting)		
<b>PO48</b> Clearing does not reduce the total extent of the fodder species in the regional ecosystem listed in table 16.3.8 and table 16.3.9 of this code on a lot to below 50 percent of its current extent within any 10 year period.	<b>AO48.1</b> Clearing is limited to the regional ecosystems and harvesting methods listed in table 16.3.8 and table 16.3.9 of this code. <b>AND</b> <b>AO48.2</b> Clearing is limited to areas that have not been harvested in the past 10 years. <b>AND</b>	<b>Complies.</b> <b>Not applicable to this development</b> <b>Complies.</b> <b>Not applicable to this development</b>



Performance outcomes	Acceptable outcomes	Response
	<b>AO48.3</b> Retained vegetation is not harvested within 10 years of the harvesting of an adjacent area which has been subject to either strip harvesting or block harvesting.	<b>Complies.</b>  <b>Not applicable to this development</b>