



1 April 2020

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

Our ref: 4131955-63
Your ref:

Dear Sir/Madam

Application for Development Permit for Reconfiguring a Lot (division by lease (Leases I to P) for a term exceeding 10 years) at 154 Oak Forest Road, Kuranda

GHD Pty Ltd (GHD) has been engaged by the Department of Housing and Public Works (DHPW) to obtain the necessary development approval for works 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210. A Development Permit is sought for Reconfiguring a Lot (division by lease (Leases I to P) for a term exceeding 10 years

In accordance with Section 51 of the *Planning Act 2016*, the application contains the following:

- DA Form 1 duly completed.
- Owner's consent signed by Mantaka Aboriginal Land Trust as registered landowner of the site.
- Town Planning Report addressing the relevant area intent, codes and planning scheme policies of the *Mareeba Shire Council Planning Scheme* as the applicable planning scheme for the proposed development.

It is requested that an invoice for the applicable development application lodgement fee be emailed to daryl.cochrane@ghd.com in order for payment to be arranged.

Should you have any questions regarding the application, please contact Daryl Cochrane on (07) 3316 3942.

Sincerely
GHD

A handwritten signature in black ink, appearing to read 'Brad Wood', written in a cursive style.

Brad Wood
Technical Director - Planning
+61 3316 3855



Department of Housing & Public Works
Reconfiguring a Lot (Division by Lease (Leases I to P))
Town Planning Assessment Report

April 2020

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1. Introduction

1.1 Purpose of this report

This Town Planning Assessment Report has been prepared by GHD Pty Ltd (GHD), on behalf of the Department of Housing & Public Works (DHPW), in support of a code assessable development application for reconfiguring a lot (RAL) (division by lease (I to P)), assessable against the *Mareeba Shire Council Planning Scheme* (Planning Scheme).

The site is located at 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210 (referred to as 'the subject site'), in the Mareeba Shire Council (Council) local government area.

This report provides the required documentation to support a RAL development application and comprises the following sections:

- Section 2 – summary of the development application details
- Section 3 – details of the site characteristics
- Section 4 – details the proposed development
- Section 5 – assessment of the proposed development against the State planning provisions
- Section 7 – assessment of the proposed development against the Local planning provisions
- Section 8 – conclusion.

1.2 Background

There are 8 original dwellings on the site constructed circa 1986/87.

In 2013, the subject site was approved for RAL (division by lease (Leases A to G)) for 8 lots (application reference: DA/13/0030) to develop new dwelling houses and dual occupancy development for the purposes of public housing.

In 2019, DHPW entered into a 30-year lease with the Mantaka Aboriginal Land Trust for Leases I to P over the subject site to formalise the use of original dwelling houses as public housing. Leases I to P are not contained within the 2013 development approval. DHPW has been advised by Mareeba Shire Council that a lease for over 10-years requires RAL development approval. DHPW sought legal advice, which confirmed the proposed development could not be undertaken under Schedule 6, Part 5 of the *Planning Regulation 2017*. The RAL proposes 8 lease lots (I to P) to formalise the use of the 8 original dwellings. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.

This town planning assessment report supports the code assessable development application for the RAL (division by lease (I to P)). Refer to Figure 1 for the lease plan demonstrating the lease lots onsite (existing and proposed).

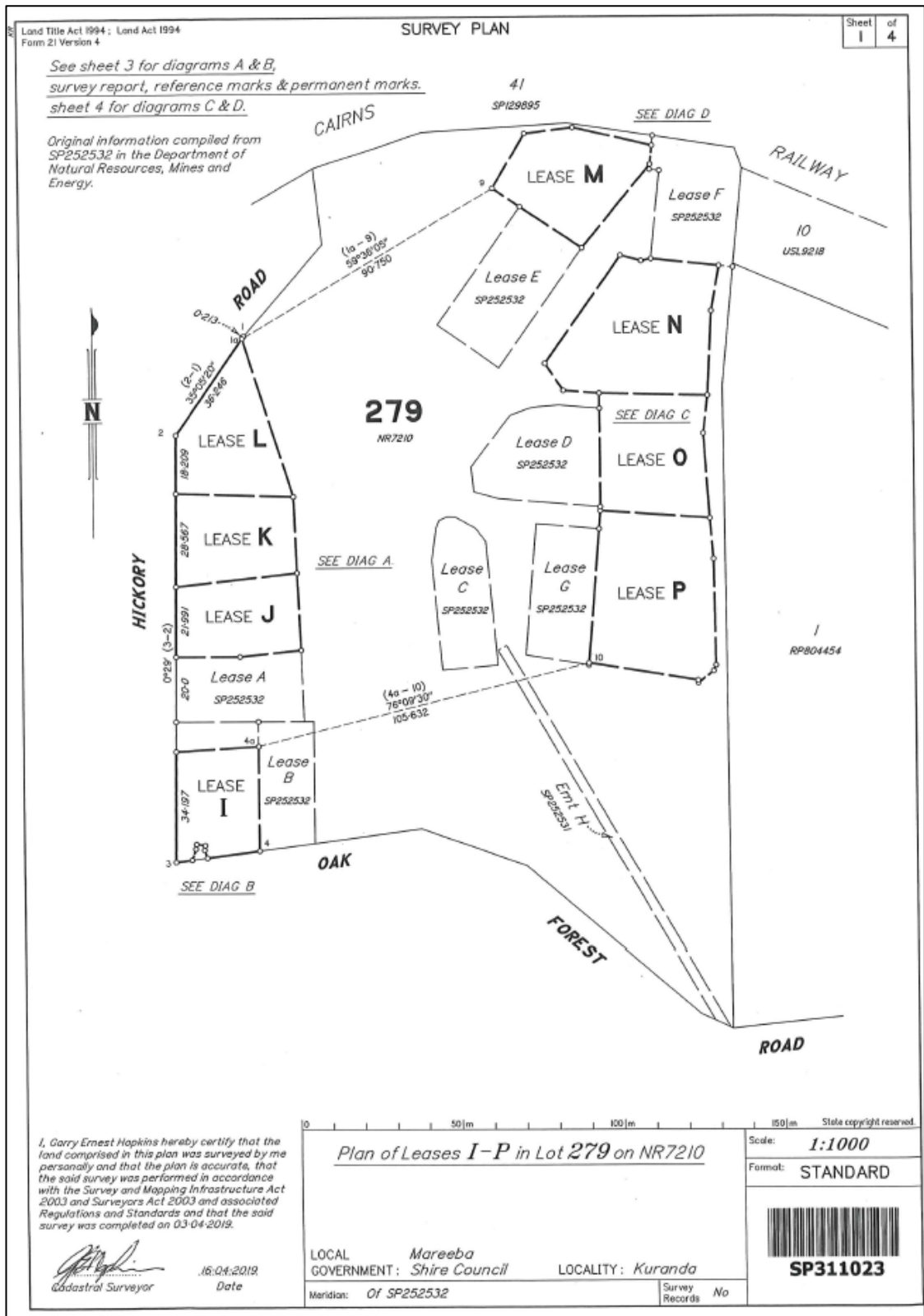


Figure 1 Lease Plan

Source: Appendix E

1.3 Scope and limitations

This report has been prepared by GHD for Department of Housing & Public Works and may only be used and relied on by Department of Housing & Public Works for the purpose agreed

between GHD and the Department of Housing & Public Works as set out in Section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than Department of Housing & Public Works arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

2. Summary of Development Application

Applicant	Department of Housing and Public Works C/- GHD Pty Ltd Refer to DA Form 1 in Appendix A.
Registered landowner	Mantaka Aboriginal Land Trust
Street address	154 Oak Forest Road, Kuranda QLD 4881
Real property description	Lot 279 on NR7210
Approved use	Dwelling houses and dual occupancies (public housing)
Proposal	The proposed development is for 8 lease lots (Leases I to P) over the subject site to formalise the use of existing dwelling houses as public housing.
Aspects of development	The applicant is seeking a Development Permit from Mareeba Shire Council for Reconfiguring a Lot (Division by Lease (I to P)). Refer to DA Form 1 and Checklists in Appendix A.
Category of assessment	Code Assessment
Assessment manager	Mareeba Shire Council
Referral / advice agencies	<u>Referral agency:</u> <ul style="list-style-type: none"> State Assessment and Referral Agency (State Transport Corridors and Future State Transport Corridors) under Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 of the <i>Planning Regulation 2017</i>. <u>Advice agency:</u> <ul style="list-style-type: none"> Ergon Energy (Infrastructure – Related Referrals (Electricity Infrastructure)) under Schedule 10, Part 9, Division 2, Table 1 of the <i>Planning Regulation 2017</i>.
Planning Scheme	<i>Mareeba Shire Council Planning Scheme</i>
Contact person	Melissa Ross, Senior Town Planner Street address: 145 Ann Street, Brisbane QLD 4000 Postal address: GPO Box 668, Brisbane QLD 4000 Phone: (07) 3316 3737 Email: Melissa.ross@ghd.com

3. Site Characteristics

3.1 Site Location

DHPW currently occupy the site located at 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210. The site is located south of the Barron River and Cairns Railway Line, approximately 7km north west of Kuranda. The site has an area of 3.684ha and is currently improved with a number of public housing residences (a mixture of dwelling houses and dual occupancies). The site contains protected (remnant) vegetation located primarily in and around the low impact waterway which runs (north-south) across the site, feeding into the Barron River. The focus of this development application is 8 original dwelling houses onsite, as shown in Figure 2.



Figure 2 Site location

Source: Queensland Globe

3.2 Site Tenure and Ownership

The subject site is freehold land, held by the Mantaka Aboriginal Land Trust for the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants, and under the *Aboriginal Land Act 1991*.

A copy of the current title search is provided in Appendix C, landowner's consent is provided in Appendix D and Trust documentation is provided in Appendix D.

3.2.1 Easements, Encumbrances and Interests

Details of the subject site's easements, encumbrances and interests are outlined in Table 1 below.

Table 1 Easements, Encumbrances and Interests

Item	Details
Interest	Deed of Grant no. 40013101 (Lot 279 on CP NR7210) Rights and interests reserved to the Crown.
Note	Noting No. 702452272 15/01/1998 at 10:11 In accordance with Section 32(1) of the Aboriginal Land Act 1991, this Deed of Grant takes effect from 1.30pm on 15 th December, 1997.
Easement	Easement H on SP25231 Easement in gross no. 715313427 16/09/2013 at 11:21 burdening the land. Ergon Energy Corporation Limited A.C.N. 078 646 062
Lease	Lease no. 716243481 07/01/2015 at 14:19 Leases A to G on SP25232 Lessee: The State of Queensland (Represented by Department of Housing and Public Works) Term: 04/09/2014 to 03/09/2044 Option: Nil

3.2.2 Administrative Advices

The subject site does not contain any administrative advices.

3.2.3 Unregistered Dealings

Details of the subject site's unregistered dealings are outlined in Table 2 below.

Table 2 Unregistered dealings

Dealing	Type	Lodgement Date (Time)
719705517	Survey Plan SP/311023	30/10/2019 (12:38)
719705522	Lease	30/10/2019 (12:39)

3.3 Land Use

3.3.1 Existing Site Conditions

The site comprises 1 lot in the Mareeba Shire Council local government area. The existing land use incorporates a number of public housing residences (dwelling houses and dual occupancies) over lease areas. The site is moderately vegetated near the low impact waterway across the site. The existing site features are identified in Table 3 below.

Table 3 Existing Site Conditions

Item	Description
Land Use	Dwelling houses and dual occupancies.
Structures	Thirteen buildings (dwelling houses and dual occupancies) throughout the site and Mantaka Access Road traversing north–south on the site.
Frontage and access	The subject site contains dual frontage: Oak Forest Road (south) and Hickory Road (west). Access to the site is via Oak Forest Road onto Mantaka Access Road (private road). Dwellings along the western boundary gain direct access onto Hickory Road.
Topography and views	The subject site has a moderate fall to the north of 20m over 200m. The highest elevation onsite is 350 WSG 1984 and the lowest elevation is 330 WSG 1984.
Vegetation	The subject site contains protected (remnant) vegetation located primarily in and around the low impact waterway which runs (north-south) across the site. Limited vegetation is also located within the individual lease areas.
Waterways	The subject site contains a mapped low impact waterway running north – south on the site.

3.3.2 Surrounding Land Uses

The subject site is in an area surrounded predominantly by rural residential land uses with areas of remnant vegetation. The surrounding land uses are identified in Table 4 below.

Table 4 Surrounding Land Uses

Direction	Lot and Plan	Use
North	Lot 41 on SP129895	Railway corridor (Cairns Railway Line). Further North – Barron River.
South	Lot 252 on NR5744	Residential property with a single dwelling house. Densely vegetated.
East	Lot 1 on RP804454 Lot 10 on USL9218	Residential property with a single dwelling house. Moderately vegetated.
West	Hickory Road	Roadway.

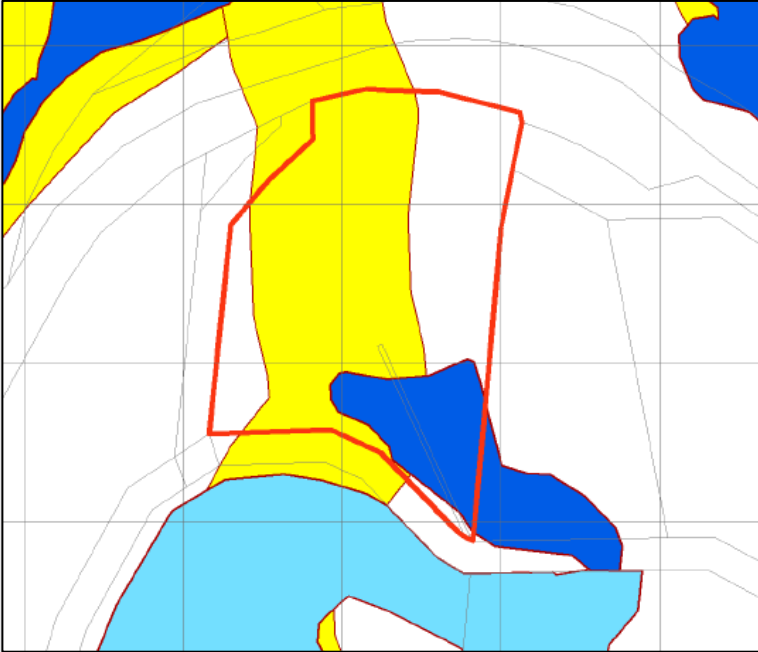
Direction	Lot and Plan	Use
		Further West – Barron River.

3.4 Environmental Values associated with the Subject Site

A summary of the environmental values associated with the subject site are outlined in Table 5 below.

Table 5 Environmental Values

Environmental Value	Details
Heritage	
World heritage properties	The site is a “declared property” (Place ID: 10508) within the Wet Tropics of Queensland, which is a World Heritage area.
National heritage properties	Natural: The site is “within a listed place” (Place ID: 10508) within the Wet Tropics of Queensland, which is also a National heritage place. The site is not identified in a management zone under the <i>Wet Tropics Management Plan 1998</i> . Indigenous: The site is “within a listed place” (Place ID: 106008) within the Wet Tropics of Queensland, which is a National heritage place with Indigenous values. The ongoing nature of determining Indigenous heritage is acknowledged.
State heritage	The site does not contain any State heritage places.
Local heritage	The site does not contain any Local heritage places.
Indigenous heritage	The cultural heritage party for the area is Cairns Regional Claim Group. The site is not identified as containing a matter of Indigenous heritage. The ongoing nature of determining Indigenous heritage is acknowledged.
Land	
Commonwealth land	The site is not commonwealth land.
Commonwealth reserves terrestrial	The site is not commonwealth reserve terrestrial land.
State and Territory reserves	The site and/or its 1km buffer is contained within the Kuranda State reserve in Queensland.
Contamination	Given the site’s rural setting and current residential use dating back to circa 1986/87, the site is unlikely to be contaminated. The site is not included on the Environmental Management Register or the Contaminated Land Register, refer to Appendix H.
Water	
Surface water	A low impact (green) mapped waterway runs north-south of the site, which feeds into Barron River.

Environmental Value	Details
Groundwater	The site does not contain any registered water bores. 2 registered bores are located east and north east of the site on adjoining properties.
Biodiversity	
Listed threatened ecological communities	The site and/or its 1km buffer contain 1 listed threatened ecological community.
Listed threatened species	The site and/or its 1km buffer contain 30 listed threatened species.
Listed migratory species	The site and/or its 1km buffer contain 19 migratory species.
Regulated vegetation	<p>The site contains:</p> <ul style="list-style-type: none"> • Category B least concern (0.55ha mid-dense structure) • Category R least concern (1.83ha mid-dense structure) • Category X (1.30ha).  <p>Legend</p> <ul style="list-style-type: none"> Lot and Plan Category A area (Vegetation offsets/compliance notices/VDecs) Category B area (Remnant vegetation) Category C area (High-value regrowth vegetation) Category R area (Reef regrowth watercourse vegetation) Category X area (Exempt clearing work on Freehold, Indigenous and Leasehold land) Water Area not categorised Cadastral line Property boundaries shown are provided as a locational aid only <p>Source: Vegetation Management Report</p>

Environmental Value	Details
Protected plants	The site does not contain any high risk areas for protected plant species.
Wetlands	The site does not contain any wetlands.
Biosecurity	
Fire ants	The site is not located within a fire ant biosecurity zone.
Invasive species	There are 20 weed species of national significance reported in the area.

3.5 Development History

3.5.1 Pre-2000's

There are 8 original dwellings on the site constructed circa 1986/87 by the Queensland Government to operate as public housing. Prior to 2000, the Queensland Government was not bound by planning legislation and, therefore, these dwellings are considered lawful.

3.5.2 Post-2000's

Development Permit DA/13/0030

A development permit was issued 14th June 2013 for RAL (division by lease (leases A to G)) over the site to develop new dwelling houses and dual occupancy development (refer to Figure 3). Tablelands Regional Council was the assessment manager.

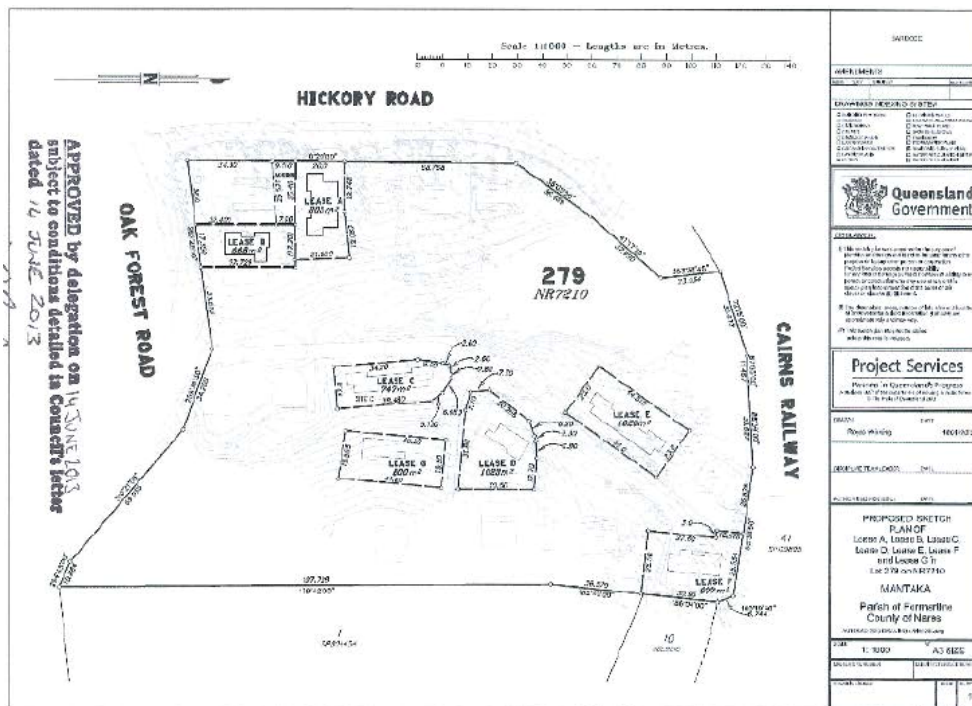


Figure 3 Approved Plan of Development

Source: Development Permit (DA/13/0030)

4. Proposal

4.1 Overview

DHPW is seeking a Development Permit from Council for RAL (division by lease (I to P)) for 8 lease lots. Mantaka Aboriginal Land Trust is the registered landowner, with existing lease lots A to G over the site, leased to DHPW for public housing development. There are 8 original dwellings on the site, constructed circa 1986/87, not held under current leases A to G. DHPW intend to reconfigure a lot over the subject site to formalise the use of these original houses within Lease areas I to P for public housing. Refer to Table 6 for the existing lease and proposed reconfiguration details.

Table 6 Proposed Development Details

Item	Details	
Lease Details		
Lessor	Mantaka Aboriginal Land Trust for the benefit for the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants, and under the <i>Aboriginal Land Act 1991</i> .	
Lessee	The State of Queensland (represented by Department of Housing and Public Works).	
Leal Property Description	Lot 279 on CP NR7210	
Premises being leased	Leases I to P on SP311023 in Lot 279 on NR7210	
Term of Lease	30 years (25/10/2019 to 24/10/2049)	
Reconfiguration Details		
Lease #	Lease Area Size	Frontage
Lease I	837m ²	Oak Forest Road: 16.236m Hickory Road: 34.197m
Lease J	897m ²	Hickory Road: 21.991m
Lease K	960m ²	Hickory Road: 28.567m
Lease L	1,069m ²	Hickory Road: 54.455m
Lease M	1,116m ²	Mantaka Access Road: 33.575m
Lease N	1,723m ²	Mantaka Access Road: 71.583m
Lease O	1,220m ²	Mantaka Access Road: 5.885m
Lease P	1,804m ²	Mantaka Access Road: 5.607m

4.1 Construction and Operation

No construction activities are expected. The proposed development will not require any site preparation, installation of infrastructure / services or building construction.

The proposed development is to formalise land for lease purposes, where the term exceeds 10 years. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. The proposed reconfiguration is to formalise a lease over 8 existing dwellings houses for the purposes of public housing.

4.2 Filling or Excavation

The proposed development does not involve any filling or excavation. As such, there are not expected to be any air quality (dust and emissions), noise and vibration, or sediment impacts.

4.3 Service Connections and Infrastructure

The existing dwellings will continue to be serviced by the following existing connections and infrastructure:

- Water: water storage tanks (2.19 kL concrete tanks and 3.12 kL polytanks) connected to bore water
- Sewer: connected to a reticulated sewerage system via sewer main along Oak Forest Road
- Stormwater: various land regrades, construction of drainage paths, kerb and channels and cut off/spoon drains capture stormwater around the site to dumped rock erosion protections to disperse water flow over areas
- Electricity and telecommunications: connected to the electricity supply network and telecommunication services via power poles along Oak Forest Road.

The proposed development will not result in increased demand imposed on these services. The existing dwellings on the proposed lease lots will continue using these connections, with no upgrades proposed.

4.4 Landscaping and Vegetation Clearing

The proposed development does not involve any landscaping or vegetation clearing. As such, there are not expected to be any impacts on flora or fauna.

4.5 Access and Parking

The proposed development will continue use of the following access arrangements:

- Access to proposed lease lots I to L directly onto Hickory Road
- Access to proposed lease lots M to P directly onto Mantaka Access Road (internal access road), gaining access from Oak Forest Road.

Each dwelling house has access to the above roads via existing crossovers which are to remain post reconfiguration.

Each proposed lease lot is dimensioned to comfortably accommodate at least 1 covered car parking space per dwelling house, in accordance with the Mareeba Transport and Access Code requirements.

4.6 Supporting Documentation

This proposal consists of the following supporting documentation:

- Appendix E – Lease and Lease Plan
- Appendix F – Contour and Detail Survey Plan
- Appendix G – Servicing Plan.

5. Commonwealth Planning Legislation

5.1 *Wet Tropics Management Plan 1998*

The *Wet Tropics Management Plan 1998* (the Management Plan) provisions the planning framework for management of the Wet Tropics of Queensland by regulating activities that have the potential to impact on values of the area. The Management Plan is given effect under Queensland's *Wet Tropics World Heritage Protection and Management Act 1993*.

As the subject site is not identified in a management zone under the Management Plan, and the proposed development could be considered an activity with minor and inconsequential impact, the proposal is an allowed activity, which does not require a permit.

6. State Planning Legislation

6.1 *Planning Act 2016*

Development is defined under Chapter 3, Section 44 of the *Planning Act 2016* and includes “*building work, plumbing or drainage work, operational work, reconfiguring a lot and making a material change of use of premises.*”

The proposed development subject to this application is considered to be RAL. This application has been made in accordance with Chapter 3, Section 25 of the *Planning Act 2016* and constitutes an application for code assessment.

The proposal satisfies the definition for RAL, as defined by Schedule 2 of the *Planning Act 2016*, in that it is for:

- (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*”

Further, the proposal constitutes code assessable development, as defined in Chapter 3, Section 45(5) of the *Planning Act 2016*.

6.1.1 **Development for Public Housing**

Public housing is defined under Schedule 24 of the *Planning Regulation 2017* as:

“**Public housing** –

(a) *means housing—*

- (i) *provided by, or for, the State or a statutory body representing the State; and*
- (ii) *for short or long term residential use; and*
- (iii) *totally or partly subsidised by the State or a statutory body representing the State; and*

(b) *includes services provided mainly for residents of the housing.*”

Development for public housing is accepted development under Schedule 6, Part 5 of the *Planning Regulation 2017*. Development under this Schedule are exempt from requiring development approval by the local government against the local planning scheme.

In this instance, DHPW has been advised by Mareeba Shire Council (Council) that a lease for over 10-years requires RAL development approval. DHPW sought legal advice, which

confirmed the proposed development could not be undertaken under the above sections under the *Planning Act 2016* and *Planning Regulation 2017*.

6.2 State Assessment and Referral Agency

A review of Schedule 10 of the *Planning Regulation 2017* has been undertaken. The relevant referral and advice agencies are identified in Table 7 below.

Table 7 State Assessment Referral Agencies

Agency	Jurisdiction	Trigger	Matters referral agency's assessment must be against	Referral lodgement details
Referral Agency				
State Assessment and Referral Agency	State Transport Corridors and Future State Transport Corridors Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 of the <i>Planning Regulation 2017</i> .	Subject site located within 25m of State-controlled transport corridor (railway corridor (north)).	State Development Assessment Provisions (V2.5), State Code 2: Development in a railway environment (Refer to Appendix I).	MyDAS 2
Advice Agency				
Ergon Energy	Infrastructure – Related Referrals (Electricity Infrastructure) Schedule 10, Part 9, Division 2, Table 1 of the <i>Planning Regulation 2017</i> .	Subject site contains an easement benefiting Ergon Energy Corporation Limited (Easement H on SP25231).	Nil, referral agency may give advice only.	GPO Box 1461 Brisbane QLD 4001 townplanning@ergon.com

6.2.1 State Development Assessment Provisions

Refer to Appendix I for statements of code compliance for the State Code 2: Development in a railway environment (State Code 2). The proposed development does not seek any performance outcomes. The development is not applicable against the majority of State Code 2 as the development does not involve new buildings, structures or infrastructure. The proposed development is to formalise land for lease purposes, where the term exceeds 10 years. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.

6.3 State Planning Policy

The State Planning Policy (SPP) sets out the State's interests in land-use planning and development across Queensland. The SPP was updated and introduced in 2017 to coincide with the release of the *Planning Act 2016*. The SPP must be considered as part of any development application under the *Planning Act 2016*.

The SPP details the following matters of State interest in land use planning which enables development, protects our natural environment, and allows communities to grow and prosper:

- Liveable communities and housing
- Economic growth
- Environment and heritage
- Safety and resilience to hazards
- Infrastructure.

In accordance with Part 2, Section 2.1 of the *Mareeba Shire Council Planning Scheme*, the SPP has been appropriately integrated and does not require further individual assessment.

6.4 Far North Queensland Regional Plan

As shown in Figure 4, the subject site is included within the boundaries of the Far North Queensland Regional Plan 2009-2031 (FNQ Regional Plan). The FNQ Regional Plan provides a regional framework for growth management, and sets planning direction for “a stronger, more liveable and sustainable community”.

The site is located within the Regional Landscape and Rural Production Area. This area identifies land to be protected from inappropriate development, particularly urban and rural residential development.

In accordance with Division 1, Section 1.6(b) of the FNQ Regional Plan State Planning Regulatory Provisions, these regulatory provisions do not apply to “premises in the Regional Landscape and Rural Production Area or Rural Living Area for development in an urban area under a planning scheme identified in Schedule 3.” Schedule 3 prescribes residential zones in the *Mareeba Shire Council Planning Scheme* are urban areas. As shown in Section 7.3, the subject site is located within the Low Density Residential Zone and, therefore, this development is exempt from the FNQ Regional Plan’s regulatory provisions.

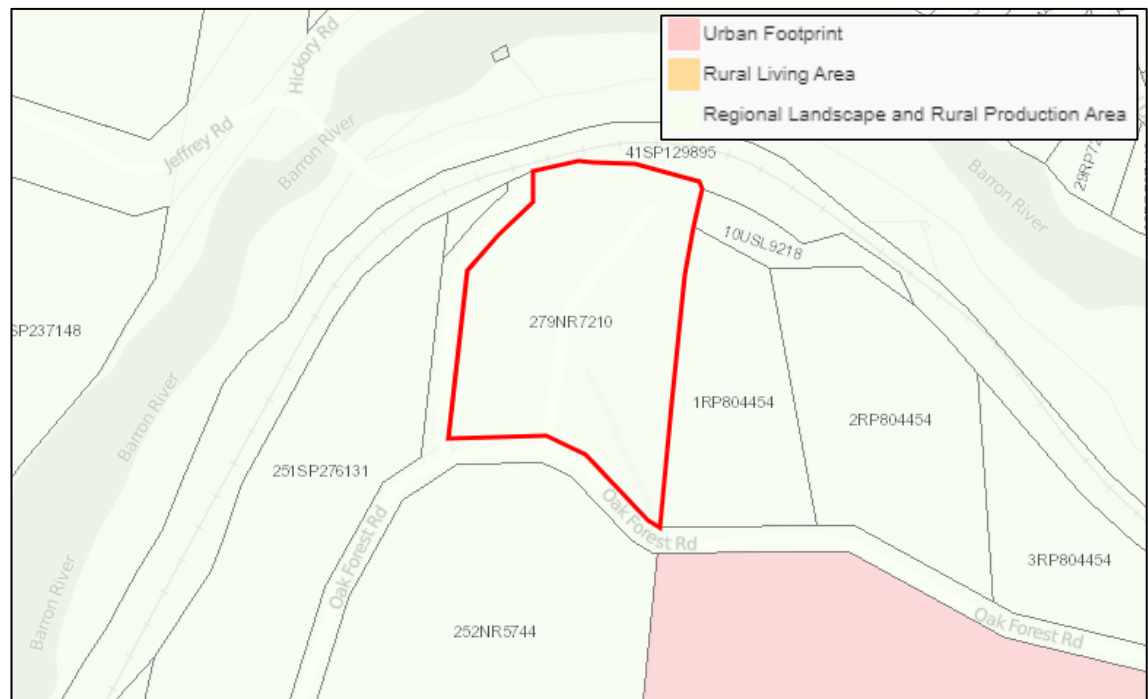


Figure 4 Regional mapping

Source: Development Assessment Mapping System

7. Planning Scheme Matters

7.1 Overview

The subject site is located within the Mareeba Shire Council local government area and subject to assessment against the *Mareeba Shire Council Planning Scheme*. The subject site is located within the Low Density Residential Zone under the Planning Scheme and the proposed works are for RAL for 8 lease lots (I to P).

Section 5.3.2(2) of the Planning Scheme identifies RAL is code assessment “*unless the tables of assessment state otherwise prescribed in the Act or the Regulation.*” In accordance with Category of Assessment Table 5.6.1 of the Planning Scheme, RAL in the Low Density Residential Zone is subject to code assessment.

7.2 Land Use Definition

The proposed development will allow for the continued operation of single, detached public housing development on the site. In accordance with Schedule 1.1 (Use definitions) of the Planning Scheme, single, detached public housing is defined as ‘dwelling house’:

“A residential use of premises for one household that contains a single dwelling.

The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.”

7.3 Zoning

The subject site is located within the Low Density Residential Zone, refer to Figure 5. The purpose of the Low Density Residential Zone Code is to provide for “*predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.*”

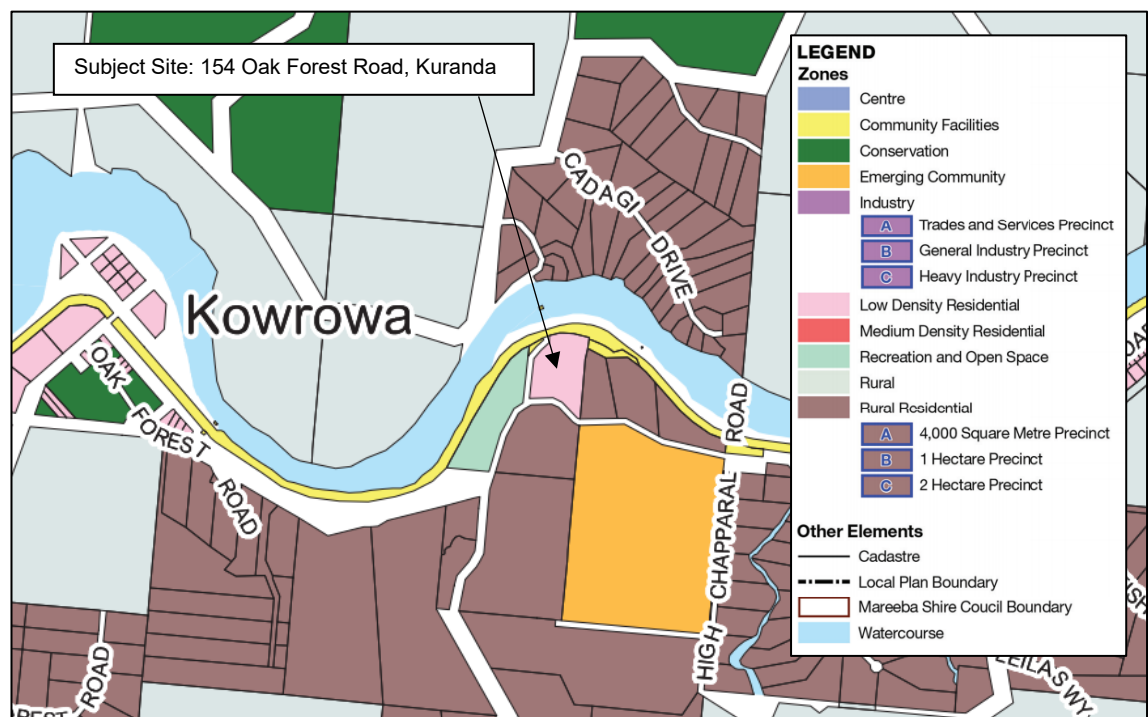


Figure 5 Site Zoning

Source: *Mareeba Shire Council Planning Scheme*

The proposed development is to facilitate the formalisation of a lease of existing dwelling houses for the purposes of public housing. No change is proposed to the existing use, which is a supported land use within the Low Density Residential Zone.

The proposed development will maintain the amenity of the surrounding area and takes into consideration the environmental constraints of the land.

7.4 Category of Assessment

In accordance with Section 5.3.2(2) of the Planning Scheme, reconfiguring a lot is code assessment *“unless the tables of assessment state otherwise prescribed in the Act or the Regulation.”*

In accordance with Category of Assessment Table 5.6.1 of the Planning Scheme, RAL in the Low Density Residential Zone remains code assessment.

7.5 Local Plan

The subject site is not located in a local plan area.

7.6 Overlays

The subject site is impacted by the following overlays:

- Bushfire Hazard Overlay
 - Very high potential bushfire intensity
 - High potential bushfire intensity
 - Medium potential bushfire intensity
 - Potential impact buffer (100 metres)
- Environmental Significance (Waterways) Overlay
 - Waterway 100 metre buffer
- Hill and Slope Overlay
 - Hill and Slope Area
- Residential Dwelling Overlay
 - Residential Dwelling House and Outbuilding
- Transport Infrastructure Overlay
 - Rail Corridor
 - Major Rural Road.

7.7 Relevant Planning Scheme Codes

The proposed development is subject to assessment against the codes listed in Table 8 below. Refer to Appendix I for statements of code compliance and Section 7.9 for discussion on key performance outcomes.

Table 8 Relevant Planning Scheme Codes

Primary Codes	Development Codes	Overlay Codes
<ul style="list-style-type: none"> • Low Density Residential Zone Code 	<ul style="list-style-type: none"> • Landscaping Code 	<ul style="list-style-type: none"> • Bushfire Hazard Overlay Code

Primary Codes	Development Codes	Overlay Codes
<ul style="list-style-type: none"> Reconfiguring a Lot Code. 	<ul style="list-style-type: none"> Parking and Access Code Works, Services and Infrastructure Code. 	<ul style="list-style-type: none"> Environmental Significance Overlay Code Transport Infrastructure Overlay Code.

7.8 Temporary Local Planning Instrument

A review of the recently adopted Temporary Local Planning Instrument No. 1 of 2019 has been undertaken. As the proposal is not for subdivision in a rural zone, the instrument is not applicable.

7.9 Key Performance Outcomes

7.9.1 Reconfiguring a Lot Code

Performance Outcome 1 – Minimum area and frontage

Complies with PO1

The proposed lease lots will have the following areas and frontages:

Lease #	Lease Area Size	Frontage
Lease I	837m ²	Oak Forest Road: 16.236m Hickory Road: 34.197m
Lease J	897m ²	Hickory Road: 21.991m
Lease K	960m ²	Hickory Road: 28.567m
Lease L	1,069m ²	Hickory Road: 54.455m
Lease M	1,116m ²	Mantaka Access Road: 33.575m
Lease N	1,723m ²	Mantaka Access Road: 71.583m
Lease O	1,220m ²	Mantaka Access Road: 5.885m

All lots meet the minimum lot requirements for non-rear lots prescribed in Table 9.4.4.3B in the Low Density Residential Zone. Proposed leases O and P contain reduced frontages due to the current arrangements of leases A to G. As the use is existing, this will not impact the functions of the dwelling onsite.

The proposed lots have been designed to appropriately contain all existing buildings, structures and infrastructure, having regard to the site characteristics including the current leased lots (A to G), Mantaka Access Road, Easement H on SP25231, protected vegetation and waterways. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.

Performance Outcome 4 – Easement

Complies with PO4

The subject site contains Easement H on SP25231 burdening the land (Ergon Energy Corporation Limited). The proposed lease lots will not impact the existing easement. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.

The proposed RAL will not compromise the easement.

Performance Outcome 12 – Residential lots

Complies with PO12

The proposed development is for RAL to establish lease lots over 8 existing dwellings on Lot 279 on NR7210. The proposed lease lots vary from 837m² to 1,804m². The proposed lease lots reflect the existing arrangement of dwellings on site and will not materially change the lot pattern of the area. The proposed development is to define land for lease purposes, where the term exceeds 10 years. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.

The proposed lease lots will provide essential public housing options for the Kuranda area to contribute to the locality's housing choice and diversity.

7.9.2 Landscaping Code

Performance Outcome 1

Complies with PO1

The site contains moderate, mature vegetation that has existed prior to the subdivision of the proposed lot. This includes a protected (remnant) vegetation corridor located in the and around the low impact waterway onsite which feeds into the Barron River. The vegetation onsite is consistent with the surrounding locality, which has remained predominantly rural and heavily vegetated.

The proposed development is to define land for lease purposes, where the term exceeds 10 years. The proposed RAL does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. As such, additional landscaping is not considered necessary. The site's landscaping will continue to:

- contain native vegetation, which is low maintenance, durable and receives sufficient access to sunlight and water
- provide an attractive streetscape
- contribute the local landscape character along Barron River
- allow for the development to achieve Crime Prevention Through Environmental Design principles
- not obstruct infrastructure or services
- be consistent with the surrounding rural zone properties
- integrate with the surrounding property's vegetation corridors and maintain amenity
- provide an appropriate balance of natural environment and built form
- protect the key environmental values onsite
- provide a source of visual interest that is unique to the locality, and screen areas of limited visual interest.

8. Other Relevant Matters

8.1 Pre-lodgement Advice

In 2019, DHPW entered into a 30-year lease over Leases I to P over the subject site to formalise the use of existing houses as public housing.

Mareeba Shire Council has provided written correspondence to DHPW advising that a lease for over 10-years requires RAL development approval. The development application fee is \$1,775.00 (no GST) under the 2019/20 fees and charges (reconfiguration up to 3-10 lots).

Council also advised that the application will also require State referral as the land adjoins rail corridor land. A separate fee is required for referral to SARA.

This development application has been prepared in response to the pre-lodgement advice received. A copy of the pre-lodgement advice has been provided in Appendix B.

9. Conclusion

This development application seeks a development permit from Mareeba Shire Council in support of RAL (division by lease (I to P)) for 8 lots over land at 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210.

The proposal constitutes code assessable development, as defined in Chapter 3, Section 45(5) of the *Planning Act 2016*. As demonstrated throughout this report, the proposed development is generally consistent with the provisions of State and local planning legislation. Technical assessment has been undertaken demonstrating compliance against the relevant State Development Assessment Provisions, FNQ Regional Plan and Planning Scheme. The Planning Scheme's key performance outcomes have been discussed in Section 7.9 of this report.

Having regard to the existing conditions onsite and the surrounding locality, the proposal is overall considered consistent with the intent for the area.

It is recommended that this proposal is approved, subject to reasonable and relevant conditions.

Appendices

Appendix A – DA Form 1

DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) 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 only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Queensland Government, Department of Housing and Public Works C/- GHD Pty Ltd
Contact name <i>(only applicable for companies)</i>	Daryl Cochrane
Postal address <i>(P.O. Box or street address)</i>	GPO Box 668
Suburb	Brisbane
State	Queensland
Postcode	4000
Country	Australia
Contact number	(07) 3316 3942
Email address <i>(non-mandatory)</i>	Daryl.Cochrane@ghd.com
Mobile number <i>(non-mandatory)</i>	-
Fax number <i>(non-mandatory)</i>	-
Applicant's reference number(s) <i>(if applicable)</i>	4131955-63

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 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
		154	Oak Forest Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	279	NR 7210	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

Note: Place each set of coordinates in a separate row.

- 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: <input type="text"/>	

- 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: <input type="text"/>	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development 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:

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

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):*

Proposed Development Permit for Reconfiguring a Lot (division by lease (Leases I to P) for a term exceeding 10 years)

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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

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?	
1	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input checked="" type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

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

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

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

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

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

12.2) What is the reason for the boundary realignment?

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have 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 Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- 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 – levees (*category 3 levees only*)
- Wetland protection area

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

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

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

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

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i> <ul style="list-style-type: none"> • <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i> <i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements			
Environmentally relevant activities			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> 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 <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> 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 ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

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 for further information on environmental offsets.

Koala habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at 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 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 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 and 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 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 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 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 for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

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 DA Form 2 – Building work details 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 the 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 DA Forms Guide: Planning Report Template.</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 DA Forms Guide: Relevant plans.</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 (see 21)	<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 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>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the DA Rules except where:</p> <ul style="list-style-type: none"> • such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. <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 COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Appendix B – Pre-lodgement Advice

Bridget Schulz

From: Brian Millard <BrianM@msc.qld.gov.au>
Sent: Monday, 9 December 2019 11:44 AM
To: KILGOUR Jeffrey
Cc: Carl Ewin
Subject: FW: Urgent application for Development Permit over Lot 279 NR7210
Attachments: Certificate of Title Lot 279 NR7210.pdf; Mantaka 30 Year Lease Executed 25 October 2019.pdf

Hi Jeff,

I have reviewed the 2013 reconfiguring a lot development application and subsequent development approval DA/13/0030 which authorised the creation of Leases A to G. A copy of this application and approval is available from: <https://owncloud.msc.qld.gov.au/index.php/s/AUf5aN4IEoJtTnH>

Proposed Leases I to P are definitely not covered by development approval DA/13/0030.

A new development application for Reconfiguring a Lot – Division by Lease (Proposed Leases I to P) will need to be prepared by the Department and submitted to Council for assessment. The Council application fee is \$1,775.00.

The application will also require a referral to the Department of State Development, Manufacturing, Infrastructure and Planning as the land adjoins rail corridor land. The Department has their own fee for this referral.

Council officers have delegated authority to assess and approve applications of this scale so I expect that we could process an application relatively quickly. As all proposed leases areas are already developed, the conditions of an approval are likely to be minimal.

Regards

Brian Millard
Senior Planner



Phone: 1300 308 461 | **Direct:** 07 4086 4657 | **Fax:** 07 4092 3323
Email: brianm@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Planning (Shared) <planning@msc.qld.gov.au>
Sent: Monday, 9 December 2019 9:53 AM
To: Brian Millard <BrianM@msc.qld.gov.au>; Carl Ewin <CarlE@msc.qld.gov.au>
Subject: FW: Urgent application for Development Permit over Lot 279 NR7210

From: KILGOUR Jeffrey <Jeffrey.KILGOUR@hpw.qld.gov.au>
Sent: Monday, 9 December 2019 9:49 AM
To: Planning (Shared) <planning@msc.qld.gov.au>
Cc: KILGOUR Jeffrey <Jeffrey.KILGOUR@hpw.qld.gov.au>
Subject: Urgent application for Development Permit over Lot 279 NR7210

Good Morning,

The Mantaka Aboriginal Land Trust is the trustee of a Deed of Grant in Trust over Lot 279 NR7210 at 8 Hickory Road, Kuranda (title search is attached). The Department of Housing and Public Works entered into the attached 30 year lease over Areas I to P on Lot 279 to formalise the use of existing houses as social housing.

The department has been advised that a lease for over 10 years is a reconfiguration of a lot and requires development approval. The department must therefore make an application for a development permit to Mareeba Shire Council and the department will also need to apply for a Form 18 consent to be signed by Mareeba Shire Council.

As the department has been requisitioned by DNRME Titles Office for the above development permit and Form 18, it would be appreciated if you could advise urgently, the process for the department to make application for the above. A draft Form 18 will be emailed shortly for your consideration.

If you would like to discuss, please contact me on 3007 4244 or at jeffrey.kilgour@hpw.qld.gov.au. Thank you for your help.

Jeff Kilgour

Principal Property Advisor | Regional Portfolio Renewal | Housing Partnerships Office
Housing, Homelessness and Sport | Department of Housing and Public Works
Level 22 | 41 George Street | Brisbane
ph 07 3007 4244 | **mb** 0434 206 546 | **fax** 07 3227 7435 | **email** jeffrey.kilgour@hpw.qld.gov.au
www.hpw.qld.gov.au | www.qld.gov.au/housing

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people | Healthy and safe workforce

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Thank you.

Appendix C – Current Title Search

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32795951

Search Date: 09/12/2019 09:32

Title Reference: 50202965

Date Created: 15/01/1998

Previous Title: 40013101

REGISTERED OWNER

Dealing No: 712929000 11/12/2009

MANTAKA ABORIGINAL LAND TRUST

TRUSTEE

FOR THE BENEFIT OF ABORIGINAL PEOPLE PARTICULARLY CONCERNED
WITH THE LAND AND THEIR ANCESTORS AND DESCENDANTS, AND UNDER
THE ABORIGINAL LAND ACT 1991.

ESTATE AND LAND

Estate in Fee Simple

LOT 279 CROWN PLAN NR7210
Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40013101 (Lot 279 on CP NR7210)
2. NOTING No 702452292 15/01/1998 at 10:11
IN ACCORDANCE WITH SECTION 32(1) OF THE ABORIGINAL LAND ACT
1991, THIS DEED OF GRANT TAKES EFFECT FROM 1.30PM ON 15TH
DECEMBER, 1997
3. EASEMENT IN GROSS No 715313427 16/09/2013 at 11:21
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT H ON SP252531
4. LEASE No 716243481 07/01/2015 at 14:19
THE STATE OF QUEENSLAND
(REPRESENTED BY DEPARTMENT OF HOUSING AND PUBLIC WORKS)
OF LEASES A TO G ON SP252532
TERM: 04/09/2014 TO 03/09/2044 OPTION NIL

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS

Dealing	Type		Lodgement Date	Status
719705517	SURVEY PLAN	SP/311023	30/10/2019 12:38	UNREGISTERED
719705522	LEASE		30/10/2019 12:39	UNREGISTERED

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: SMIS .

Appendix D – Landowner’s Consent

Our Ref: 41/31955/63
Date: 19/02/2020

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

Dear Sir/ Madam,

**RE: LETTER OF CONSENT OF OWNER – TRUSTEE
FOR APPLICATION ON LAND AT 165 OAK FOREST ROAD, KURANDA QLD 4881
(LOT 279 ON NR7210)**

I/We, the undersigned, as trustee/s of the Mantaka Aboriginal Land Trust for the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants, and under the *Aboriginal Land Act 1991*, hereby consent to the lodgement of a development application under the *Planning Act 2016*, by GHD Pty Ltd, at 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210.

Yours Faithfully,

<p>SHERRY Name: Shelley Shelley Diamond (Chairperson)</p>	<p>Signature: <i>Shelley Diamond</i> Date:</p>
<p>Name: Rhonda Brim (Member)</p>	<p>Signature: <i>Rhonda Brim</i> Date:</p>
<p>Name: Barry Hunter (Member)</p>	<p>Signature: <i>Barry Hunter</i> Date: 6-3-2020</p>

NOTE:

In accordance with the *Planning Act 2016*, the ACN must be included and accompanied by:

- The signature of either-
 - Two directors of the company
 - A director and a company secretary of the company or
 - If a proprietary company that has a sole director who is also the sole company secretary, that director

OR

- The company seal (if the company has a common seal) witnessed by:
 - Two directors of the company
 - A director and a company secretary of the company or
 - If a proprietary company that has a sole director who is also the sole company secretary, that director.



Appendix E – Lease and Lease Plan

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Lessor MANTAKA ABORIGINAL LAND TRUST AS TRUSTEE FOR THE BENEFIT OF ABORIGINAL PEOPLE PARTICULARLY CONCERNED WITH THE LAND AND THEIR ANCESTORS AND DESCENDANTS, AND UNDER THE ABORIGINAL LAND ACT 1991	Lodger (Name, address, E-mail & phone number) STATE CROWN SOLICITOR GPO Box 5221 Brisbane Qld 4001 Email: dallas.cluff@crownlaw.qld.gov.au Phone: 07 3031 5719 Ref: CP5/ADM001/3222/CLD	Lodger Code BE066A
--	---	------------------------------

2. Lot on Plan Description LOT 279 ON CP NR7210	Title Reference 50202965
---	------------------------------------

3. Lessee Given names Surname/Company name and number (include tenancy if more than one) THE STATE OF QUEENSLAND (REPRESENTED BY DEPARTMENT OF HOUSING AND PUBLIC WORKS)
--

4. Interest being leased
FEE SIMPLE

5. Description of premises being leased
Leases 1 to P on SP 311023 in Lot 279 on CP NR7210 as shown in Schedule B

6. Term of lease 30 years Commencement date/event: 25/10/2019 Expiry date: 24/10/2049 and/or Event: #Options: Nil #Insert nil if no option or insert option period (eg 3 years or 2 x 3 years)	7. Rental/Consideration See Reference Table and clause 6 in the attached Schedule A
---	---

8. Grant/Execution
The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in: - *the attached schedule; *the attached schedule and document no. _____; *document no. _____; *Option in registered Lease no. _____ has not been exercised.
* delete if not applicable

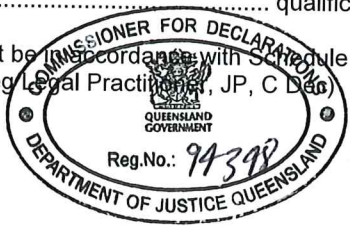
Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

..... signature		
..... full name		
..... qualification	/ /	SEE ENLARGED PANEL
Witnessing Officer	Execution Date	Lessor's Signature
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		

9. Acceptance
The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

..... signature
Lawrence Vincent Marinelli
..... full name
..... qualification

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)



Signed for and on behalf of
THE STATE OF QUEENSLAND
(represented by **DEPARTMENT OF HOUSING AND PUBLIC WORKS**)

by JEFFREY ROBERT KILGOUR full name
25/10/2019 PRINCIPAL PROPERTY ADVISOR position
Execution Date a duly authorised person

..... signature

Title Reference 50202965

8. Grant/Execution

The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in the attached Schedule A.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Witnessing Officer

Execution Date Lessor's Signature



Stephen Devenish signature
STEPHEN ROSS DEVENISH full name
SOLICITOR
qualification

15, 3, 19

Signed for and on behalf of
Mantaka Aboriginal Land Trust

by *A. Diamond* (full name)
(Chairperson)
SHERRY-ANNE DIAMOND (signature)

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Stephen Devenish signature
STEPHEN ROSS DEVENISH full name
SOLICITOR
qualification

by *BARRY L Hunter* (full name)
(Member)

B.L. Hunter (signature)

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Stephen Devenish signature
STEPHEN ROSS DEVENISH full name
SOLICITOR
qualification

by *RHONDA BRIM* (full name)
(Member)

Rhonda Brim (signature)

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Title Reference 50202965

This is Schedule A referred to in Item 8 of the Form 7 Lease.

Reference Table

Premises description	Premises located at 154 Oak Forest Drive, Kuranda
Trustee name and notice details	Mantaka Aboriginal Land Trust Address: c/- 10 Hickory Road, Kuranda QLD 4881 Facsimile: Attention: Ms Rhonda Brim
Trust	For the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants
Lessee name and notice details	The State of Queensland (represented by Department of Housing and Public Works) Address: Level 22/41 George Street, Brisbane QLD 4000 Postal Address: Portfolio Development Department of Housing and Public Works PO Box 690, Brisbane QLD 4001 Facsimile: (07) 3227 7435 Attention: Director – Portfolio Development Capital and Assets, Housing and Homelessness Services Department of Housing and Public Works
Rent	\$6,400 per year plus GST
Dwellings	8
Area	m ²
Local Government Area	Tablelands Regional Council

Title Reference 50202965

1. Definitions and Interpretation

Definitions

1.1 In this Lease the following definitions will apply:

Aboriginal Tradition means the body of traditions, observances, customs and beliefs of Aboriginal people generally, or of a particular community or group of Aboriginal people and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships;

Act means the *Aboriginal Land Act 1991* (Qld);

Agreed Standard means the standard agreed in writing between the parties from time to time or, failing agreement, the higher of:

- (a) the relevant Australian standard (if applicable);
- (b) the relevant industry code or guidelines;
- (c) the standard required by law;
- (d) generally accepted industry standards and practices; and
- (e) community accepted standards and practices;

Approvals mean any consent or approvals required by law;

Business Day means any day in the State of Queensland which is not a Saturday, Sunday or public holiday either in the locality of the Premises or in Brisbane;

Commencement Date means the date specified in Item 6 on the Form 7;

Dwellings mean the residential accommodation available for rent and constructed, or to be constructed on the Premises, the number of which is specified in the Reference Table;

Financial Year means a period of one year commencing on 1 July and ending on 30 June;

Form 7 means the Form 7 lease which incorporates by reference the terms of this document;

Government Services Use means public infrastructure for a purpose specified in section 5 of the *Acquisition of Land Act 1967* (Qld) and involves the development, subsequent use and maintenance of the Premises to deliver any such purpose together with such office, storage or residential purpose buildings (including accommodation for government employees) of and incidental to, or necessarily connected to the delivery of that purpose;

GST has the meaning given in the GST Law;

GST Law means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth);

Improvements mean all improvements, fixtures and fittings on the Premises at the Commencement Date and those constructed on the Premises from time to time, including the Lessee's Improvements;

Input Tax Credit has the same meaning as in the GST Act;

Lease means a trustee lease under the Act and the agreement recorded in this document, its schedules, plans and attachments and includes any variation which has been duly executed by the parties and registered by the Registrar;

Title Reference 50202965

Lease Year means each separate year of the Term of this Lease, the first Lease Year commencing on the Commencement Date;

Lessee means the Lessee named in Item 3 on the Form 7 and unless inconsistent with the subject matter, includes all persons authorised by the Lessee;

Lessee's Improvements means all improvements, fixtures and fittings on the Premises which the Lessee has constructed, repaired, upgraded, or replaced, but excludes furniture and chattels owned by the Lessee and items owned by a third party;

Local Government means the local authority for the local government area specified in the Reference Table;

Minister means the Minister administering the Act;

Permitted Use means the use specified in clause 4;

Premises means the premises described in Item 5 of the Form 7, including the Improvements;

Queensland Government means the State of Queensland and includes each and every department or other body owned or controlled by the State of Queensland, but does not include a Government Owned Corporation under the *Government Owned Corporations Act 1993* (Qld);

Rates and Charges means rates, charges and other levies (including rates and charges for the provision or reticulation of water, sewerage and drainage services and the provision of rubbish removal) payable to the Local Government;

Reference Table means the table and information on page 3 of this Lease;

Registrar means the Registrar of Titles under the *Land Title Act 1994* (Qld);

Rent means the amount specified in the Reference Table and where applicable, adjusted in accordance with clause 5.3;

Review Date means 1 July each year;

Services means those services provided by the Local Government and includes potable water, sewerage, stormwater and drainage and formed roads;

Social Housing means housing funded or provided by the Queensland Government including housing provided under the *Housing Act 2003* (Qld);

Supply has the meaning given in the GST Law;

Tax Invoice has the meaning given in the GST Law;

Term means the period specified in Item 6 on the Form 7;

Trust Land means the land described in Item 2 on the Form 7;

Trustee means the trustee referred to as the Lessor in Item 1 on the Form 7, together with its successors and unless inconsistent with the subject matter or context, includes all persons for the time being authorised by the Trustee;

Utilities means those services provided by the Local Government, or by an external provider, including electricity and telecommunications; and

Title Reference 50202965

Interpretation

- 1.2 Headings are for convenience only and do not affect interpretation of this Lease.
- 1.3 A reference to a person includes a reference to corporations and other entities recognised by law.
- 1.4 A reference to a statute, regulation, ordinance or local law will be deemed to extend to all statutes, regulations, ordinances or local laws amending, consolidating or replacing them.
- 1.5 The singular includes the plural and vice versa.
- 1.6 Words importing one gender will include a reference to all other genders.
- 1.7 A covenant or agreement on the part of two or more persons will be deemed to bind them jointly and severally.
- 1.8 A reference to a clause, schedule or attachment is a reference to a clause, schedule or attachment to this Lease and includes any amendments to them made in accordance with this Lease.
- 1.9 Where under or pursuant to this Lease the day on or by which any act, matter or thing is to be done is not a Business Day, such an act, matter or thing may be done on the next Business Day.
- 1.10 In the absence of any provision to the contrary, references to the Premises include any part of the Premises.
- 1.11 If an expression is defined, other grammatical forms of that expression will have corresponding meanings.
- 1.12 A reference to days or months means calendar days or months.
- 1.13 If a government department or agency mentioned in this Lease:
- (a) ceases to exist; or
 - (b) is reconstituted, renamed or replaced,

and its powers or functions are transferred to another government department or agency, a reference to the government department or agency will include that other government department or agency.

2. Grant of Lease

- 2.1 The Trust Land comprises a deed of grant to the Trustee for the holding of land in trust for the benefit of Aboriginal People particularly concerned with the land and their ancestors and descendants as from 15 December 1997.

Lease Granted Under the Act

- 2.2 The Trustee grants the Lessee and the Lessee accepts, a lease of the Premises on the terms and conditions set out in this Lease. This Lease is granted under the Act and is subject to the provisions of the Act. If any clause or condition of this Lease is inconsistent with the Act, the provisions of the Act will prevail.

3. Commencement and Term of Lease

The Term of this Lease is the term described in Item 6 of the Form 7.

4. Permitted Use

Lessee Use of Premises

The Lessee must use the Premises for:

Title Reference 50202965

- (a) Social Housing; or
- (b) any other Government Services Use as required by the Lessee.

5. Rent

Payment of Rent

- 5.1 The Lessee must pay the Rent to the Trustee annually in accordance with clause 5.2.

Time of Payment

- 5.2 Unless otherwise agreed in writing, the Rent must be paid in advance no later than 30 days after the Commencement Date and after that, no later than 10 Business Days after the Review Date. A pro-rata adjustment must be made for any periods relating to part of a Financial Year.

Rent Adjustments

- 5.3 The Trustee will determine the Rent payable on and from the Review Date in accordance with the following formula:

$$\text{Rent} = \frac{R \times C2}{C1}$$

Where:

R is the Rent specified in the Reference Table; and

C1 is the Consumer Price Index (All Groups) for Brisbane index number as published by the Australian Bureau of Statistics for the quarter ending immediately prior to the Commencement Date; and

C2 is the Consumer Price Index (All Groups) for Brisbane index number as published by the Australian Bureau of Statistics for the quarter ending 31 March immediately prior to the relevant Review Date.

Reduction in Rent

- 5.4 If the Lessee surrenders this Lease over part of the Premises in accordance with clause 24, then the Rent will be reduced on a pro-rata basis having regard to the proportion that the area of land over which the Lease is surrendered bears to the original area.

5.5 Prescribed Rent

If during the Term of this Lease a regulation is made under the Act which prescribes the rent for leases granted to the State of Queensland under the Act, then:

- (a) if applicable, the Rent must be adjusted to comply with the prescribed amount under that regulation; and
- (b) this Lease must be amended in accordance with clause 30(b) to reflect the adjusted Rent.

6. Outgoings

Statutory Charges

- 6.1 The Lessee must pay all Rates and Charges for the Premises which are levied by the Local Government.

Title Reference 50202965

Reimbursement

- 6.2 If an amount under clause 6.1 is levied on the Trustee, then the Lessee must reimburse the Trustee for the amount, or pay the amount at the Trustee's direction, no later than 20 Business Days after receiving a request for payment by the Trustee.

Pro-rata

- 6.3 If an amount referred to in clause 6.2 relates to more than the Premises, then a pro-rata adjustment (as bona fide determined by the Trustee) must be made and the Lessee will be responsible for its reasonable share of the amount. The Lessee's share will be the proportion that the Premises bears to the area to which the amount relates.

Payment for Utilities

- 6.4 In respect of Utilities provided to the Premises, the Lessee is responsible for:
- (a) establishing accounts in its own name wherever possible; and
 - (b) paying all fees and charges for the use of the Utilities.

7. Inspection by Trustee

Inspection

- 7.1 After giving at least 10 Business Days' notice to the Lessee, the Trustee and its agents may inspect the Premises. These inspections may be undertaken annually, or at such other time during the Term where a reasonable cause for an inspection is stated in the notice.

Lessee to be Present at Inspection

- 7.2 Any inspection under clause 7.1 must be undertaken in the presence of a nominated officer of the Lessee.

8. Nuisance

The Lessee:

- (a) must conduct its operations on the Premises in an orderly and respectable manner; and
- (b) will not do, or suffer to be done, anything in, upon, or about the Premises which is, or may be, or may become a nuisance.

9. Pest Plants and Animals

The Lessee must control pest plants and animals on the Premises during the Term of this Lease in accordance with the *Biosecurity Act 2014* (Qld) and the requirements of the Local Government.

10. Removal of Trees

The Lessee must not destroy any trees on the Premises, unless in accordance with the *Vegetation Management Act 1999* (Qld) and/or the *Planning Act 2016*(Qld). The Lessee must consult the Trustee in regard to any proposed destruction.

Title Reference 50202965

11. Quiet Enjoyment

If the Lessee pays the Rent and observes and performs its covenants and conditions of this Lease, the Lessee will be entitled to quiet enjoyment of the Premises without interruption or disturbance by the Trustee, or any person claiming under or through the Trustee.

12. Environment Protection

No Pollution

12.1 The Lessee must not dispose of, or permit to be disposed of, any garbage, oil, chemical or other substance or thing from the Premises in the sea, or on the Trust Land in such a way as it may leak, wash or be blown or otherwise enter into any watercourse or the sea.

Storage

12.2 The Lessee:

- (a) will store and keep all trade refuse and trade garbage in proper containers; and
- (b) will dispose of all refuse regularly and hygienically at an approved rubbish dump,

without causing pollution or damage to the Premises, Trust Land, surrounding land or sea. Trade refuse and trade garbage includes debris from building works, chemicals from chemical works, medical waste and other waste of this type, but does not include general refuse and garbage which is collected by, or on behalf of the Local Government.

Lessee's Obligation

12.3 The Lessee must use all reasonable endeavours to:

- (a) overcome and minimise any deleterious effects upon the environment arising from its use of the Premises; and
- (b) rehabilitate the Premises if there is damage caused to the Premises as a result of, or incidental to the Lessee's use of the Premises.

13. Compliance with Laws

The Lessee will punctually comply with and observe the requirements of all statutes, regulations, ordinances and local laws relating to its occupation of the Premises, including any Approvals required for the use of the Premises.

14. Access, Utilities and Services

Access

14.1 If there is no direct access to the Premises from a public road, the Trustee grants the Lessee and its officers, employees, agents, contractors, consultants and invitees reasonable access through the land adjoining the Premises for the purpose of gaining access to the Premises.

14.2 The route over the Trust Land for access to the Premises may be restricted by the Trustee, with the means of access directed to the shortest practical route which both minimises nuisance or interference to the Trustee, adjoining occupiers or neighbours and is culturally appropriate, but the Trustee cannot deny reasonable access.

14.3 Where the Trustee may lawfully restrict access by persons upon the Trust Land, the Lessee must inform the Trustee of the names or descriptions of persons, or types of person required to undertake the Permitted Use

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and the Trustee will not deny access to the named or described persons, or types of persons without just cause.

- 14.4 The Trustee grants the Lessee a right to connect Services to the Premises from any connection within the boundary of the Trust Land.
- 14.5 The Lessee agrees that the provisions of clause 17 (Insurance) and clause 20 (Release and Indemnity) applies to the exercise by the Lessee of its rights pursuant to clause 14.1.

15. Transfer, Sub-letting and Mortgage

Queensland Government

- 15.1 While the Queensland Government is the Lessee, the Lessee, by notice to the Trustee, may advise of a change of the department or body holding and administering this Lease and may lodge with the Registrar such documents as are required to record the change.

Transfer or Sub-lease

- 15.2 The Lessee may transfer this Lease only with the prior written consent of the Trustee.
- 15.3 The Trustee agrees that the Lessee may sub-let the Premises by entering into residential tenancy agreements for the Dwellings, without the Trustee's prior consent.

Rent under Sub-lease

- 15.4 The Lessee will determine the rent payable by the tenants under the sub-lease referred to in clause 15.3 in accordance with the policy used by the Lessee for social housing tenants in Queensland ('the policy').
- 15.5 If the Lessee intends to amend the policy, or to implement a new system of determining rent payable by tenants, the Lessee will consult with the Trustee.

Aboriginal Tradition

- 15.6 Subject to clause 15.7, when granting sub-leases under clause 15.3, the Lessee will apply the policy used by the Lessee for social housing tenants in Queensland to determine who will be eligible to enter into a residential tenancy of a Dwelling.
- 15.7 The Lessee will liaise with the Trustee to develop arrangements for the letting of the Dwellings. Those arrangements are to take Aboriginal Tradition into consideration.

16. Improvements, Repairs and Alterations

Improvements

- 16.1 The Premises includes the Improvements.
- 16.2 Subject to clause 16.3, the Lessee, at its cost, may:
- (a) maintain, repair, upgrade or replace Improvements from time to time which the Lessee determines are necessary for its use of the Premises;
 - (b) modify or extend the Improvements from time to time in order to meet the requirements of the Lessee; and
 - (c) construct or carry out other improvements to facilitate the Permitted Use; and
 - (d) replace the Improvements (or any part of them) in the event of destruction of the Improvements (or any part of them).

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Approvals

- 16.3 Before constructing any improvements under clause 16.2, the Lessee must obtain all applicable Approvals.

Ownership

- 16.4 All of the Lessee's Improvements are the property of the Trustee.

Appearance of Premises

- 16.5 The Lessee must:

- (a) keep the Premises fit for the Permitted Use; and
- (b) maintain the outward appearance of the Premises in a state of cleanliness and good repair so as not to unduly diminish the aesthetic appearance of the general locality in which the Premises are situated.

Lessee's Obligations

- 16.6 The Lessee is responsible for maintaining and repairing the Lessee's Improvements at the Lessee's cost, including maintenance and repairs due to fair wear and tear.

17. Insurance

Improvements

- 17.1 During the Term of this Lease, the Lessee will insure the Lessee's Improvements against damage by:

- (a) fire;
- (b) lightning;
- (c) earthquake;
- (d) explosion;
- (e) impact by vehicles and animals;
- (f) malicious damage other than by persons in or about the Lessee's Improvements with the actual or implied consent of the Lessee, any sub-lessee, or licensee;
- (g) rainwater; and
- (h) storm and tempest,

in broad cover form with repair and replacement terms on terms and conditions reasonable in the market at the time the insurance is effected.

Lessee's Policy

- 17.2 The Lessee must effect a public liability insurance policy with an insurer authorised under the *Insurance Act 1973* (Cth), naming the Lessee as the insured. The policy must cover legal liability for any loss of or damage to any property and for the injury (including death) to any person arising out of anything done, or omitted on or about the Premises and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect of the loss, damage or injury. The policy must be:

Title Reference 50202965

- (a) for an amount of not less than \$20 million in respect of all claims arising out of a single event or such higher amounts as the Trustee may reasonably require;
- (b) effected on a 'claims occurring' basis so that any claim made by the Lessee under the policy after the expiration of the period of policy cover, but relating to an event occurring during the currency of the policy, will be covered by the policy subject to the claim meeting the policy's other terms and conditions; and
- (c) maintained at all times during the currency of this Lease.

Renewal of Lessee's Policy

- 17.3 The Lessee must renew the policy, at the Lessee's expense, each year during the Term of this Lease and forward a certificate of currency to the Trustee within 14 days of being requested to do so by the Trustee.

Cancellation of Lessee's Policy

- 17.4 Upon receipt of a notice of cancellation of the policy, the Lessee must immediately effect another public liability policy in accordance with the provisions of this clause 17.

Government Lessee

- 17.5 Clauses 17.1 to 17.4 inclusive will be satisfied if the Lessee is the Queensland Government, or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

Keep Trustee Informed

- 17.6 As soon as practicable, the Lessee must notify the Trustee and the Minister of the occurrence of any event that the Lessee considers is likely to give rise to a claim under the policy of insurance effected. The Lessee must ensure that the Trustee and the Minister are kept fully informed of subsequent actions and developments concerning the claim.

Trustee's Insurance

- 17.7 During the Term of this Lease, the Trustee will obtain and keep in full force and effect a public risk liability insurance policy applying to all operations on the Premises. That policy will include property damage liability, accidental death of, or accidental bodily injury to persons, contingent liability and Trustee's legal liability with respect to the Premises. The policy will be written on a comprehensive basis with limits of not less than \$20 million.

18. No Warranties

The Trustee gives no warranty as to the suitability of the Premises for the Permitted Use.

19. Bushfire Management Plan

The Trustee agrees to comply with any bushfire management plans affecting the Premises.

20. Release and Indemnity

Indemnity

- 20.1 The Lessee indemnifies and agrees to keep indemnified the State of Queensland (represented by the Department of Natural Resources and Mines), the Minister and the Trustee (the 'Indemnified parties') against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses ('Claim') arising out of, or in any way connected to, or resulting from the granting of this Lease to the Lessee, or which is connected to, or resulting from the Lessee's use and occupation of the Premises (all of which are referred to as 'the indemnified

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acts or omissions'), except to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified parties. Any negligent act or omission of one of the Indemnified parties does not negate the indemnity to any of the other Indemnified parties.

Release

20.2 The Lessee releases and discharges the Indemnified parties from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified parties except to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified parties. Any negligent act or omission of one of the Indemnified parties does not negate the release and discharge to any of the other Indemnified parties.

21. Default

21.1 Subject to the provisions of section 124 of the *Property Law Act 1974* (Qld), if a party (Defaulting Party) defaults under this Lease (a Default) then, in addition to any other right the other party (Innocent Party) may have, the provisions in the following clauses apply.

21.2 The Innocent Party may serve a notice to remedy the Default (a Default Notice) on the Defaulting Party. The Default Notice must provide reasonable particulars of the default and require the Defaulting Party to remedy the default within a reasonable time (which must not be less than 30 Business Days and may be such longer period as the Innocent Party at its absolute discretion allows).

21.3 The Defaulting Party must use its best endeavours to remedy the Default as soon as reasonably possible and in any case, within the time stipulated in the Default Notice.

21.4 When the Defaulting Party has remedied the Default, it must provide reasonable evidence to the Innocent Party that it has done so.

21.5 If the Defaulting Party has not remedied the default to the Innocent Party's reasonable satisfaction prior to expiry of the time stipulated in the Default Notice, then:

(a) the Innocent Party may elect to:

(i) remedy the Default, in which case the Defaulting Party must pay all of the Innocent Party's reasonable costs and outlays of and incidental to the Default Notice and remedying the Default; or

(ii) serve a notice on the Defaulting Party terminating the Lease; and

(b) the Innocent Party may claim compensation for the Default from the Defaulting Party.

22. Damage and Destruction

Damage

22.1 Subject to clause 22.2, if during the Term, any of the Improvements are damaged to the extent that they are no longer able to function as intended or destroyed (Damage), then in respect of the repair, reinstatement, or replacement (Repair) of the Improvements, the Lessee may either Repair the Improvements at its cost, or terminate this Lease.

Fault

22.2 To the extent a party causes or contributes to the damage or destruction of the Improvements, whether by wilful damage or neglect, that party is responsible for repairing and reinstating the damage at its expense.

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Notice about Damage

- 22.3 The Trustee must notify the Lessee as soon as the Trustee becomes aware that any of the Improvements are damaged.
- 22.4 The Lessee must notify the Trustee as soon as the Lessee becomes aware that any of the Improvements are damaged.

Notice by Lessee

22.5 Subject to clause 22.6, no later than 60 Business Days after the Trustee notifies the Lessee of the Damage, or the Lessee notifies the Trustee of the Damage, as the case may be, the Lessee must give written notice to the Trustee:

- (a) of the Lessee's intention to Repair the Improvements; or
- (b) terminating this Lease.

22.6 Where Approval from the Local Government is required in relation to the Damage, the 60 Business Days referred to in clause 22.5 will not commence until the Lessee has received a copy of the Local Government resolution documenting the Approval.

22.7 Where the Lessee has given a notice to the Trustee of the Lessee's intention to Repair the Improvements under clause 22.5(a), the Lessee is not required to Repair the Improvements until it has received the necessary Approvals from the Local Government endorsing the demolition and Repair of the Improvements.

22.8 Unless the Lessee gives a notice under clause 22.5 (b) terminating this Lease, the Lessee must Repair the Improvements.

22.9 If the Lessee:

- (a) does not receive the required Approvals from the Local Government endorsing the demolition and Repair of the Improvements; or
- (b) receives the required Approvals from the Local Government endorsing the demolition and Repair of the Improvements on terms and conditions which are unsatisfactory to the Lessee,

the Lessee may elect to terminate this Lease by notice to the Trustee.

23. Removal of Improvements

23.1 At the expiry or sooner termination of this Lease, the Lessee:

- (a) must not remove any of the Improvements;
- (b) must leave the Premises in a clean and tidy state; and
- (c) must leave the Improvements in good and tenantable condition.

24. Surrender

Lessee's Surrender of Lease

24.1 The Trustee acknowledges that the Lessee may surrender this Lease over part of the Premises from time to time to enable the Lessee's tenant to obtain a 99 year lease of a Dwelling for private residential purposes under the Act.

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24.2 Despite clause 24.1, at any time during the Term of this Lease, the Lessee may surrender the whole of this Lease, or surrender this Lease over part of the Premises by:

- (a) giving not less than 3 months' notice to the Trustee of its decision to do so; and
- (b) providing to the Trustee an executed surrender in registrable form.

The Lessee agrees to consult with the Trustee before exercising its rights pursuant to this clause 24.2.

Trustee to Execute Surrender

24.3 The Trustee must execute the surrender and return it to the Lessee within 15 Business Days for registration by the Registrar. Upon registration of the surrender, this Lease will end if the surrender relates to the whole lease, or this Lease will end in relation to that area of the Premises subject to the surrender and the provisions in clause 23 will apply.

25. No Waiver

If there is any delay or indulgence on the part of a party in the exercise by it of any of its rights, powers or remedies under this Lease, such delay or indulgence will not be deemed to be a waiver of such rights, powers or remedies except where specifically communicated to the other party in writing.

26. Consents

Any permission, consent or approval to be given by the Trustee must not be unreasonably withheld but may be given subject to reasonable conditions.

27. Property Law Act Exclusions

The obligations and powers implied under sections 105 and 107 of the *Property Law Act 1974* (Qld) are expressly excluded from this Lease.

28. Further Assurances

Where a party to this Lease has an obligation or right to do something, then the other party:

- (a) must not unreasonably do anything which prevents the party from performing its obligation or exercising its right; and
- (b) must at the other party's expense, sign any documents or do any acts reasonably required to assist the other party performing the obligation or exercising the right, except in circumstances where doing so would materially prejudice the party.

29. GST

29.1 All payments to be made by the Lessee under this Lease (including Rent) are calculated exclusive of GST.

29.2 If GST is or will be assessed on the provision of goods, services or any other Supply under this Lease, then the recipient of the Supply must pay the relevant GST amount (in addition to all payments whatsoever contracted to be made under this Lease) to the supplier, within 30 days from receipt of a valid Tax Invoice.

29.3 If a party has a right to be reimbursed or indemnified for any cost or expense, that right does not include the right to be reimbursed or indemnified for that component of a cost or expense for which the reimbursed or indemnified party can claim an Input Tax Credit.

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30. Amendment of Lease

This Lease may be amended in accordance with the Act if:

- (a) both the Trustee and the Lessee agree; and
- (b) a formal instrument of amendment is registered by the Registrar.

31. Notices

Form of Notice

31.1 Notices under this Lease must be in writing and may be delivered by hand, by mail, or by facsimile to the addresses specified in the Reference Table, or any substitute address as may have been notified by the relevant addressee from time to time.

Time of Notice

31.2 Notice will be deemed given:

- (a) 5 Business Days after deposit in the mail with postage prepaid;
- (b) when delivered by hand; or
- (c) if sent by facsimile transmission, upon an apparently successful transmission being noted by the sender's facsimile machine prior to close of business at 5.00pm,

as the case may be.

31.3 Facsimile transmissions received after 5.00pm will be deemed to be received at the start of the next Business Day.

32. Costs

Registration and Survey Fees

32.1 The Lessee must pay any registration fees and survey fees for this Lease.

Stamp Duty

32.2 The Lessee must pay the stamp duty (if any) for this Lease.

Costs Generally

32.3 Each party is responsible for its own costs of and incidental to this Lease, including the cost of any necessary consents and approvals sought by that party.

33. Registration of Lease

The Lessee may lodge this Lease with the Registrar for registration after receiving the signed Lease from the Trustee.

34. Governing Law

This Lease is governed by the laws of Queensland.

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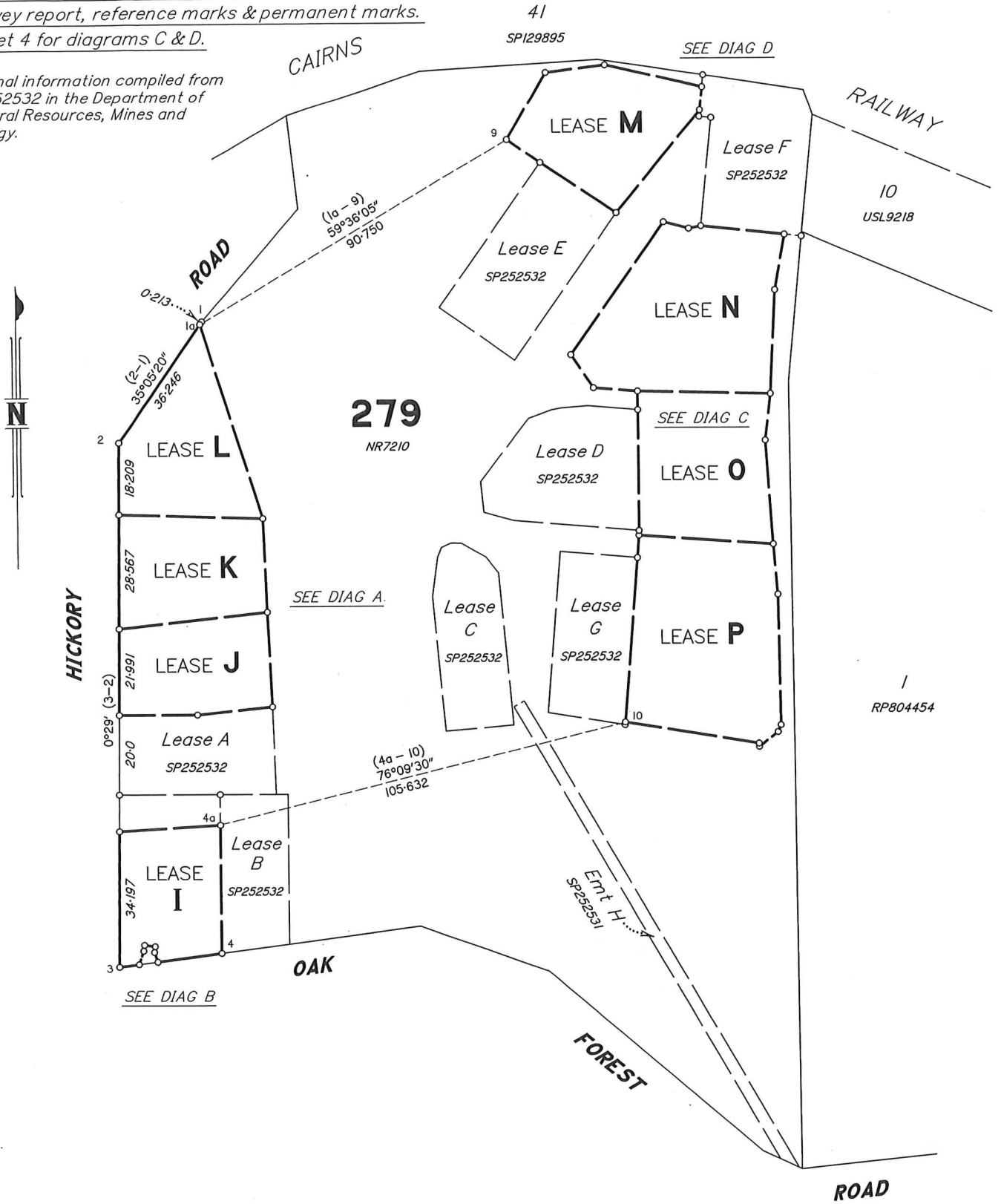
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SCHEDULE B - PLANS

See sheet 3 for diagrams A & B,
survey report, reference marks & permanent marks.
sheet 4 for diagrams C & D.

Original information compiled from
SP252532 in the Department of
Natural Resources, Mines and
Energy.



I, Garry Ernest Hopkins hereby certify that the land comprised in this plan was surveyed by me personally and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 03-04-2019.

Garry Ernest Hopkins
Gdastral Surveyor

16.04.2019
Date

0 50m 100m 150m State copyright reserved.

Plan of Leases I-P in Lot 279 on NR7210

Scale: 1:1000

Format: STANDARD



SP311023

LOCAL Mareeba
GOVERNMENT: Shire Council LOCALITY: Kuranda

Meridian: Of SP252532

Survey No
Records

**WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.**

(Dealing No.)

5. Lodged by

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We Mantaka Aboriginal Land Trust trustee for the benefit of Aboriginal people particularly concerned with the land and their ancestors and descendants, and under the Aboriginal Land Act 1991.

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan:

B. Hunter M. B. ... M. ...
Signature of *Registered Owners *Lessees



* Rule out whichever is inapplicable

2. Planning Body Approval.

*
hereby approves this plan in accordance with the :
%

Dated this day of

..... #

..... #

* Insert the name of the Planning Body.

% Insert applicable approving legislation.

Insert designation of signatory or delegation

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 19/026

6. Existing

Title Reference	Description	Created		
		New Lots	Road	Secondary Interests
50202965	Lot 279 on NR7210	-	-	Leases I-P

Leases I-P do not affect any other leases lodged or registered on title 50202965 as at 16-04-2019.

Lot 279 on NR7210

Lots Orig

7. Orig Grant Allocation :

8. Passed & Endorsed :

By:

Date:

Signed:

Designation:

23 MAY 2019
G E Hopkins
16 April 2019
[Signature]
Cadastral Surveyor

9. Building Format Plans only.

I certify that :

- * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
- * Part of the building shown on this plan encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date
*delete words not required

10. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

11. Insert Plan Number

SP311023

SURVEY REPORT

Plans used:
NR7210, SP252531 and SP252532.

Datum:
Stns 2 to 3 as defined by original marks
with deed distance available.

Survey:
All dimensions and reference mark
connections agree with previous surveys.

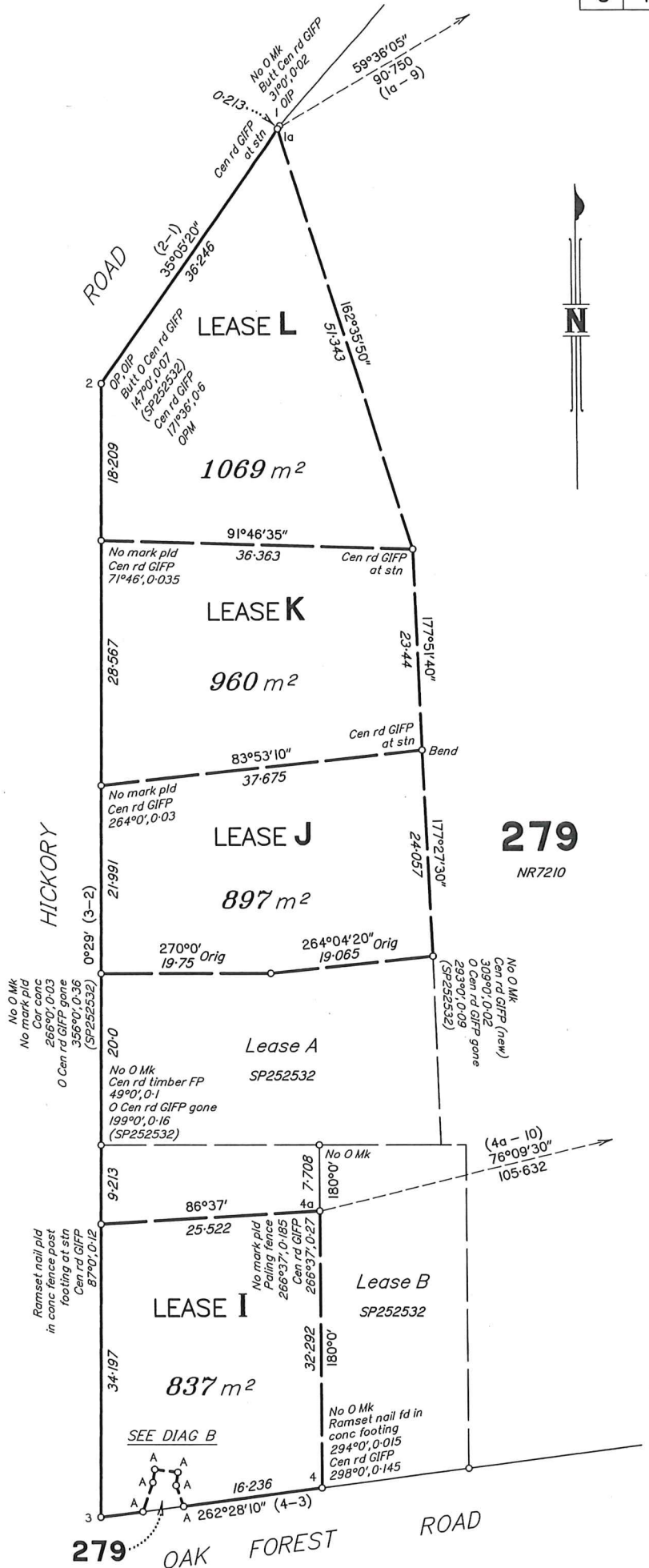
The small area of Lot 279 excluded from
Lease I contains a Bus Shelter.

Reference Marks

Stn	To	Origin	Bearing	Dist
1	OIP	10/NR7210	308°10'50"	1-0
2	OIP	9/NR7210	180°29'	1-0
3	OIP	7/NR7210	156°39'	1-0
3	O Nail in kerb	2/SP252532	333°39'	17-845
5	O GI Nail in bitmn gone	8/SP252532	10°09'45"	19-97
6	O GI Nail in bitumen (not searched)	9/SP252532	103°07'	6-71
7	O Nail in kerb	11/SP252532	182°17'	16-415
8	Ramset nail in kerb		236°33'10"	16-658
8	Ramset nail in conc		221°31'05"	62-67

Permanent Marks

PM	Origin	Bearing	Dist	Nº
2-OPM	9/NR7210	224°53'30"	1-518	92843



Cen rd GIFF at stations marked A

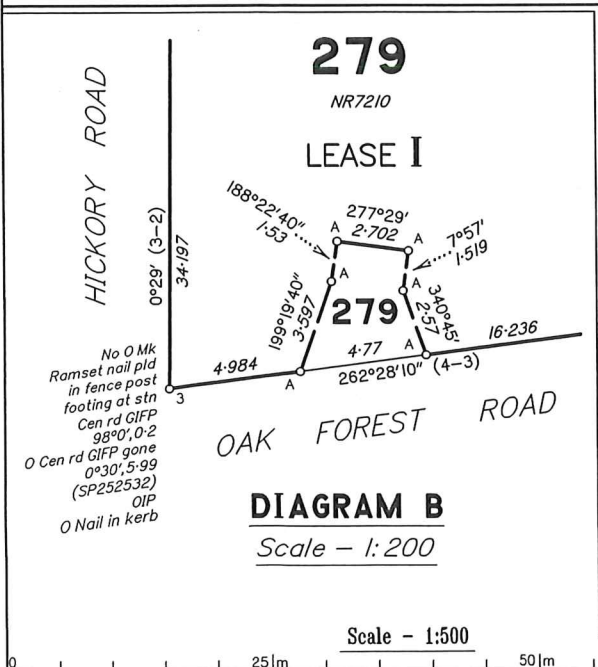


DIAGRAM A
Scale - 1:500

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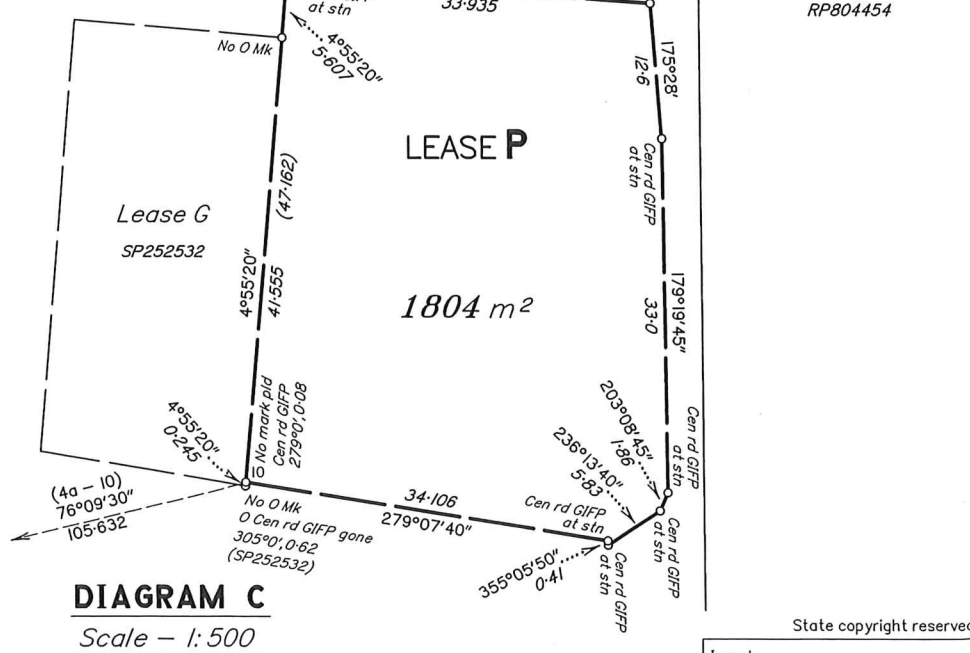
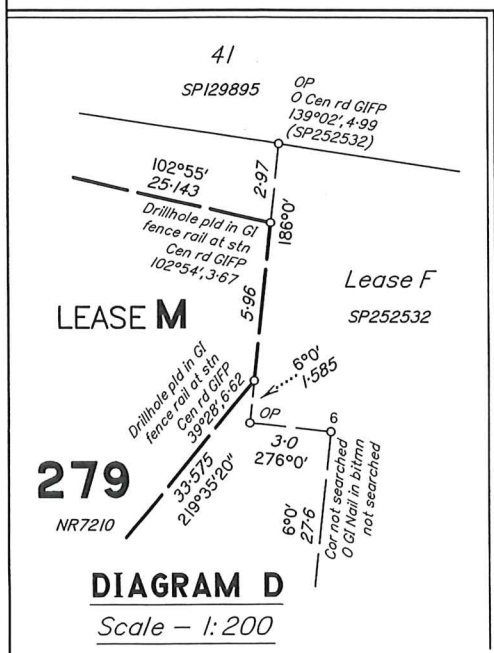
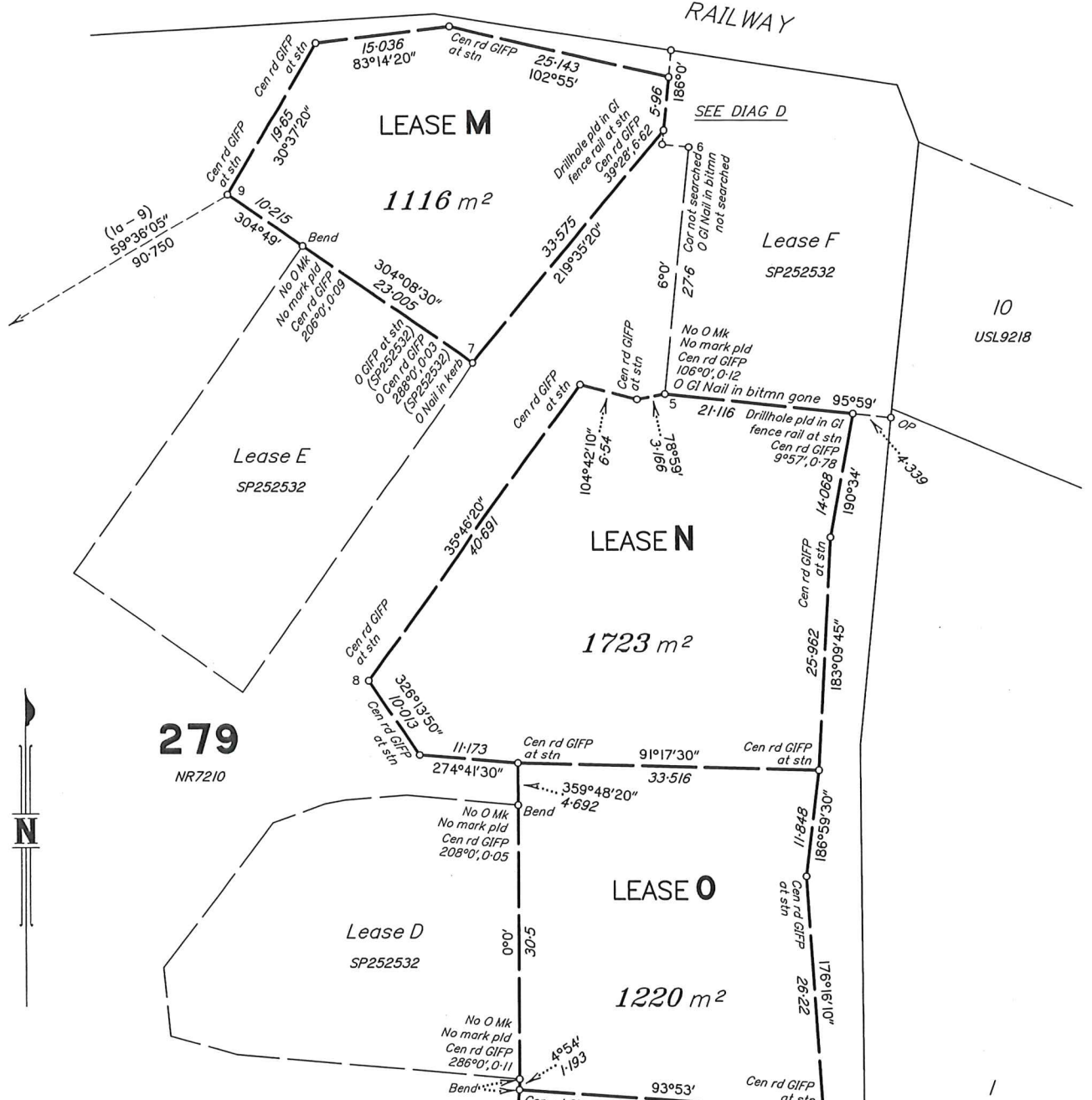
Insert Plan Number SP311023

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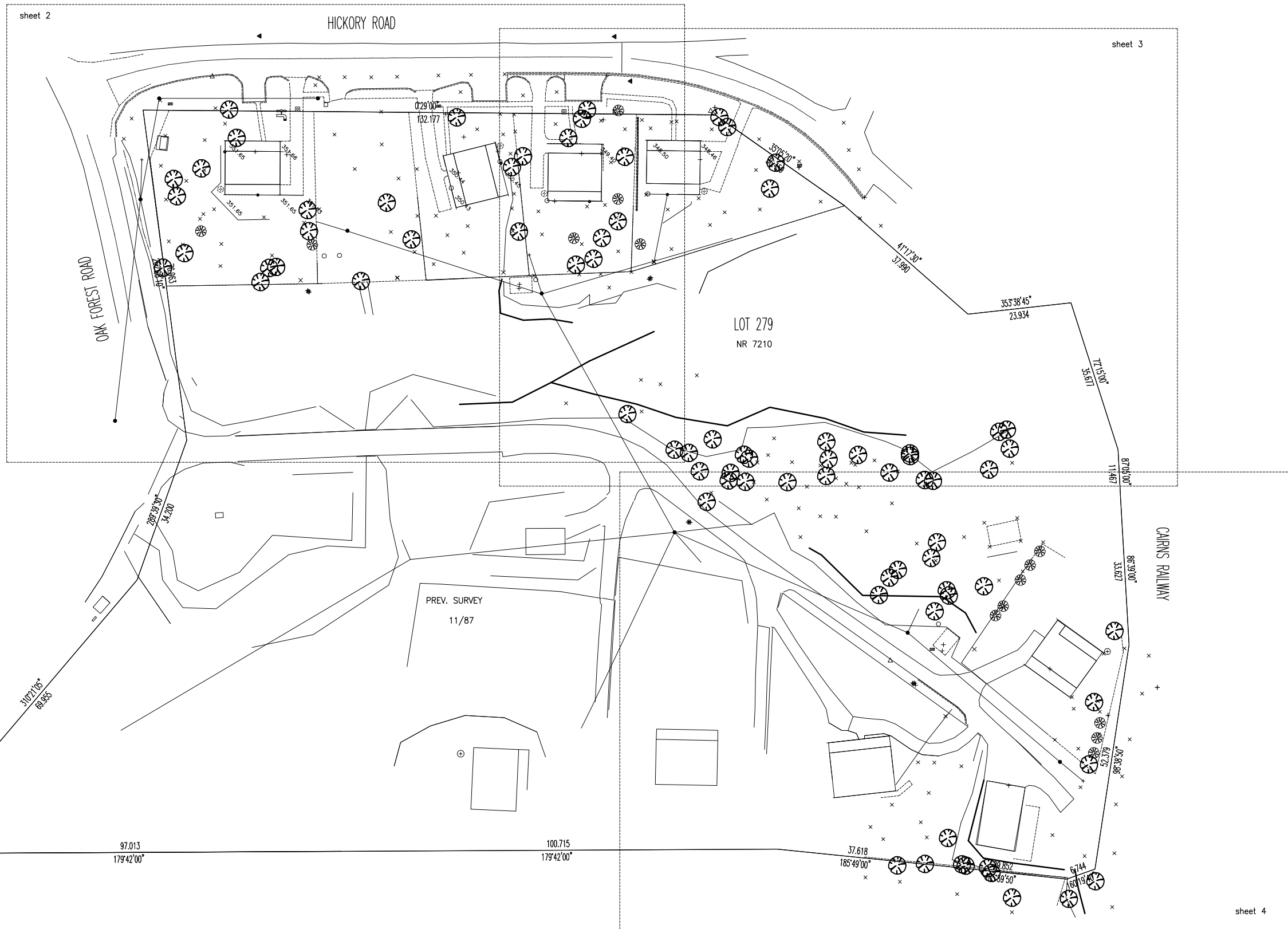
SPI29895

CAIRNS

RAILWAY



Appendix F – Contour and Detail Survey Plan



Any problems associated with the electronic data contained on this disk should be reported to:
 GARY POZZI - Cadastral Surveyor
 PO Box 152, 11 Kavieng Street
 Trinity Beach, Queensland 4879
 Ph: 0740 577 177 Mob: 0408 772 213
 Fax: 0740 577 089 Email: gpozzi@bigpond.net.au

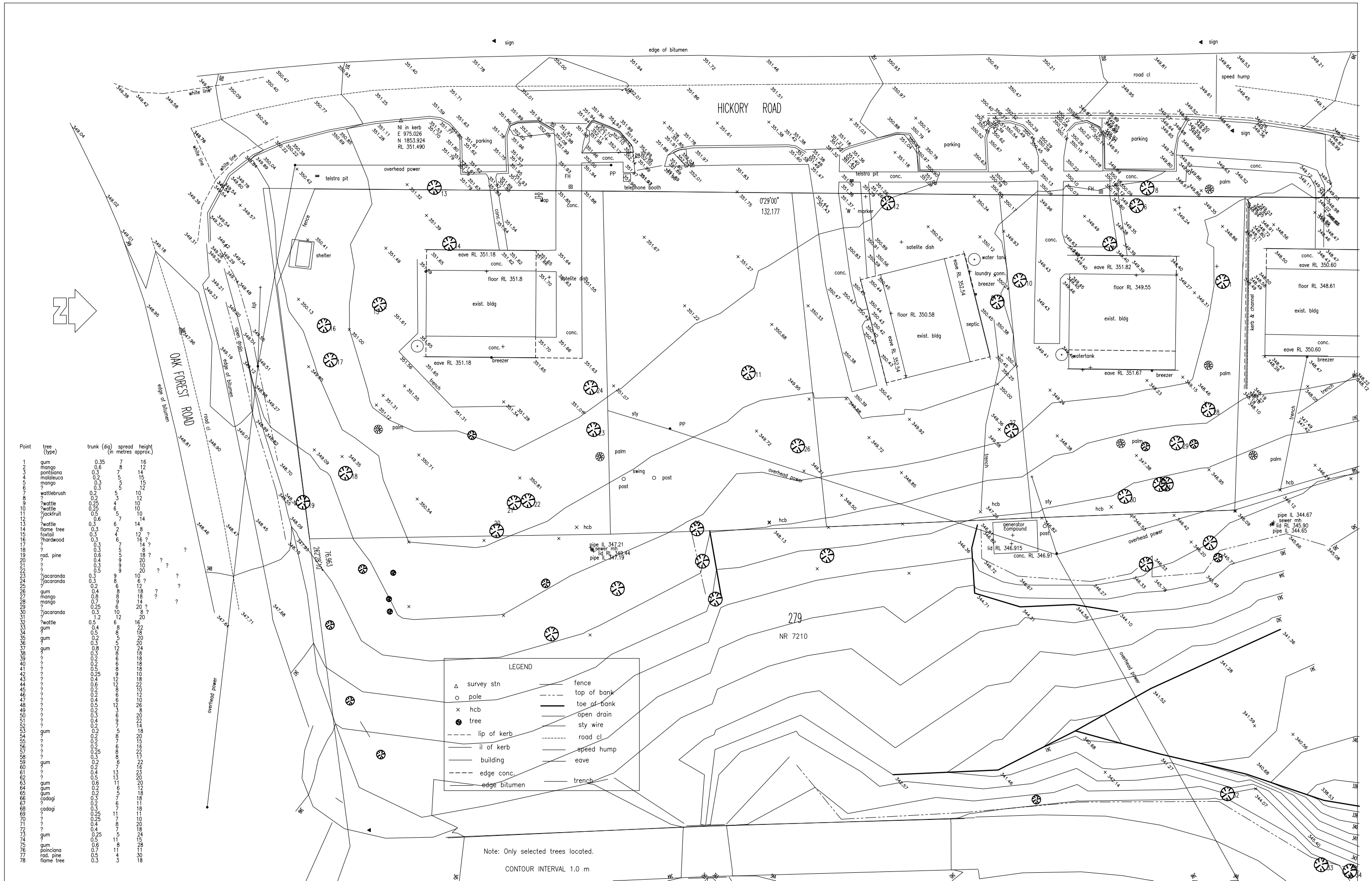
ELECTRONIC TRANSFER FILES
 The electronic data supplied via this modem/diskette transfer is a copy of the drawing file held in the office of G.T. Pozzi - Cadastral Surveyor at the time and date of transfer.
 The data should not be altered or used in any way without the written permission of G.T. Pozzi - Cadastral Surveyor.
 In the event that the electronic data transferred, and/or any attachment or associated document or part thereof, is utilised in any manner whatsoever other than for the specific purposes for which it was prepared, G.T. Pozzi - Cadastral Surveyor will not be liable for such use or any damages of whatever type or extent which may result.

Note: Only selected trees located.
 For clarity spotlevels not shown on this plan.
 (see sheets 2 - 4 and electronic data)

The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services shown hereon have been located where possible by field survey. If not able to be located, services have been plotted from relevant authority records and have been noted accordingly on this plan. Prior to any demolition, excavation or construction on this site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

REVISIONS		CALCULATED	DATE	FILE REFERENCE	title :	PARISH	associated consultants	SCALE
NO.	DETAIL	DATE	INIT.	118219 + 118220 118221.PLF	DETAIL SURVEY LOT 279 (PART)	FORMARTINE		1 : 500 (A1)
					ON NR 7210	COUNTY		LEVEL DATUM
					HICKORY ROAD, KURANDA	NARES <td>LEVEL ORIGIN</td> <td>PSM 92843 RL 348.781</td>	LEVEL ORIGIN	PSM 92843 RL 348.781
					project :	LOCAL AUTHORITY	AZIMUTH CO-ORD ORIGIN	NR 7210
					client : PROJECT SERVICES	TABLELANDS R C	FILE	11/182
NOTE : BEARINGS, DISTANCES AND AREAS ARE / ARE NOT SUBJECT TO SURVEY		PLAN EXAMINED	DATE	APPROVED				SHEET 1
		G. Pozzi	NOV 11					

Gary T. Pozzi
 Cadastral Surveyor
 P O Box 152 Trinity Beach 4879
 11 Kavieng Street Trinity Beach.
 Phone: 0740 577 177
 Mobile 0408 772 213
 Fax: 0740 577 089
 Email: gpozzi@bigpond.net.au



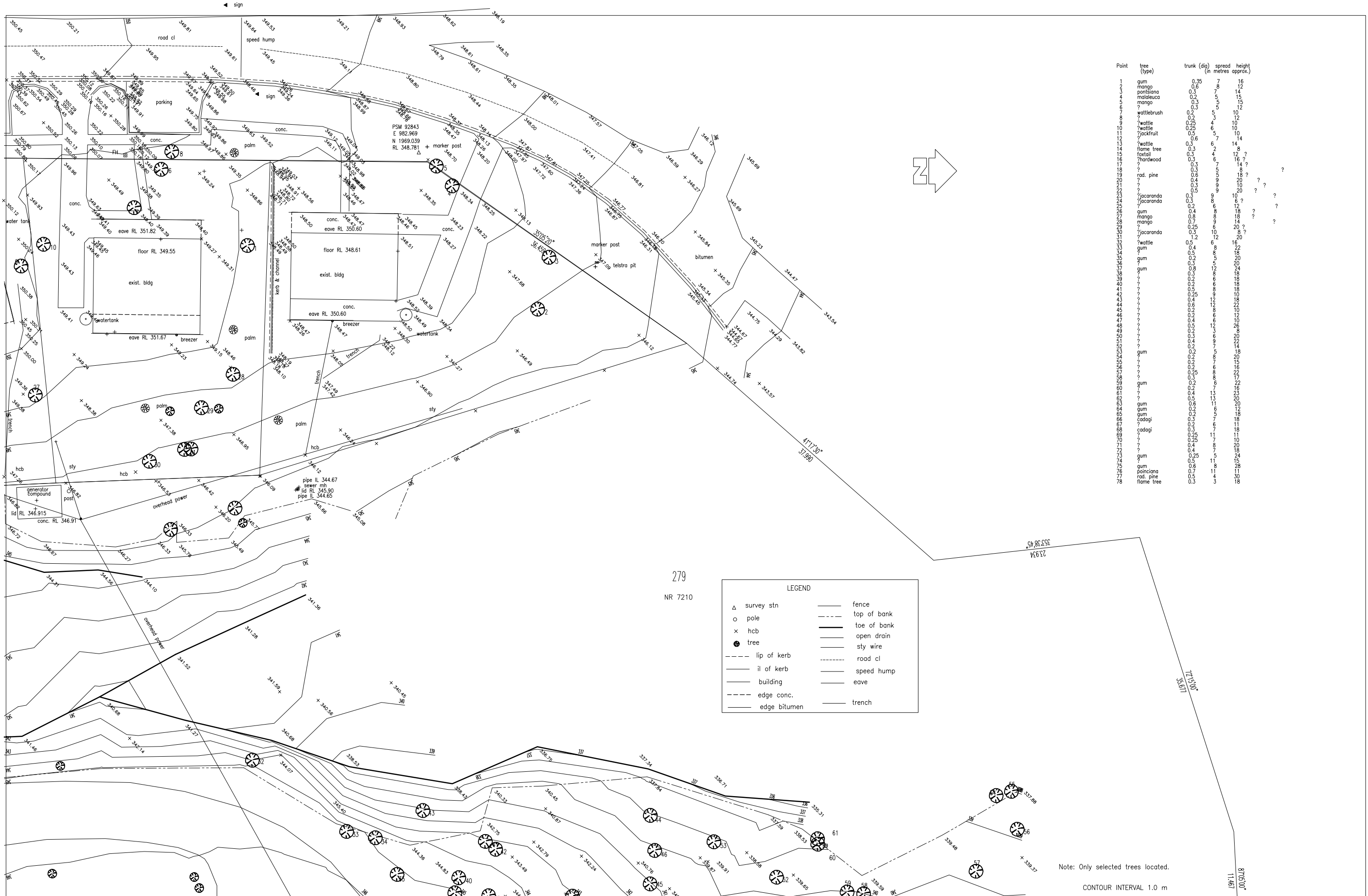
Point	tree (type)	trunk (dia) (m)	spread (m)	height (m)
1	gum	0.35	7	16
2	mango	0.6	8	12
3	portulaca	0.3	7	14
4	moleuca	0.3	5	15
5	mango	0.3	5	12
6	wattlebrush	0.2	5	10
7	?	0.2	3	12
8	?	0.2	3	10
9	?	0.25	4	10
10	?	0.25	4	10
11	?	0.5	5	7
12	?	0.6	6	14
13	?	0.3	2	8
14	flame tree	0.3	2	8
15	foxtail	0.3	2	12
16	hardwood	0.3	2	14
17	?	0.3	2	18
18	rad. pine	0.4	2	20
19	?	0.3	2	20
20	?	0.4	2	20
21	?	0.3	2	20
22	?	0.3	2	20
23	?	0.3	2	20
24	?	0.3	2	20
25	?	0.2	6	12
26	gum	0.4	8	18
27	mango	0.8	18	18
28	mango	0.7	14	14
29	?	0.25	6	20
30	?	0.3	10	8
31	?	1.2	12	20
32	?	0.5	6	16
33	gum	0.4	8	22
34	?	0.5	8	15
35	gum	0.2	5	20
36	?	0.3	5	24
37	?	0.3	5	18
38	?	0.2	6	18
39	?	0.2	6	18
40	?	0.2	6	18
41	?	0.5	6	18
42	?	0.25	6	18
43	?	0.4	12	18
44	?	0.6	12	22
45	?	0.2	10	12
46	?	0.2	10	12
47	?	0.4	10	10
48	?	0.5	12	26
49	?	0.5	14	14
50	?	0.3	3	20
51	?	0.4	9	22
52	?	0.2	14	14
53	gum	0.2	5	18
54	?	0.2	8	20
55	?	0.2	8	15
56	?	0.2	6	16
57	?	0.25	7	22
58	?	0.3	7	17
59	gum	0.2	6	18
60	?	0.2	7	16
61	?	0.4	13	23
62	?	0.5	13	20
63	gum	0.6	11	20
64	gum	0.9	12	19
65	gum	0.2	5	18
66	cadagi	0.2	7	18
67	?	0.3	7	11
68	cadagi	0.3	7	18
69	?	0.25	11	11
70	?	0.25	7	10
71	?	0.4	8	20
72	gum	0.4	7	24
73	?	0.25	5	24
74	?	0.5	11	15
75	gum	0.6	8	28
76	poiciana	0.1	11	11
77	rad. pine	0.5	4	30
78	flame tree	0.3	3	18

△	survey stn	—	fence
○	pole	- - -	top of bank
x	hcb	—	toe of bank
⊗	tree	—	open drain
—	lip of kerb	—	sty wire
—	il of kerb	—	road cl
—	building	—	speed hump
—	edge conc.	—	eave
—	edge bitumen	—	trench

Note: Only selected trees located.

CONTOUR INTERVAL 1.0 m

The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services shown hereon have been located where possible by field survey. If not able to be located, services have been plotted from relevant authority records and have been noted accordingly on this plan. Prior to any demolition, excavation or construction on this site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.		<table border="1"> <thead> <tr> <th colspan="2">REVISIONS</th> <th>NO.</th> <th>DETAIL</th> <th>DATE</th> <th>INIT.</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Contours added from prev. survey</td> <td>11/87</td> <td>AF</td> <td></td> <td></td> </tr> </tbody> </table>	REVISIONS		NO.	DETAIL	DATE	INIT.	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Point	tree (type)	trunk (dia) (in metres approx.)	spread	height
1	gum	0.35	7	16
2	mango	0.6	8	12
3	portulaca	0.3	7	14
4	malleuca	0.2	5	15
5	mango	0.3	5	15
6	?	0.3	5	12
7	wattlebrush	0.2	3	10
8	?	0.2	3	12
9	wattle	0.25	4	10
10	wattle	0.25	6	10
11	jackfruit	0.5	5	10
12	?	0.6	5	14
13	wattle	0.3	2	14
14	flame tree	0.3	2	8
15	foxtail	0.3	4	12
16	hardwood	0.3	4	16
17	?	0.3	7	14
18	rod. pine	0.3	5	18
19	?	0.6	5	18
20	?	0.4	9	20
21	?	0.3	9	10
22	?	0.5	9	20
23	jacaranda	0.3	9	10
24	jacaranda	0.3	8	6
25	?	0.2	12	?
26	gum	0.4	8	18
27	mango	0.8	8	18
28	mango	0.7	14	14
29	?	0.25	6	20
30	jacaranda	0.3	8	8
31	?	1.2	12	20
32	wattle	0.5	6	16
33	gum	0.4	8	22
34	?	0.5	8	18
35	gum	0.2	5	20
36	?	0.3	5	20
37	gum	0.8	12	24
38	?	0.3	8	18
39	?	0.2	6	18
40	?	0.5	8	18
41	?	0.25	9	10
42	?	0.4	12	18
43	?	0.6	12	22
44	?	0.2	10	10
45	?	0.4	12	12
46	?	0.4	6	10
47	?	0.5	6	8
48	?	0.5	12	26
49	?	0.2	7	8
50	?	0.3	6	14
51	?	0.4	9	22
52	?	0.2	7	14
53	gum	0.2	5	18
54	?	0.2	8	20
55	?	0.2	7	15
56	?	0.2	6	16
57	?	0.25	7	22
58	?	0.3	8	17
59	gum	0.2	8	22
60	?	0.2	7	16
61	?	0.4	13	23
62	?	0.5	13	20
63	gum	0.6	11	20
64	gum	0.2	6	12
65	gum	0.2	5	18
66	cadagi	0.3	6	18
67	?	0.3	6	11
68	cadagi	0.3	7	18
69	?	0.25	11	11
70	?	0.35	7	10
71	?	0.4	7	20
72	?	0.4	7	18
73	gum	0.25	5	24
74	gum	0.5	11	15
75	gum	0.6	8	28
76	paliciana	0.7	11	14
77	rod. pine	0.5	4	30
78	flame tree	0.3	3	18

279
NR 7210

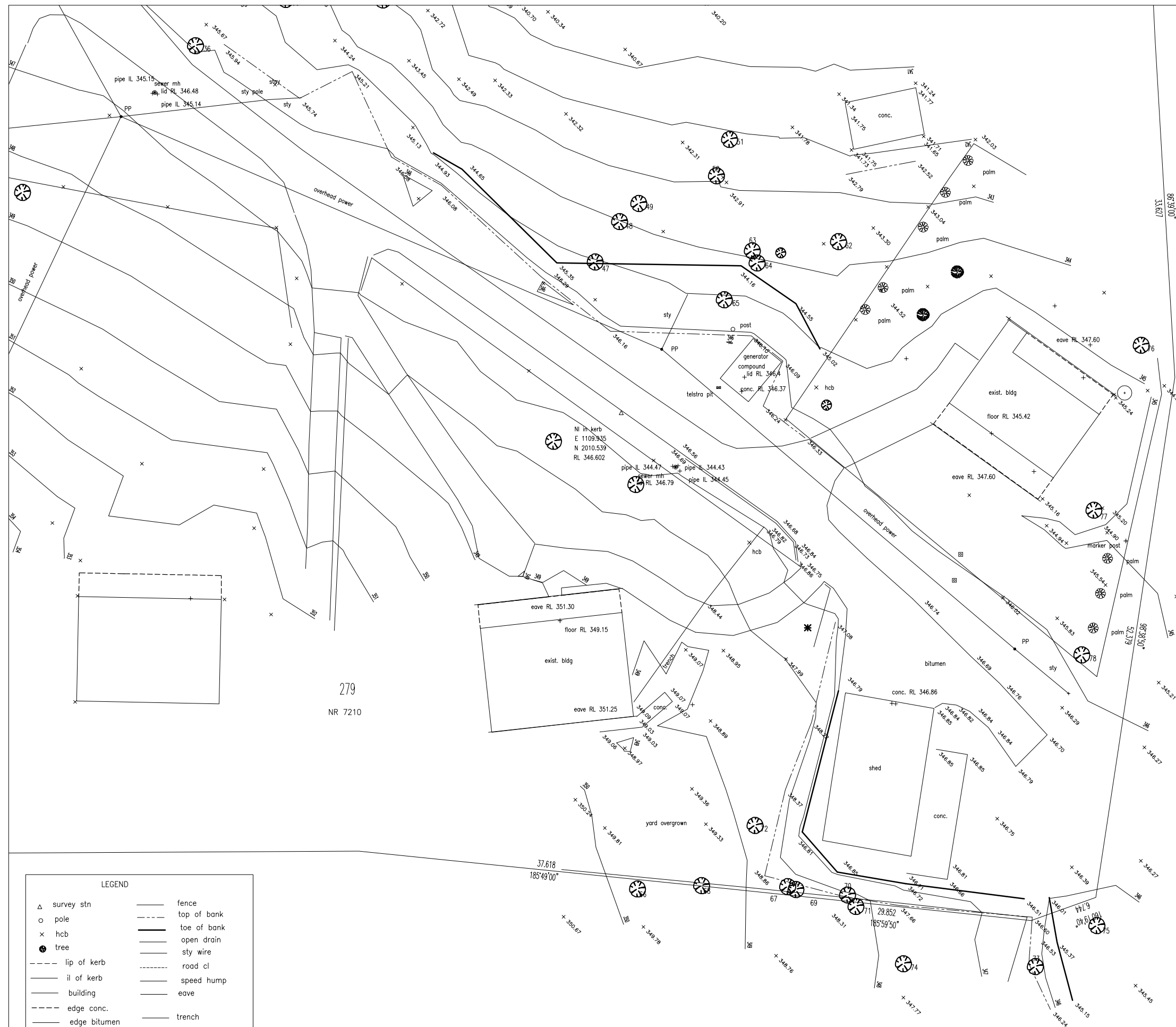
△	survey stn	—	fence
○	pole	- - -	top of bank
×	hcb	—	toe of bank
●	tree	—	open drain
- - -	lip of kerb	—	sty wire
—	il of kerb	- - -	road cl
—	building	—	speed hump
- - -	edge conc.	—	eave
—	edge bitumen	—	trench

Note: Only selected trees located.
CONTOUR INTERVAL 1.0 m

The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services shown hereon have been located where possible by field survey. If not able to be located, services have been plotted from relevant authority records and have been noted accordingly on this plan. Prior to any demolition, excavation or construction on this site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

REVISIONS		CALCULATED	DATE	FILE REFERENCE	TITLE	PARISH	FORMARTINE	associated consultants	SCALE	
NO.	DETAIL	DATE	INIT.	SURVEYOR	DATE	118217 + 118227 + 118260	118237.PLF	DETAIL SURVEY LOT 279 (PART) ON NR 7210 HICKORY ROAD, KURANDA	FORMARTINE	1 : 200 (A1)
A	Contours added from prev. survey 11/87	11/11	AF	ADLF	NOV 11	PLAN REFERENCE			COUNTY	LEVEL DATUM
				ADLF	NOV 11	FIELD BOOK REFERENCE			NARES	AHD
						APPROVED			LOCAL AUTHORITY	LEVEL ORIGIN
									TABLELANDS R C	PSM 92843 RL 348.781
										AZIMUTH CO-ORD ORIGIN
										NR 7210
										FILE
										11/182
										SHEET
										3

Gary T. Pozzi
Cadastral Surveyor
P O Box 152
Trinity Beach 4879
11 Kavieng Street
Trinity Beach.
Phone: 0740 577 177
Mobile 0408 772 213
Fax: 0740 577 089
Email: gpozzi@bigpond.net.au



Point	tree (type)	trunk (dia) (m)	spread (m approx.)	height (m approx.)
1	gum	0.35	7	16
2	mango	0.6	7	12
3	poinsiana	0.3	5	14
4	maloleuca	0.2	5	15
5	mango	0.3	5	12
6	?	0.3	5	12
7	wattlebrush	0.2	5	10
8	?	0.2	3	12
9	?wattle	0.25	4	10
10	?wattle	0.25	6	10
11	?jackfruit	0.5	5	10
12	?	0.6	7	14
13	?wattle	0.3	6	14
14	flame tree	0.3	2	8
15	foxgall	0.3	4	12
16	?hardwood	0.3	4	16
17	?	0.4	6	14
18	?	0.3	5	18
19	rad. pine	0.6	5	18
20	?	0.4	5	20
21	?	0.3	7	10
22	?	0.5	9	9
23	?	0.5	9	10
24	jacaranda	0.3	8	10
25	?	0.2	6	12
26	gum	0.4	6	18
27	mango	0.8	8	18
28	mango	0.7	8	14
29	?	0.25	9	20
30	?	0.5	10	8
31	jacaranda	0.2	12	20
32	?	0.4	10	?
33	?wattle	0.4	6	22
34	?	0.5	8	18
35	gum	0.2	8	20
36	gum	0.4	5	20
37	gum	0.8	12	24
38	?	0.2	6	18
39	?	0.2	6	18
40	?	0.2	6	18
41	?	0.2	6	18
42	?	0.25	6	10
43	?	0.4	12	18
44	?	0.6	12	22
45	?	0.2	6	10
46	?	0.2	6	12
47	?	0.4	6	10
48	?	0.5	12	26
49	?	0.2	3	8
50	?	0.2	6	18
51	?	0.4	6	22
52	?	0.2	7	14
53	?	0.2	5	18
54	gum	0.2	6	20
55	?	0.2	5	15
56	?	0.2	6	18
57	?	0.25	6	22
58	?	0.3	6	22
59	?	0.3	6	8
60	gum	0.2	6	16
61	?	0.4	13	23
62	?	0.3	13	20
63	gum	0.6	11	20
64	gum	0.2	6	12
65	gum	0.2	6	18
66	codogi	0.4	7	18
67	?	0.2	6	11
68	codogi	0.3	6	18
69	?	0.25	11	11
70	?	0.25	7	10
71	?	0.4	7	20
72	?	0.4	8	18
73	gum	0.25	5	24
74	?	0.5	15	15
75	gum	0.6	11	28
76	poinsiana	0.7	11	11
77	rad. pine	0.5	4	30
78	flame tree	0.3	3	18

Note: Only selected trees located.

CONTOUR INTERVAL 1.0 m

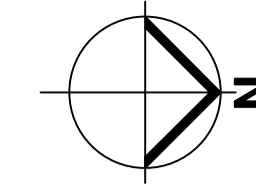
LEGEND	
△	survey stn
○	pole
×	hcb
●	tree
---	lip of kerb
---	il of kerb
---	building
---	edge conc.
---	edge bitumen
---	fence
---	top of bank
---	toe of bank
---	open drain
---	sty wire
---	road cl
---	speed hump
---	eave
---	trench

The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. Services shown hereon have been located where possible by field survey. If not able to be located, services have been plotted from relevant authority records and have been noted accordingly on this plan. Prior to any demolition, excavation or construction on this site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

REVISIONS		CALCULATED		FILE REFERENCE		title :		PARISH FORMARTINE		associated consultants		SCALE	
NO.	DETAIL	DATE	INT.	SURVEYOR	DATE	118218 + 118228 + 118260	DETAIL SURVEY LOT 279 (PART)	Trinity Beach		Gary T. Pozzi		1 : 200 (A1)	
A	Contours added from prev. survey 11/87	11/11	AF	ADLF	NOV 11	118238.PLF	ON NR 7210	COUNTY NARES		Cadastral Surveyor		LEVEL DATUM AHD	
				DRAWN	DATE		HICKORY ROAD, KURANDA	LOCAL AUTHORITY TABLELANDS R C		P O Box 152		AZMUTH CO-ORD NR 7210	
				ADLF	DATE					Trinity Beach 4879		ORIGIN PSM 92843	
				SURVEY EXAMINED	DATE	FIELD BOOK REFERENCE	project :			Phone: 0740 577 177		RL 348.781	
							client : PROJECT SERVICES			Mobile 0408 772 213		FILE 11/182	
				PLAN EXAMINED	DATE	APPROVED				Fax: 0740 577 089		SHEET 4	
				G. Pozzi	NOV 11					Email: gpozzi@bigpond.net.au			

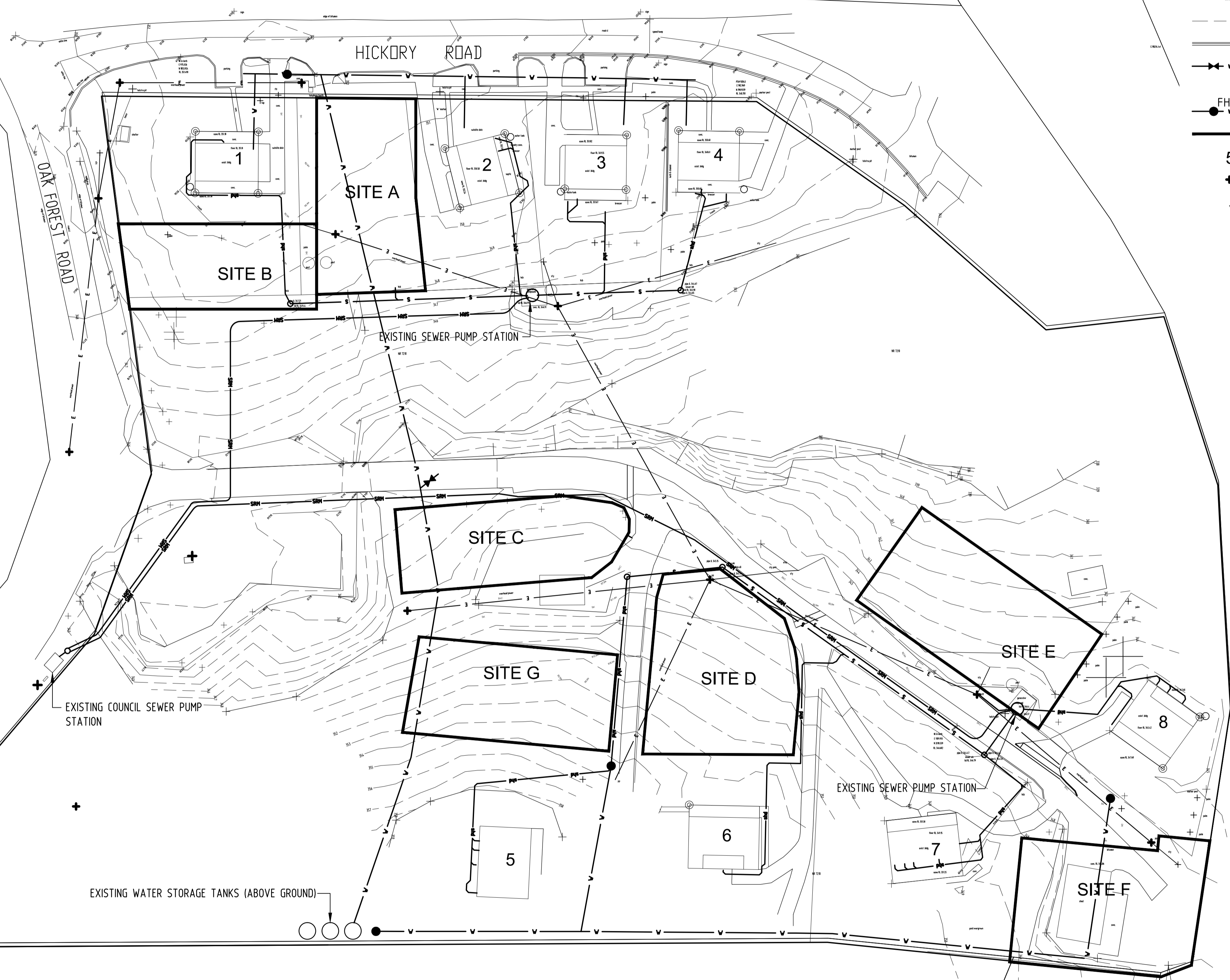
Appendix G – Servicing Plan

- REFER TO PROPERTY TECHNOLOGIES DOCUMENTATION FOR ALL EXISTING, NEW & PROPOSED ELECTRICAL WORKS -
 - REFER TO G.T.POZZI SURVEY DRAWINGS -



LEGEND

- EXISTING SEWER RISING MAIN
- EXISTING ELECTRICAL
- EXISTING SEWER GRAVITY
- EXISTING SEWER HOUSE DRAIN
- EXISTING CONTOUR (1m INTERVALS)
- EXISTING KERB
- EXISTING WATER MAIN AND SCOUR VALVE PLOTTED FROM RECORDS. (SIZES UNKNOWN)
- EXISTING FIRE HYDRANT
- PROPOSED SITE BOUNDARY
- EXISTING HOUSE SITE
- EXISTING POWER POLE.



NOTE: THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATION

AMENDMENTS

ISSUE	DATE	SUBJECT	AUTHORISED
	15.3.13	ISSUE FOR TENDER	

DRAWING INDEX SYSTEM

- FOR PROJECT SERVICES - LOGISTICS USE ONLY
- BUILDING PLATFORM
 - CARPARK
 - COURTS
 - EARTHWORKS
 - OTHER
 - RETAINING WALLS
 - ROADWORKS/ACCESS ROADS
 - SEWERAGE PLANS
 - SPORTS FACILITIES
 - STANDARDS
 - STORMWATER PLANS
 - SURVEY PLAN
 - WATER RETICULATION SITE PLAN
 - WATER RETICULATION



DRAWN	DRAFTING CHECK
DESIGN	DATE
DISCIPLINE TEAM LEADER	DATE

Project Services
 Department of Housing and Public Works

AUTHORISED FOR ISSUE DATE

DEPARTMENT OF HPW
 SITE INFRASTRUCTURE AND SERVICES - HICKORY RD KURANDA (MANTAKA)

EXISTING SERVICES PLAN

SCALE	AT
1:500 @ A1	A1 SIZE
MASTER SITE NUMBER	CLIENT REFERENCE NUMBER
54383	57999
DRAWING NUMBER	ISSUE SHEET NO
71954/CD/ C02	- 7

Appendix H – EMR/CMR Search Results

QLD DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

**ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)**

Transaction ID: 15546135 EMR Site Id: 31 October 2011
This response relates to a search request received for the site:
Lot: 279 Plan: NR7210

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

From the 1st August 2011, the price of an EMR/CLR search will increase to \$40.15 per lot for internet based searches and \$47.20 per lot for EMR/CLR searches done by means other than the internet.

If you have any queries in relation to this search please phone (07) 3330 5685.

Elizabeth Evans
Registrar, Contaminated Land Unit

Appendix I – Statements of Code Compliance

Statements of Code Compliance

1 State Development Assessment Provisions (V2.5)

1.1 State Code 2: Development in a railway environment

Performance outcomes	Acceptable outcomes	Responses
Buildings and structures		
All railways		
PO1 The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a railway corridor or cause damage to, or obstruct, rail transport infrastructure or other rail infrastructure.	AO1.1 Buildings, structures, infrastructure, services and utilities are not located in a railway corridor. AND	Not Applicable The proposed development does not involve new buildings, structures, infrastructure, services or utilities. The existing buildings, structures, infrastructure, services and/or utilities on proposed lease lots are not located in a railway corridor.
	AO1.2 Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a railway corridor. AND	Not Applicable The proposed development does not involve new buildings, structures, infrastructure, services or utilities. The existing buildings, structures, infrastructure, services and utilities on proposed lease lots can be maintained without requiring access to a railway corridor.
	AO1.3 Buildings, structures and infrastructure are set back horizontally a minimum of 3 metres from the outermost projection of overhead line equipment. Note: Section 2.3 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015 provides guidance on how to comply with this acceptable outcome. AND	Not Applicable The proposed development does not involve new buildings, structures or infrastructure. The existing buildings, structures and infrastructure on proposed lease lots are setback horizontally a minimum of 3m.
	AO1.4 The lowest part of development in or over a railway is a minimum of:	Not Applicable The proposed development does not involve development in or over a railway.

Performance outcomes	Acceptable outcomes	Responses
	<ol style="list-style-type: none"> 1. 7.9 metres above the railway track where the proposed development extends along the railway for a distance of less than 40 metres 2. 9 metres above the railway track where the development extends along the railway for a distance of between 40 and 80 metres. <p>AND</p> <p>AO1.5 Pipe work, services and utilities:</p> <ol style="list-style-type: none"> 1. are not attached to rail transport infrastructure or other rail infrastructure 2. do not penetrate through the side of any proposed building element or structure where built to boundary in, over or abutting a railway corridor. 	
<p>PO2 Buildings and structures are located to not interfere with, or impede access to, a railway bridge.</p>	<p>AO2.1 Buildings and structures are set back horizontally a minimum of 3 metres from a railway bridge.</p> <p>AND</p> <p>AO2.2 Permanent structures are not located below or abutting a railway bridge.</p> <p>AND</p> <p>AO2.3 Temporary activities below or abutting a railway bridge do not impede access to a railway corridor.</p> <p>Note: Temporary activities below or abutting a railway bridge could include, for example, car parking or outdoor storage.</p>	<p>Not Applicable The proposed development does not involve new buildings or structures. The existing buildings and structures on proposed lease lots are setback horizontally a minimum of 3m, and not located below or abutting a railway bridge.</p> <p>Not Applicable The proposed development does not involve temporary works.</p>
<p>PO3 Development does not add or remove loading that will cause damage to rail transport infrastructure or a railway corridor.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable The proposed development does not involve adding or removing loading that would cause damage to rail transport infrastructure or a railway corridor.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>Note: To demonstrate compliance with this performance outcome, it is recommended a RPEQ certified geotechnical assessment, prepared in accordance with the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads 2015 is provided.</p>		
<p>PO4 Development above a railway is designed to enable natural ventilation and smoke dispersion in the event of a fire emergency.</p> <p>Note: To demonstrate compliance with the performance outcome it is recommended the applicant contact the Queensland Fire and Emergency Service and relevant railway manager to determine the fire scenarios to be used to inform ventilation design. Modelling of smoke dispersion should also be undertaken by a RPEQ to predict the spread of combustion products and inform the ventilation design. Section 5.1 – Development over a railway of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this acceptable outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable The proposed development does not involve development above a railway.</p>
<p>PO5 Construction activities do not cause ground movement or vibration impacts in a railway corridor.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended a RPEQ certified geotechnical assessment, prepared in accordance with section 2.7 of the Guide to Development in a Transport</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable The proposed development does not involve construction activities. The proposed development is for reconfiguring a lot to allow for lease of 8 existing dwellings.</p>

Performance outcomes	Acceptable outcomes	Responses
Environment: Rail, Department of Transport and Main Roads, 2015 is provided.		
<p>PO6 Buildings and structures in a railway corridor are designed and constructed to protect persons from injury in the event of a derailed train.</p>	<p>AO6.1 Buildings and structures, in a railway corridor including piers or supporting elements, are designed and constructed in accordance with Civil Engineering Technical Requirement – CIVIL-SR-012 Collision protection of supporting elements adjacent to railways, Queensland Rail, 2011, AS5100 Bridge design and AS1170 Structural design actions.</p> <p>Note: Section 3.2 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015 provides guidance on how to comply with this acceptable outcome.</p>	<p>Not Applicable The proposed development does not involve buildings or structures in a railway corridor.</p>
<p>PO7 Buildings and structures in high risk locations and where also located within 10 metres of the centreline of the nearest railway track are designed and constructed to protect persons from injury in the event of a derailed train.</p>	<p>AO7.1 Buildings and structures, in a railway corridor including piers or supporting elements, are designed and constructed in accordance with Civil Engineering Technical Requirement CIVIL-SR-012 Collision protection of supporting elements adjacent to railways, Queensland Rail, 2011, AS5100 Bridge design and AS1170 Structural design actions.</p> <p>Note: Section 3.2 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015 provides guidance on how to comply with this acceptable outcome.</p>	<p>Not Applicable The proposed development does not involve buildings or structures in a railway corridor.</p>
<p>PO8 Buildings and structures over, or that have publicly accessible areas within 3 metres from the outermost projection of the overhead line, are designed and constructed to protect persons from electrocution.</p>	<p>AO8.1 Pedestrian and bikeway bridges over an electrified railway include electrification screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail 2011, and Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail 2017.</p> <p>AND</p>	<p>Not Applicable The proposed development does not involve pedestrian or bikeway bridges.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO8.2 Publicly accessible areas of buildings and structures (such as walkways, external stairs and ramps) located within 3 metres horizontally from the outermost projection of overhead line equipment include electrification screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail 2011, and Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail 2017.</p>	
<p>PO9 Buildings and structures in a railway corridor are designed and constructed to prevent projectiles from being thrown onto a railway.</p>	<p>AO9.1 Buildings and structures in a railway corridor include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail.</p> <p>AND</p> <p>AO9.2 Road, pedestrian and bikeway bridges over a railway include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – <u>CIVIL-SR-008</u> Protection screens, Queensland Rail.</p> <p>Note: Section 2.4 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this outcome.</p>	<p>Not Applicable The proposed development does not involve buildings or structures in a railway corridor.</p>
<p>PO10 Buildings, and structures, other than accommodation activities, are designed and</p>	<p>AO10.1</p>	<p>Not Applicable The proposed development does not involve publically accessible areas.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>constructed to prevent projectiles from being thrown onto a railway from any publicly accessible areas located within 20 metres from the centreline of the nearest railway track.</p>	<p>Publicly accessible areas located within 20 metres from the centreline of the nearest railway track do not directly overlook a railway.</p> <p>OR</p> <p>AO10.2 Buildings and structures are designed to ensure publicly accessible areas located within 20 metres of the centreline of the nearest railway track and that overlook the railway include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail.</p> <p>Note: Section 2.4 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this outcome.</p>	<p>Not Applicable The proposed development does not involve buildings or structures.</p>
<p>Filling, excavation and retaining structures</p>		
<p>PO11 Filling, excavation and retaining structure do not interfere with, or result in damage to, infrastructure or services in a railway corridor.</p> <p>Note: Information on the location of services and public utility plants railway corridor can be obtained from the railway manager. Where development will impact on an existing or future service or public utility plant in a railway corridor such that the service or public utility plant will need to be relocated, the alternative alignment must comply with the standards and design specifications of the relevant service or public utility provider, and</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable The proposed development does not involve, filling, excavation or retaining structures.</p>

Performance outcomes	Acceptable outcomes	Responses
any costs of relocation are to be borne by the developer.		
<p>PO12 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a railway corridor.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended a RPEQ certified geotechnical assessment is provided, prepared in accordance with section 2.7 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015.</p>	No acceptable outcome is prescribed.	<p>Not Applicable The proposed development does not involve, filling, excavation or retaining structures.</p>
<p>PO13 Filling and excavation, building foundations and retaining structures do not cause ground water disturbance in a railway corridor.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended a RPEQ certified geotechnical assessment is provided, prepared in accordance with section 2.7 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015.</p>	No acceptable solution is prescribed.	<p>Not Applicable The proposed development does not involve, filling, excavation or retaining structures.</p>
<p>PO14 Excavation, boring, piling, blasting or fill compaction during construction of a development does not result in ground movement or vibration impacts that would cause damage or nuisance to a railway corridor, rail transport infrastructure or railway works.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended a RPEQ certified geotechnical assessment is</p>	No acceptable outcome is prescribed.	<p>Not Applicable The proposed development does not involve, filling, excavation or retaining structures.</p>

Performance outcomes	Acceptable outcomes	Responses
provided, prepared in accordance with section 2.7 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015.		
PO15 Filling and excavation material does not cause an obstruction or nuisance in a railway corridor.	AO15.1 Development does not store fill, spoil or any other material in, or adjacent to, a railway corridor.	Not Applicable The proposed development does not involve, filling, excavation or retaining structures.
Stormwater and drainage		
PO16 Development does not result in an actionable nuisance or worsening of stormwater, flooding or drainage impacts in a railway corridor. Note: Section 2.8 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this performance outcome.	No acceptable outcome is prescribed.	Not Applicable No changes are proposed to the existing lawful point of discharge. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. Development does not adversely impact the nearby railway corridor.
PO17 Run-off from the development site during construction of development does not cause siltation of stormwater infrastructure affecting a railway corridor.	AO17.1 Run-off from the development site during construction of development is not discharged to stormwater infrastructure in a railway corridor.	Not Applicable The proposed development is for reconfiguring a lot to allow for lease of 8 original dwellings. No construction is anticipated. As such, there are not expected to be any air quality (dust and emissions), noise and vibration, or sediment impacts.
Access		
PO18 Development prevents unauthorised access to a railway corridor.	AO18.1 Where development is abutting a railway corridor fencing is provided along the property boundary with the railway corridor in accordance with the railway manager's standards. Note: It is recommended the applicant contact the railway manager for advice regarding applicable fencing standards. AND	Not Applicable The proposed reconfiguring a lot does not abut the railway corridor. The proposed lease lots are contained within the subject site.

Performance outcomes	Acceptable outcomes	Responses
	<p>AO18.2 A road barrier designed in accordance with Civil Engineering Technical Requirement – CIVIL-SR-007 Design and selection criteria for road/rail interface barriers, Queensland Rail 2011, and certified by an RPEQ, is installed along any roads abutting a railway corridor.</p> <p>AND</p> <p>AO18.3 Proposed vehicle manoeuvring areas, driveways, loading areas or carparks abutting a railway corridor include rail interface barriers.</p> <p>Note: Section 2.4 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with acceptable outcome 18.3.</p>	
PO19 Development does not obstruct existing access to a railway corridor.	AO19.1 Development is sited and designed to ensure existing authorised access points and access routes for maintenance and emergency works to a railway corridor are clear from obstructions at all times.	Not Applicable The proposed development does not involve obstruction to existing authorised access points or access routes.
PO20 Access to a railway corridor does not create a safety hazard for users of a railway, or result in a worsening of operating conditions on a railway.	AO20.1 Development does not require a new railway crossing.	Complies with AO20.1 The proposed development does not require a new railway crossing.
	OR AO20.2 A new railway crossing grade is separated	Not Applicable Complies with AO20.1.
	AND AO20.3 Development does not propose new or temporary structures or works connecting to rail transport infrastructure or other rail infrastructure.	
	AND AO20.4	

Performance outcomes	Acceptable outcomes	Responses
	<p>Vehicle access points achieve sufficient clearance from a railway level crossing in accordance with AS1742.7:2016 – Manual of uniform traffic control devices, Part 7: Railway crossings, by providing minimum 5 metres clearance from the edge running rail (outer rail), plus the length of the largest vehicle anticipated on-site.</p> <p>Note: Section 2.2 of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this acceptable outcome.</p>	
<p>PO21 Development does not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian and cycle access to public passenger transport infrastructure and public passenger services.</p>	<p>AO21.1 Development does not necessitate the relocation of existing public passenger transport infrastructure.</p> <p>AND</p> <p>AO21.2 Vehicular access and associated road access works for a development is not located within 5 metres of existing public passenger transport infrastructure.</p> <p>AND</p> <p>AO21.3 On-site vehicle circulation is designed give priority to entering vehicles at all times so vehicles using a vehicular access do not obstruct public passenger transport infrastructure and public passenger services or obstruct pedestrian or cyclist access to public passenger transport infrastructure and public passenger services.</p> <p>AND</p> <p>AO21.4 The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.</p>	<p>Not Applicable The subject site is not located nearby to any existing public passenger transport infrastructure.</p>
Planned upgrades		

Performance outcomes	Acceptable outcomes	Responses
<p>PO22 Development does not impede delivery of planned upgrades of rail transport infrastructure.</p>	<p>AO22.1 Development is not located on land identified by the Department of Transport and Main Roads as land required for planned upgrades to rail transport infrastructure.</p> <p>Note: Land required for the planned upgrade of rail transport infrastructure is identified in the DA mapping system.</p> <p>OR</p>	<p>Complies with AO22.1 The subject site is not identified as containing land required for planned upgrades.</p>
	<p>AO22.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of rail transport infrastructure.</p> <p>OR all of the following acceptable outcomes apply:</p>	<p>Not Applicable. Complies with AO22.1.</p>
	<p>AO22.3 Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a of rail transport infrastructure are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p>	<p>Not Applicable Complies with AO22.1.</p>
	<p>AO22.4 Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade of rail transport infrastructure.</p> <p>AND</p>	
	<p>AO22.5 Land is able to be reinstated to the pre-development condition at the completion of the use.</p>	
<p>Network safety</p>		

Performance outcomes	Acceptable outcomes	Responses
<p>PO23 Development involving dangerous goods adjacent to a railway corridor does not adversely impact on the safety or operations of a railway.</p> <p>Note: Development involving dangerous goods, or hazardous chemicals above the threshold quantities listed in table 5.2 of the Model Planning Scheme Development Code for Hazardous Industries and Chemicals, Office of Industrial Relations, Department of Justice and Attorney-General, 2016, should demonstrate that impacts on a railway from a fire, explosion, spill, gas emission or dangerous goods incident can be appropriately mitigated.</p> <p>Section 2.6 – Dangerous goods and fire safety of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on how to comply with this performance outcome.</p>	<p>AO23.1 Development does not involve handling or storage of hazardous chemicals above the threshold quantities listed in table 5.2 of the Model Planning Scheme Development Code for Hazardous Industries and Chemicals, Office of Industrial Relations, Department of Justice and Attorney-General, 2016.</p>	<p>Not Applicable The proposed development does not involve handling or storage of hazardous chemicals.</p>
<p>PO24 Development does not adversely impact on the safety of a railway crossing.</p> <p>Note: It is recommended a traffic impact assessment be prepared to demonstrate compliance with this performance outcome. An impact on a level crossing may require an Australian Level Crossing Assessment Model (ALCAM) assessment to be undertaken. Section 2.2 – Railway crossing safety of the Guide to Development in a Transport Environment: Rail, Department of Transport and Main Roads, 2015, provides guidance on</p>	<p>AO24.1 Upgrades to a level crossing are designed and constructed in accordance with AS1742.7 – Manual of uniform traffic control devices, Part 7: Railway crossings and applicable railway manager’s standard drawings.</p> <p>Note: It is recommended a traffic impact assessment be prepared to demonstrate compliance with this acceptable outcome. An impact on a level crossing may require an Australian Level Crossing Assessment Model (ALCAM) assessment to be undertaken. Section 2.2 – Railway crossing safety of the Guide to Development in a Transport Environment: Rail,</p>	<p>Not Applicable The proposed development does not involve upgrades to a level crossing.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>how to comply with this performance outcome.</p>	<p>Department of Transport and Main Roads, 2015, provides guidance on how to comply with this acceptable outcome.</p> <p>AND</p> <p>AO24.2 Vehicle access points achieve sufficient clearance from a level crossing in accordance with AS1742.7 – Manual of uniform traffic control devices, Part 7: Railway crossings by providing a minimum clearance of 5 metres from the edge running rail (outer rail) plus the length of the largest vehicle anticipated on-site.</p> <p>AND</p> <p>AO24.3 On-site vehicle circulation is designed to give priority to entering vehicles at all times to ensure vehicles do not queue in a railway crossing.</p>	

2 Mareeba Shire Council Planning Scheme Development Codes (V2017)

2.1 Low Density Residential Zone Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		
Height		
<p>PO1 Building height takes into consideration and respects the following:</p> <ul style="list-style-type: none"> (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length. 	<p>AO1 Development has a maximum building height of:</p> <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	<p>Not Applicable The proposed development does not involve a new building.</p>
Outbuildings and residential scale		
<p>PO2 Domestic outbuildings:</p> <ul style="list-style-type: none"> (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Low-density residential zone. 	<p>AO2 Domestic outbuildings do not exceed:</p> <ul style="list-style-type: none"> (a) 100m² in gross floor area; and (b) 5.5 metres in height above natural ground level. 	<p>Not Applicable The proposed development is not for domestic outbuildings.</p>
Siting		
<p>PO3</p>	<p>AO3.1 Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 6 metres from the primary road frontage; and (b) 3 metres from any secondary road frontage. 	<p>Not Applicable The proposed development does not involve any new buildings or structures.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>Development is sited in a manner that considers and respects:</p> <ul style="list-style-type: none"> (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; and (f) appearance of building bulk; and (g) relationship with road corridors. 	<p>AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.</p>	
Accommodation density		
<p>PO4 The density of Accommodation activities:</p> <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site. 	<p>AO4 Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.</p>	<p>Not Applicable The proposed development does not involve accommodation activities.</p>
Gross floor area		
<p>PO5 Buildings and structures occupy the site in a manner that:</p> <ul style="list-style-type: none"> (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features. 	<p>AO5 Gross floor area does not exceed 600m².</p>	<p>Not Applicable The proposed development is for reconfiguring a lot, which does not relate to Gross Floor Area.</p>
For assessable development		

Performance outcomes	Acceptable outcomes	Responses
Building design		
<p>PO6 Building facades are appropriately designed to:</p> <ul style="list-style-type: none"> (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space. 	<p>AO6 Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.</p>	<p>Not Applicable The proposed development does not involve any new buildings.</p>
<p>PO7 Development complements and integrates with the established built character of the Low density residential zone, having regard to:</p> <ul style="list-style-type: none"> (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location. 	<p>AO7 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve any new built forms.</p>
Non-residential development		
<p>PO8 Non-residential development is only located in new residential areas and:</p> <ul style="list-style-type: none"> (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) directly supports the day to day needs of the immediate residential community; and (d) does not impact on the orderly provision of non-residential development in other locations in the shire. 	<p>AO8 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve non-residential development.</p>
Amenity		

Performance outcomes	Acceptable outcomes	Responses
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO9 No acceptable outcome is provided.</p>	<p>Complies with PO9 The proposed lease lots will maintain the amenity of the local area, having regard to the performance outcome. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.</p>
<p>PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO10 No acceptable outcome is provided.</p>	<p>Complies with PO10 The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. The proposed lease lots are currently improved with residential dwellings in a remote area and are unlikely to cause any negative environmental impacts, having regard to the performance outcome.</p>

2.2 Reconfiguring a Lot Code

Performance outcomes	Acceptable outcomes	Responses
Area and frontage of lots		

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;
- (b) allows the desired amenity of the zone to be achieved;
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;
- (d) allow the site to be provided with sufficient access;
- (e) considers the proximity of the land to:
 - (i) centres;
 - (ii) public transport services; and
 - (iii) open space; and
- (f) allows for the protection of environmental features; and
- (g) accommodates site constraints.

AO1.1

Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.

Complies with PO1

The proposed lease lots will have the following areas and frontages:

Lease #	Lease Area Size	Frontage
Lease I	837m ²	Oak Forest Road: 16.236m Hickory Road: 34.197m
Lease J	897m ²	Hickory Road: 21.991m
Lease K	960m ²	Hickory Road: 28.567m
Lease L	1,069m ²	Hickory Road: 54.455m
Lease M	1,116m ²	Mantaka Access Road: 33.575m
Lease N	1,723m ²	Mantaka Access Road: 71.583m
Lease O	1,220m ²	Mantaka Access Road: 5.885m

All lots meet the minimum lot requirements for non-rear lots prescribed in Table 9.4.4.3B in the Low Density Residential Zone. Proposed leases O and P contain reduced frontages due to the current arrangements of leases A to G. As the use is existing, this will not impact the functions of the dwelling onsite.

The proposed lots have been designed to appropriately contain all existing buildings, structures and infrastructure, having regard to the site characteristics including the current leased lots (A to G), Mantaka Access Road, Easement H on

Performance outcomes	Acceptable outcomes	Responses
		SP25231, protected vegetation and waterways. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.
Existing buildings and easements		
<p>PO2 Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <p>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</p> <p>(b) any continuing use is not compromised by the reconfiguration.</p>	<p>AO2.1 Each land use and associated infrastructure is contained within its individual lot.</p>	<p>Complies with AO2.1 The land use and association infrastructure will remain contained within 154 Oak Forest Road, Kuranda, formally described as Lot 279 on NR7210.</p> <p>The proposed lease will not have an impact on how the existing infrastructure on site operates.</p>
	<p>AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	<p>Complies with AO2.2 The reconfigured lots will ensure the existing dwelling houses remain compliant with the front, side and rear setback requirement prescribed by AO3.1 and AO3.2 of the Low Density Residential Zone Code.</p>
<p>PO3 Reconfiguring a lot which contains an existing easement ensures:</p> <p>(a) future buildings, structures and accessways are able to be sited to avoid the easement; and</p> <p>(b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</p>	<p>AO3 No acceptable outcome is provided.</p>	<p>Complies with PO4 The subject site contains Easement H on SP25231 burdening the land (Ergon Energy Corporation Limited).</p> <p>The proposed lease lots will not impact the existing easement. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.</p> <p>The proposed reconfiguring a lot will not compromise the easement.</p>
Boundary realignment		

Performance outcomes	Acceptable outcomes	Responses
<p>PO4 The boundary realignment retains all attendant and existing infrastructure connections and potential connections.</p>	<p>AO4 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve a boundary realignment.</p>
Access and road network		
<p>PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <ul style="list-style-type: none"> (a) safety; (b) drainage; (c) visual amenity; (d) privacy of adjoining premises; and (e) service provision. 	<p>AO5 No acceptable outcome is provided.</p>	<p>Complies with PO5 The proposed development is for reconfiguring a lot to establish lease lots over 8 original dwellings. No changes to the existing vehicular crossovers or Mantaka Access Road are proposed.</p> <p>The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. The current access arrangements are appropriate having regard to safety, drainage, visual amenity, privacy of adjoining premises and service provision and will remain post reconfiguration.</p>
<p>PO6 Reconfiguring a lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> (a) is consistent with that provided in the surrounding area; (b) maximises efficiency and safety; and (c) is consistent with the nature of the intended use of the lot. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<p>AO6 Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Complies with PO6 The proposed development is for reconfiguring a lot to establish lease lots over 8 existing dwellings. No changes to the existing vehicular crossovers or Mantaka Access Road access are proposed.</p> <p>The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. The current vehicular crossovers and access to each proposed lease lot are appropriate will remain post reconfiguration.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>PO7 Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> (a) the intended use of the lots; (b) the existing use of surrounding land; (c) the vehicular servicing requirements of the intended use; (d) the movement and turning requirements of B-Double vehicles. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<p>AO7 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve roads in the Industry Zone.</p>
Rear lots		
<p>PO8 Rear lots are designed to:</p> <ul style="list-style-type: none"> (a) provide a high standard of amenity for residents and other users of the site; (b) provide a high standard of amenity for adjoining properties; and (c) not adversely affect the safety and efficiency of the road from which access is gained. 	<p>AO8.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p> <p>AO8.2 No more than two rear lots are created behind any lot with a road frontage.</p> <p>AO8.3 Access to lots is via an access strip with a minimum width of:</p> <ul style="list-style-type: none"> (a) 4 metres where in the Low density residential zone or Medium density residential zone; or (b) 8 metres otherwise. <p>AO8.4 A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note—Figure A provides further guidance in relation to the desired outcome.</p>	<p>Not Applicable The proposed development does not involve any rear lots. All proposed lease lots contain street frontage to Oak Forest Road, Hickory Road and/or Mantaka Access Road.</p>

Performance outcomes	Acceptable outcomes	Responses
	AO8.5 No more than 1 in 10 lots created in a new subdivision are rear lots.	
	AO8.6 Rear lots are not created in the Centre zone or the Industry zone.	
Crime prevention and community safety		
PO9 Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: (a) sightlines; (b) the existing and intended pedestrian movement network; (c) the existing and intended land use pattern; and (d) potential entrapment locations.	AO9 No acceptable outcome is provided.	Complies with PO9 The proposed development is for reconfiguring a lot to establish lease lots over 8 original dwellings. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. The proposed development will maintain the dwellings' crime prevention through environmental design (CPTED) principles consistent with the performance outcome.
Pedestrian and cycle movement network		
PO10 Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO10 No acceptable outcome is provided.	Complies with PO10 Given the remote, rural location, there is not expected to be a large volume of pedestrians or cyclists. Dedicated pedestrian and cycle paths are an inconsistent outcome, having regard to the local area. The proposed development will not obstruct the local road network, which facilitates pedestrian and cycle movement.
Public transport network		

Performance outcomes	Acceptable outcomes	Responses
<p>PO11 Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <ul style="list-style-type: none"> (a) does not prejudice the future provision of the identified infrastructure; (b) appropriately treats the common boundary with the future corridor; and (c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement. 	<p>AO11 No acceptable outcome is provided.</p>	<p>Not Applicable The subject site does not adjoin a future public transport corridor or future public transport site.</p>
Residential subdivision		
<p>PO12 Residential lots are:</p> <ul style="list-style-type: none"> (a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes. 	<p>AO12 No acceptable outcome is provided.</p>	<p>Complies with PO12 The proposed development is for reconfiguring a lot to establish lease lots over 8 existing dwellings on Lot 279 on NR7210. The proposed lease lots vary from 837m² to 1,804m². The proposed lease lots reflect the existing arrangement of dwellings on site and will not materially change the lot pattern of the area. The proposed development is to define land for lease purposes, where the term exceeds 10 years. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates.</p> <p>The proposed lease lots will provide essential public housing options for the Kuranda area to contribute to the locality's housing choice and diversity.</p>
Rural residential zone		

Performance outcomes	Acceptable outcomes	Responses
<p>PO13 New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.</p>	<p>AO13 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve reconfiguring a lot in the Rural Residential Zone.</p>
<p>Additional provisions for greenfield development only</p>		
<p>PO14 The subdivision design provides the new community with a local identity by responding to:</p> <ul style="list-style-type: none"> (a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views. 	<p>AO14 No acceptable outcome provided.</p>	<p>Not Applicable The proposed development does not involve greenfield development as the use is existing on site.</p>
<p>PO15 The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p>AO15 No acceptable outcome provided.</p>	<p>Not Applicable The proposed development does not involve greenfield development as the use is existing on site.</p>
<p>PO16 The road network is designed to:</p> <ul style="list-style-type: none"> (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads. <p>Note—Figure B provides further guidance in relation to the desired outcome.</p>	<p>AO16 No acceptable outcome provided.</p>	<p>Not Applicable The proposed development does not involve greenfield development as the use is existing on site.</p>
<p>PO17 Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p>AO17 The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	<p>Not Applicable The proposed development does not involve greenfield development as the use is existing on site.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>PO18</p> <p>The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p>AO18</p> <p>No acceptable outcome provided.</p>	<p>Not Applicable</p> <p>The proposed development does not involve greenfield development as the use is existing on site.</p>
<p>PO19</p> <p>Provision is made for sufficient open space to:</p> <p>(a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected;</p> <p>(b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and</p> <p>(c) meet regional, district and neighbourhood open space requirements.</p>	<p>AO19.1</p> <p>A minimum of 10% of the site area is dedicated as open space.</p>	<p>Not Applicable</p> <p>The proposed development does not involve greenfield development as the use is existing on site.</p>
	<p>AO19.2</p> <p>A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	
<p>PO20</p> <p>A network of parks and community land is provided:</p> <p>(a) to support a full range of recreational and sporting activities;</p> <p>(b) to ensure adequate pedestrian, cycle and vehicle access;</p> <p>(c) which is supported by appropriate infrastructure and embellishments;</p> <p>(d) to facilitate links between public open spaces;</p> <p>(e) which is co-located with other existing or proposed community infrastructure;</p> <p>(f) which is consistent with the preferred open space network; and</p> <p>(g) which includes a diversity of settings;</p>	<p>AO20</p> <p>No acceptable outcome is provided.</p>	<p>Not Applicable</p> <p>The proposed development does not involve greenfield development as the use is existing on site.</p>

2.3 Landscaping Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		

<p>PO1 Development, other than in the Rural zone, includes landscaping that:</p> <ul style="list-style-type: none"> (a) contributes to the landscape character of the Shire; (b) compliments the character of the immediate surrounds; (c) provides an appropriate balance between built and natural elements; and (d) provides a source of visual interest. 	<p>AO1 Development, other than in the Rural zone, provides:</p> <ul style="list-style-type: none"> (a) a minimum of 10% of the site as landscaping; (b) planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species; (c) for the integration of retained significant vegetation into landscaping areas; (d) on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional Development Manual. <p>Note—Where development exceeds a site cover of 90%, areas of landscaping may be provided above ground level to achieve a total supply of landscaping equivalent to 10% of the site area.</p>	<p>Complies with PO1 The site contains moderate, mature vegetation that has existed prior to the subdivision of the proposed lot. This includes a protected (remnant) vegetation corridor located in the and around the low impact waterway onsite which feeds into the Barron River. The vegetation onsite is consistent with the surrounding locality, which has remained predominantly rural and heavily vegetated.</p> <p>The proposed development is to define land for lease purposes, where the term exceeds 10 years. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. As such, additional landscaping is not considered necessary. The site's landscaping will continue to:</p> <ul style="list-style-type: none"> • contain native vegetation, which is low maintenance, durable and receives sufficient access to sunlight and water • provide an attractive streetscape • contribute the local landscape character along Barron River • allow for the development to achieve Crime Prevention Through Environmental Design principles • not obstruct infrastructure or services • be consistent with the surrounding rural zone properties • integrate with the surrounding property's vegetation corridors and maintain amenity • provide an appropriate balance of natural environment and built form • protect the key environmental values onsite • provide a source of visual interest that is unique to the locality, and screen areas of limited visual interest.
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Performance outcomes	Acceptable outcomes	Responses
<p>PO2 Development, other than in the Rural zone, includes landscaping along site frontages that:</p> <ul style="list-style-type: none"> (a) creates an attractive streetscape; (b) compliments the character of the immediate surrounds; (c) assists to break up and soften elements of built form; (d) screen areas of limited visual interest or servicing; (e) provide shade for pedestrians; and (f) includes a range and variety of planting. 	<p>AO2 Development, other than in the Rural zone, includes a landscape strip along any site frontage:</p> <ul style="list-style-type: none"> (a) with a minimum width of 2 metres where adjoining a car parking area; (b) with a minimum width of 1.5 metres in all other locations; and (c) in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species. <p>Note—Where development is setback from a frontage less than 1.5 metres, the setback area is provided as a landscape strip</p>	<p>Complies with PO2 Refer to response to PO1 for landscape details.</p>
<p>PO3 Development includes landscaping and fencing along side and rear boundaries that:</p> <ul style="list-style-type: none"> (a) screens and buffer land uses; (b) assists to break up and soften elements of built form; (c) screens areas of limited visual interest; (d) preserves the amenity of sensitive land uses; and (e) includes a range and variety of planting. 	<p>AO3.1 Development provides landscape treatments along side and rear boundaries in accordance with Table 9.4.2.3B.</p> <p>AO3.2 Shrubs and trees provided in landscape strips along side and rear boundaries:</p> <ul style="list-style-type: none"> (a) are planted at a maximum spacing of 1 metre; (b) will grow to a height of at least 2 metres; (c) will grow to form a screen of no less than 2 metres in height; and (d) are mulched to a minimum depth of 0.1 metres with organic mulch. <p>AO3.3 Any landscape strip provided along a side or rear boundary is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p>Complies with PO3 Refer to response to PO1 for landscape details.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>PO4 Car parking areas are improved with a variety of landscaping that:</p> <ul style="list-style-type: none"> (a) provides visual interest; (b) provides a source of shade for pedestrians; (c) assists to break up and soften elements; and (d) improves legibility. 	<p>AO4.1 Landscaping is provided in car parking areas which provides:</p> <ul style="list-style-type: none"> (a) a minimum of 1 shade tree for every 4 parking spaces, or part thereof, where the car parking area includes 12 or more spaces; (b) a minimum of 1 shade tree for every 6 parking spaces, or part thereof, otherwise; and (c) where involving a car parking area in excess of 500m²: <ul style="list-style-type: none"> (i) shade structures are provided for 50% of parking spaces; and (ii) a minimum of 10% of the parking area as landscaping. <p>Note—Where a shade structure is provided over part of a car parking area, shade tree planting is not required in this area of the car parking area.</p> <p>AO4.2 Landscaping in car parking areas is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p>Not Applicable The proposed development does not involve car parking areas.</p>
<p>PO5 Landscaping areas include a range and variety of planting that:</p> <ul style="list-style-type: none"> (a) is suitable for the intended purpose and local conditions; (b) contributes to the natural character of the Shire; (c) includes native species; (d) includes locally endemic species, where practical; and (e) does not include invasive plants or weeds. 	<p>AO5.1 Plant species are selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.</p> <p>AO5.2 A minimum of 25% of (new and existing) plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.</p>	<p>Complies with PO5 Refer to response to PO1 for landscape details.</p>

Performance outcomes	Acceptable outcomes	Responses
PO6 Landscaping does not impact on the ongoing provision of infrastructure and services to the Shire.	AO6.1 Tree planting is a minimum of (a) 2 metres from any underground water, sewer, gas, electricity or telecommunications infrastructure; and (b) 4 metres from any inspection chamber.	Not Applicable The proposed development does not involve tree planting.
	AO6.2 Vegetation below or within 4 metres of overhead electricity lines and power poles has a maximum height of 3.5 metres at maturity.	Not Applicable The proposed development does not involve vegetation below or within 4m of overhead electricity lines or power poles.
	AO6.3 Vegetation adjoining an electricity substation boundary, at maturity, will have: (a) a height of less than 4 metres; and (b) no foliage within 3 metres of the substation boundary, unless the substation has a solid wall along any boundary.	Not Applicable The subject site does not adjoin an electricity substation.
For assessable development		
PO7 Landscaping areas are designed to: (a) be easily maintained throughout the ongoing use of the site; (b) allow sufficient area and access to sunlight and water for plant growth; (c) not cause a nuisance to occupants of the site or members of the public; and (d) maintain or enhance the safety of pedestrians through the use of Crime Prevention Through Environmental Design principles.	AO7 No acceptable outcome is provided.	Complies with PO7 Refer to response to PO1 for landscape details.

2.4 Parking and Access Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		
Car parking spaces		
<p>PO1 Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:</p> <ul style="list-style-type: none"> (a) nature of the use; (b) location of the site; (c) proximity of the use to public transport services; (d) availability of active transport infrastructure; and (e) accessibility of the use to all members of the community. 	<p>AO1 The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.</p> <p>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</p>	<p>Complies with AO1 The proposed reconfiguring a lot will be dimensioned to maintain a minimum 1 covered car parking space on each leased lot for the existing dwelling houses.</p>
Vehicle crossovers		
<p>PO2 Vehicle crossovers are provided to::</p> <ul style="list-style-type: none"> (a) ensure safe and efficient access between the road and premises; (b) minimize interference with the function and operation of roads; and (c) minimise pedestrian to vehicle conflict. 	<p>AO2.1 Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.</p> <p>AO2.2 Development on a site with two or more road frontages provides vehicular access from:</p> <ul style="list-style-type: none"> (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances. <p>AO2.3 Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E.</p>	<p>Not Applicable The proposed development is for reconfiguring a lot to establish lease lots over 8 original dwellings. No changes to the existing vehicular access to/from Council roads are proposed.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>PO3 Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to:</p> <ul style="list-style-type: none"> (a) the intensity of anticipated vehicle movements; (b) the nature of the use that they service; and (c) the character of the surrounding locality. 	<p>AO3 Access, manoeuvring and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C.</p>	<p>Not Applicable The proposed development does not include manoeuvring or car parking areas.</p>
For assessable development		
Parking area location and design		
<p>PO4 Car parking areas are located and designed to:</p> <ul style="list-style-type: none"> (a) ensure safety and efficiency in operation; and (b) be consistent with the character of the surrounding locality. 	<p>AO4.1 Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.</p>	<p>Not Applicable The proposed development does not include new car parking spaces, access or circulation areas.</p>
	<p>AO4.2 Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities.</p>	<p>Not Applicable The proposed development does not include new disabled areas or car parking spaces.</p>
	<p>AO4.3 The car parking area includes designated pedestrian routes that provide connections to building entrances.</p>	<p>Not Applicable The proposed development does not include new car parking areas.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO4.4 Parking and any set down areas are:</p> <ul style="list-style-type: none"> (a) wholly contained within the site; (b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone; (c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and (d) provided at the side or rear of a building in all other instances. 	<p>Not Applicable The proposed development does not include new parking or set down areas.</p>
Site access and manoeuvring		
<p>PO5 Access to, and manoeuvring within, the site is designed and located to:</p> <ul style="list-style-type: none"> (a) ensure the safety and efficiency of the external road network; (b) ensure the safety of pedestrians; (c) provide a functional and convenient layout; and (d) accommodate all vehicles intended to use the site. 	<p>AO5.1 Access and manoeuvrability is in accordance with :</p> <ul style="list-style-type: none"> (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities. <p>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</p>	<p>Not Applicable The proposed development does not include new car parking facilities.</p>
	<p>AO5.2 Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.</p>	<p>Not Applicable The proposed development does not new include vehicular access.</p>
	<p>AO5.3 Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p>	

Performance outcomes	Acceptable outcomes	Responses
	<p>AO5.4 Pedestrian and cyclist access to the site:</p> <ul style="list-style-type: none"> (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided). 	<p>Not Applicable The proposed development does not include new pedestrian or cyclist access.</p>
<p>PO6 Development that involves an internal road network ensures that it's design:</p> <ul style="list-style-type: none"> (a) ensure safety and efficiency in operation; (b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of: <ul style="list-style-type: none"> (i) hours of operation; (ii) noise (iii) light; and (iv) odour; (c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use; (d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and (e) in the Rural zone, avoids environmental degradation. 	<p>AO6.1 Internal roads for a Tourist park have a minimum width of:</p> <ul style="list-style-type: none"> (a) 4 metres if one way; or (b) 6 metres if two way. 	<p>Not Applicable The proposed development does not involve a tourist park.</p>
	<p>AO6.2 For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle for vehicles towing caravans having:</p> <ul style="list-style-type: none"> (a) a minimum approach and departure curve radius of 12 metres; and (b) a minimum turning circle radius of 8 metres. 	
	<p>AO6.3 Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.</p>	<p>Not Applicable The proposed development does not involve an energy and infrastructure activity or rural activity.</p>
	<p>AO6.4 Speed control devices are installed along all internal roads, apart from those for an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.</p>	
	<p>AO6.5 Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.</p>	

Performance outcomes	Acceptable outcomes	Responses
	AO6.6 Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.	Not Applicable The proposed development does not involve an accommodation activity.
	AO6.7 For an Energy and infrastructure activity or Rural activity, internal road gradients: (a) are no steeper than 1:5; or (b) are steeper than 1:5 and are sealed.	Not Applicable The proposed development does not involve an energy and infrastructure activity or rural activity.
Servicing		
PO7 Development provides access, maneuvering and servicing areas on site that: (a) accommodate a service vehicle commensurate with the likely demand generated by the use; (b) do not impact on the safety or efficiency of internal car parking or maneuvering areas; (c) do not adversely impact on the safety or efficiency of the road network; (d) provide for all servicing functions associated with the use; and (e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.	AO7.1 All unloading, loading, service and waste disposal areas are located: (a) on the site; (b) to the side or rear of the building, behind the main building line; (c) not adjacent to a site boundary where the adjoining property is used for a sensitive use. AO7.2 Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear. AO7.3 Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B.	Not Applicable The proposed development does not include new unloading, loading, service or waste disposal areas.
Maintenance		
PO8 Parking areas are used and maintained for their intended purpose.	AO8.1 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	Not Applicable The proposed development does not include new parking areas.

Performance outcomes	Acceptable outcomes	Responses
	AO8.2 All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	
End of trip facilities		
PO9 Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that: (a) meet the anticipated demand generated from the use; (b) comprise secure and convenient bicycle parking and storage; and (c) provide end of trip facilities for all active transport users.	AO9.1 The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D. AO9.2 End of trip facilities are provided in accordance with Table 9.4.3.3D.	Not Applicable The development is not located with the Centre zone; Industry zone or Emerging community zone.
If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park		
PO10 The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.	AO10 A traffic impact report is prepared by a suitably qualified person that identifies: (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts.	Not Applicable The proposed development does not involve an educational establishment, child care centre, renewable energy facility, sport and recreational activity or tourist park.
If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park		

Performance outcomes	Acceptable outcomes	Responses
<p>PO11 The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p>AO11 A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (d) the expected traffic movements to be generated by the facility; (e) any associated impacts on the road network; and (f) any works that will be required to address the identified impacts. 	<p>Not Applicable The proposed development does not involve an educational establishment or child care centre, renewable energy facility, sport and recreational activities or tourist park.</p>

2.5 Works, Services and Infrastructure Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		
Water supply		
PO1 Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment. 	AO1.1 Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located: <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated water supply service area. 	Complies with PO1 Water supply is provided via 2.19 kL concrete tanks and 2.13 kL polytanks connected to bore water. The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. As such, no upgrades are proposed. The proposed development will maintain an adequate volume and supply of water.
	AO1.2 Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with: <ul style="list-style-type: none"> (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or (b) on-site water storage tank/s: <ul style="list-style-type: none"> (i) with a minimum capacity of 90,000L; (ii) fitted with a 50mm ball valve with a camlock fitting; and (iii) which are installed and connected prior to the occupation or use of the development. 	Not Applicable The subject site is not located in the Conservation Zone, Rural Zone or Rural Residential Zone.
Wastewater disposal		

Performance outcomes	Acceptable outcomes	Responses
<p>PO2 Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment. 	<p>AO2.1 Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	<p>Complies with PO2 Wastewater is connected to a reticulated sewerage system.</p> <p>The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. As such, no upgrades are proposed. The proposed development will provide for a suitable treatment disposal of effluent and other waste water.</p>
	<p>AO2.2 An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	<p>Not Applicable The subject site is not located in the Conservation Zone, Rural Zone or Rural Residential Zone, or outside a reticulated sewerage service area.</p>
Stormwater infrastructure		
<p>PO3 Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.</p>	<p>AO3.1 Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Not Applicable The subject site is not located within a Priority infrastructure area or connected to Council's stormwater infrastructure network.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO3.2 On-site drainage systems are constructed:</p> <ul style="list-style-type: none"> (a) to convey stormwater from the premises to a lawful point of discharge; and (b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual. 	<p>Complies with AO3.2 Various land regrades, construction of drainage paths, kerb and channels and cut off/spoon drains capture stormwater around the site to dumped rock erosion protections to disperse water flow over areas. This was approved in 2013 over the site (application reference: DA/13/0030).</p> <p>The proposed reconfiguring a lot does not reflect an increase in the number of dwellings on site or a meaningful change to how the site operates. As such, no upgrades are proposed. The proposed development will maintain a suitable drainage system.</p>
Electricity supply		
<p>PO4 Each lot is provided with an adequate supply of electricity</p>	<p>AO4 The premises:</p> <ul style="list-style-type: none"> (a) is connected to the electricity supply network; or (b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: <ul style="list-style-type: none"> (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (iii) it can be demonstrated that no adverse impact on visual amenity will occur. 	<p>Complies with AO4 The site is connected to the electricity supply network.</p>
Telecommunications infrastructure		

Performance outcomes	Acceptable outcomes	Responses
<p>PO5 Each lot is provided with an adequate supply of telecommunication infrastructure</p>	<p>AO5 Development is provided with a connection to the national broadband network or telecommunication services.</p>	<p>Complies with AO5 The site is connected to the telecommunication services.</p>
Existing public utility services		
<p>PO6 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p>AO6 Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Not Applicable The proposed development does not involve relocation, alteration or repairs to public utility mains or services.</p>
Excavation or filling		
<p>PO7 Excavation or filling must not have an adverse impact on the:</p> <ul style="list-style-type: none"> (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises. 	<p>AO7.1 Excavation or filling does not occur within 1.5 metres of any site boundary.</p> <p>AO7.2 Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.</p> <p>AO7.3 Earthworks batters:</p> <ul style="list-style-type: none"> (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained. 	<p>Not Applicable The proposed development does not involve filling or excavation.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO7.4 Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</p> <p>AO7.5 All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p> <p>AO7.6 Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p> <p>AO7.7 Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	
For assessable development		
Transport network		
<p>PO8 The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.</p>	<p>AO8.1 Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>Not Applicable The proposed development does not involve new vehicle access, crossovers, road geometry, pavement, utilities or landscaping to the frontage of the site.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO8.2 Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.</p>	<p>Complies with PO8 The proposed development does not involve a material change of use or buildings works to require construction of a new footpath pavement. The existing footpath along proposed lease lots J, K and L frontages is to remain as existing.</p> <p>Given the remote, rural location, there is not expected to be a large volume of pedestrians or cyclists. Dedicated pedestrian and cycle paths are an inconsistent outcome, having regard to the local area. The proposed development will not obstruct the local road network, which facilitates vehicle, pedestrian and cycle movement.</p>
Public infrastructure		
<p>PO9 The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.</p>	<p>AO9 Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Not Applicable The proposed development does not involve infrastructure that is to be dedicated to Council.</p>
Stormwater quality		

Performance outcomes	Acceptable outcomes	Responses
<p>PO10 Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> (a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters; (b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies; (c) achieve specified water quality objectives; (d) minimise flooding; (e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety. 	<p>AO10.1 The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> (a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and (b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: <ul style="list-style-type: none"> (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes. 	<p>Complies with PO10 The proposed development is for reconfiguring a lot to formalise the lease of 8 original dwellings. The proposed development will not involve any changes to existing buildings or structures, topography, services or infrastructure. The proposed development will have a non-worsening effect on the site and surrounding land.</p> <p>The proposed development will achieve a lawful point of discharge, consistent with the other dwelling houses and dual occupancies on the subject site.</p>

Performance outcomes	Acceptable outcomes	Responses
	<p>AO10.2 For development on land greater than 2,500m² or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:</p> <ul style="list-style-type: none"> (a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline; (b) is consistent with any local area stormwater water management planning; (c) accounts for development type, construction phase, local climatic conditions and design objectives; and (d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity. 	
<p>PO11 Storage areas for stormwater detention and retention:</p> <ul style="list-style-type: none"> (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety. 	<p>AO11 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve storage areas for stormwater detention or retention.</p>
Excavation or filling		
<p>PO12</p>	<p>AO12.1 Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	<p>Not Applicable The proposed development does not involve filling or excavation.</p>

Performance outcomes	Acceptable outcomes	Responses
Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.	AO12.2 Transportation of fill to or from the site does not occur: <ul style="list-style-type: none"> (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays. 	

Performance outcomes	Acceptable outcomes	Responses
PO13 Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	AO13.1 Dust emissions do not extend beyond the boundary of the site. AO13.2 No other air pollutants, including odours, are detectable at the boundary of the site. AO13.3 A management plan for control of dust and air pollutants is prepared and implemented.	Not Applicable The proposed development does not involve filling or excavation.
PO14 Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	AO14 Access to the premises (including all works associated with the access): (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	Not Applicable The proposed development does not involve filling or excavation.
Weed and pest management		
PO15 Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	AO15 No acceptable outcome is provided.	Complies with PO15 The proposed development is not anticipated to include works that would spread weeds, seeds or other pests.
Contaminated land		
PO16 Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	AO16 Development is located where: (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	Complies with AO16 Given the site's rural setting and current residential use, the site is unlikely to be contaminated. The site is not included on the Environmental Management Register or the Contaminated Land Register, refer to Appendix I.
Fire services in developments accessed by common private title		

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

2.6 Bushfire Hazard Overlay Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		
Water supply for fire-fighting purposes		
<p>PO1 Development where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) maintains the safety of people and property by providing an adequate, accessible and reliable water supply for fire-fighting purposes which is safely located and has sufficient flow and pressure characteristics.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</p> <p>AO1.1 Where in a reticulated water service area, the on-site water supply has flow and pressure characteristics of 10 litres a second at 200 kPa.</p> <p>OR</p> <p>AO1.2 Where access to the reticulated water network is not available, a minimum on site water storage of 5,000 litres is provided that must comprise:</p> <ul style="list-style-type: none"> (a) a separate tank; or (b) a reserve section in the bottom part of the main water supply tank; or (c) a dam; or (d) a swimming pool. <p>Note—Where a water tank is provided for fire-fighting purposes it is fitted with standard rural fire brigade fittings and the tank is provided with a hardstand area for heavy vehicles.</p>	<p>Not Applicable The subject site is not located in a reticulated water service area.</p> <p>Complies with AO1.2 A minimum 5,000L onsite water storage is provided onsite.</p>
For assessable development		
Land use		
<p>PO2 Development within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay</p>	<p>AO2 All buildings, structures, infrastructure and facilities associated with the following uses are located outside any area of the site located within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o):</p> <ul style="list-style-type: none"> (a) child care centre; or (b) community care centre; or 	<p>Not Applicable The proposed development does not involve new buildings, structures, infrastructure or facilities associated with the uses prescribed in AO2.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>maps (OM-003a-o) is appropriate to the bushfire hazard risk having regard to the:</p> <p>(a) the bushfire risk compatibility of development;</p> <p>(b) the vulnerability of and safety risk to persons associated with the use; and</p> <p>(c) consequences of bushfire in regard to impacts on essential infrastructure, buildings and structures.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>(c) correctional facility; or</p> <p>(d) educational establishment; or</p> <p>(e) emergency services; or</p> <p>(f) hospital; or</p> <p>(g) residential care facility; or</p> <p>(h) retirement facility; or</p> <p>(i) rooming accommodation; or</p> <p>(j) shopping centre; or</p> <p>(k) tourist park; or</p> <p>(l) tourist attraction.</p>	
Lot design		
<p>PO3</p> <p>Reconfiguring a lot within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) minimises the potential adverse impacts of bushfire on the safety of people, property and the environment through lot design that:</p> <p>(a) is responsive to the nature and extent of bushfire risk; and</p> <p>(b) allows efficient emergency access to buildings for fire-fighting appliances.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</p> <p>AO3.1 No new lots are created.</p> <p>OR</p> <p>AO3.2 All lots include a building envelope that achieves a radiant heat flux level of 29kW/m² at the perimeter of the building envelope.</p> <p>Note—Where a radiant heat flux of 29kW/m² is achieved and this relies on cleared or maintained land external to the land the subject of the development application it must be demonstrated that land external to the site will be maintained to a standard that does not exceed the level of bushfire hazard identified in a Bushfire hazard management plan.</p>	<p>Complies with AO3.1 The proposed development is to define land for lease purposes only, where the term exceeds 10 years. No new lots are proposed.</p> <p>Not Applicable Complies with AO3.1</p>

Performance outcomes	Acceptable outcomes	Responses
Firebreaks and access		
<p>PO4 In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), vehicular access is designed to mitigate against bushfire hazard by:</p> <ul style="list-style-type: none"> (a) ensuring adequate access for fire-fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; and (c) providing for the separation of developed areas and adjacent bushland. <p>Note—Where it is not practicable to provide firebreaks in accordance with A04.2 Fire Maintenance Trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> i. located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; ii. the minimum cleared width not less than 6 metres; iii. the formed width is not less than 2.5 metres; iv. the formed gradient is not greater than 15%; v. vehicular access is provided at both ends; vi. passing bays and turning areas are provided for fire-fighting appliances located on public land. 	<p>AO4.1 In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), roads are designed and constructed:</p> <ul style="list-style-type: none"> (a) with a maximum gradient of 12.5%; (b) to not use cul-de-sacs; and (c) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. <p>AO4.2 In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), firebreaks are provided:</p> <ul style="list-style-type: none"> (a) consisting of a perimeter road that separates lots from areas of bushfire hazard; (b) a minimum cleared width of 20 metre; (c) a maximum gradient of 12.5%; and (d) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. 	<p>Not Applicable The proposed development does not involve new vehicular access.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>		
Hazardous materials		
<p>PO5 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire of hazardous materials manufactured or stored in bulk.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>AO5 The processing or storage of dangerous goods or hazardous materials is not undertaken in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o).</p>	<p>Not Applicable The proposed development does not involve the processing or storage of dangerous goods or hazardous goods.</p>
Landscaping		
<p>PO6 Landscaping within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) does not result in a material increase in the extent, duration or severity of bushfire hazard having regard to:</p> <ul style="list-style-type: none"> (a) fire ecology; (b) slope of site; and (c) height and mix of plant species. <p>Note—Frost hollows and the associated grass kill facilitates a rapid curing of fuel and exacerbates bushfire hazard.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>AO6 No acceptable outcome is provided.</p>	<p>Not Applicable The proposed development does not involve additional landscaping to what is existing on site.</p>

Performance outcomes	Acceptable outcomes	Responses
Infrastructure		
<p>PO7 Infrastructure services located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are protected from damage or destruction in the event of a bushfire.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>AO7 The following infrastructure services are located below ground:</p> <ul style="list-style-type: none"> (a) water supply; (b) sewer; (c) electricity; (d) gas; and (e) telecommunications 	<p>Not Applicable The proposed development does not involve changes to infrastructure services.</p>
Private driveways		
<p>PO8 All premises located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are provided with vehicular access that enables safe evacuation for occupants and easy access by fire-fighting appliances.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>AO8 Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60 metres from the street frontage; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5 metres; (d) have a minimum vertical clearance of 4.8 metres; (e) accommodate turning areas for fire-fighting appliances in accordance with the Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than three dwellings or buildings. 	<p>Not Applicable The proposed development does not propose new private driveway construction.</p>

2.7 Environmental Significance Overlay Code

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

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

Performance outcomes	Acceptable outcomes	Responses
<p>PO4 ‘High ecological significance wetlands’ identified on the Environmental Significance Overlay Maps (OM-004a-o) and ‘Waterways’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) and are protected by:</p> <ul style="list-style-type: none"> (a) maintaining adequate separation distances between waterways/wetlands and development; (b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement; (c) maintaining waterway bank stability by minimising bank erosion and slumping; (d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and (e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland. <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</p> <p>AO4.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a ‘Waterway’ identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z).</p>	<p>Not Applicable The proposed development does not involve new built form.</p>
	<p>Where within a ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o)</p> <p>AO4.2 A minimum buffer of 200 metres is provided between development and the edge of a ‘High ecological significance wetland’ identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>Not Applicable The proposed development does not involve new built form.</p>
	<p>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o)</p> <p>AO4.3 No stormwater is discharged to a ‘Waterway’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland’ identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>Complies with AO4.3 Various land regrades, construction of drainage paths, kerb and channels and cut off/spoon drains capture stormwater around the site to dumped rock erosion protections to disperse water flow over areas. This was approved in 2013 over the site (application reference: DA/13/0030).</p> <p>No stormwater is discharged to a waterway or wetland.</p>
	<p>Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a ‘Waterway’ or ‘High ecological significance wetland’ are mitigated in accordance with PO3 through appropriate</p>	

Performance outcomes	Acceptable outcomes	Responses
	<p>stormwater management / treatment (where possible).</p> <p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</p> <p>AO4.4 No wastewater is discharged to a 'Waterway' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland' identified on the Environmental Significance Overlay Map (OM-004a-z).</p> <p>Note— A alternative outcome is required to demonstrate that the ecological impacts of wastewater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate wastewater management / treatment (where possible).</p>	<p>Complies with AO4.4 The development onsite will continue to connect to a reticulated sewerage system and will not discharge into any waterways.</p>
For assessable development		
Wildlife Habitat		
<p>PO5 Development within a 'Wildlife habitat' area identified on the Environmental Significance Overlay Maps (OM-004a-o):</p> <p>(a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;</p> <p>(b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem</p>	<p>AO5 No acceptable outcome is provided</p>	<p>Not Applicable The subject site is not within a 'Wildlife habitat' area.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>processes within or adjacent to the development site;</p> <p>(c) maintains or enhances wildlife interconnectivity at a local and regional scale; and</p> <p>(d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting).</p> <p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
Legally secured offset areas		
<p>PO6 Development within a 'Legally secured offset area' identified on the Environmental Significance Overlay Maps (OM-004a-o) or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p>	<p>AO6 No acceptable outcome is provided.</p>	<p>Not Applicable The subject site is not within a 'Legally secured offset area'.</p>

Performance outcomes	Acceptable outcomes	Responses
<p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
<p>Protected areas</p>		
<p>PO7 Development within a ‘Protected area’ identified on the Environmental Significance Overlay Maps (OM-004a-o) is consistent with the values of the Protected Area and:</p> <ul style="list-style-type: none"> (a) supports the inherent ecological and community values of the Protected Area asset; (b) maintains or enhances wildlife interconnectivity at a local and regional scale; and (c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area. <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>AO7 No acceptable outcome is provided</p>	<p>Not Applicable The subject site is not within a ‘Protected area’.</p>

Performance outcomes	Acceptable outcomes	Responses
Ecological corridors and Habitat linkages		
<p>PO8 Development located:</p> <p>(a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</p> <p>(b) within an ‘Ecological corridor’ or a ‘Habitat linkage’ identified on the Environmental Significance Overlay Maps (OM-004a-o)</p> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <p>(a) the environmental values of the area of the site identified in the ‘Ecological corridor’ or ‘Habitat linkage’;</p> <p>(b) the environmental values of adjoining and nearby land within the ‘Ecological corridor’ or ‘Habitat linkage’;</p> <p>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</p> <p>(d) the location and design of proposed improvements that may impact on the functions of the ‘Ecological corridor’ or ‘Habitat linkage’ including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</p> <p>(e) the ability for the ‘Ecological corridor’ or ‘Habitat linkage’ to be enhanced to improve ecological connectivity.</p> <p>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment</p>	<p>AO8 No acceptable outcome is provided</p>	<p>Not Applicable The subject site is not located:</p> <ul style="list-style-type: none"> in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone or within an ‘Ecological corridor’ or a ‘Habitat linkage’ identified on the Environmental Significance Overlay Maps (OM-004a-o).

Performance outcomes	Acceptable outcomes	Responses
Reports may be appropriate to demonstrate compliance with PO8.		

2.8 Transport Infrastructure Overlay Code

Performance outcomes	Acceptable outcomes	Responses
For accepted development subject to requirements and assessable development		
<p>PO1 Development does prejudice the:</p> <p>(a) ongoing operation of an active 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j); or</p> <p>(b) the potential future use of an inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j).</p>	<p>AO1 Buildings and structures are setback from a boundary with an active or inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) a minimum of:</p> <p>(a) 40 metres where:</p> <p>(i) in the Rural zone; and</p> <p>(ii) on a site with an area of 2 hectares or greater; or</p> <p>(b) 5 metres otherwise.</p>	<p>Not Applicable The proposed development does not involve new buildings or structure.</p>
For assessable development		
<p>PO2 Non-residential development adjoining a rail corridor identified on the Transport infrastructure overlay maps (OM-012a-j) is designed to allow for the future use of the 'Rail corridor' by the land use.</p>	<p>AO2 No acceptable outcome is provided</p>	<p>Not Applicable The proposed development does not involve non-residential development.</p>
<p>PO3 Development adjoining a 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) used for the transportation of tourists is designed to:</p> <p>(a) provide visual interest;</p> <p>(b) screen or enhance areas of limited visual interest; and</p> <p>(c) complement and enhance the character of the shire.</p>	<p>AO3 No acceptable outcome is provided</p>	<p>Not Applicable The proposed development is not for development for the transportation of tourists.</p>

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