

Our Ref: R4-20

5 June 2020

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

Attention: Planning Department

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT
RECONFIGURATION OF A LOT – 1 INTO 3 LOTS
LOCATED AT 29 BOYLES ROAD, KURANDA
FORMALLY DESCRIBED AS LOT 2 ON RP726691**

We act on behalf of our client, Allyson Sheppard in preparing and submitting the following development application which seeks a Development Permit to Reconfigure the subject allotment under the *Planning Act 2016* located at 29 Boyles Road, Kuranda to facilitate the creation of two (2) additional allotments.

The subject site located 5.9km from the Kennedy Highway, and is only 4.8kms from the central business district of Kuranda as the crow flies. The property is surrounded by rural residential development on all sides except to the east, to which the property is zoned as 'Emerging Community'. It is also noted that the Cairns Hinterland Steiner School is located across the road to the south-west of the site, with two (2) rural residential allotments north of the school both under 2ha. There are various other rural residential allotments well below 2 hectares within the immediate and surrounding area, namely along High Chapparal Road, Monaro Close, Cadagi Drive, Oak Forest Road, Green Forest Road to name a few. Accordingly, the existing character and lot size has been established in the immediate area, and this development will provide a suitable outcome consistent with the strategic intent for the area.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the Mareeba Shire Planning Scheme 2016. In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed reconfiguration is **\$1,040.00**. Please contact our office on 0411 344 110 to process the payment over the phone.

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

Yours faithfully,



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

PLANNING REPORT

DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT – 1 INTO 3 LOTS

PROJECT LOCATION:

SITUATED AT 29 BOYLES ROAD, KURANDA
FORMALLY DESCRIBED AS LOT 2 ON RP726691

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Appendix 2: Owner's Consent

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ASSESSMENT MANAGER:	MAREEBA SHIRE COUNCIL, PLANNING DEPARTMENT
DEVELOPMENT TYPE:	DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
PROPOSED WORKS:	ONE (1) INTO THREE (3) LOTS
REAL PROPERTY DESCRIPTION:	LOT 2 ON RP726691
LOCATION:	29 BOYLES ROAD, KURANDA
ZONE:	RURAL RESIDENTIAL ZONE
APPLICANT:	ALLYSON SHEPPARD C/- U&I TOWN PLAN
ASSESSMENT CRITERIA:	RECONFIGURATION OF A LOT (IMPACT ASSESSABLE)
REFERRAL AGENCIES:	THE PROPOSAL DOES NOT TRIGGER ASSESSMENT AGAINST THE RELEVANT STATE AGENCIES.
STATE PLANNING:	THE PROPOSAL DOES TRIGGER ASSESSMENT AGAINST THE STATE DEVELOPMENT ASSESSMENT PROVISIONS.

IMPORTANT NOTE

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This Report has been prepared for Allyson Sheppard for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot on land at 29 Boyles Road, Kuranda (over lot 1 on RP726691) for the purpose of a boundary realignment. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.

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

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

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

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

1.0 EXECUTIVE SUMMARY

This development application is seeking a development permit to Reconfigure the allotment under the Planning Act 2016 at 29 Boyles Road, Kuranda from one (1) into three (3) allotments. The subject land is located 5.9kms from the Kennedy Highway, and is surrounded by similar sized rural residential development on all sides all well below the 2ha areas proposed as part of this development. Accordingly, the character and lot size has been established within the immediate area, and the proposed development is seeking to maintain the amenity by providing a similar product to the area. By way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

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

2.0 SITE DESCRIPTION

The subject land is described as Lot 2 on RP726691, located at 29 Boyles Road, Kuranda. The site encompasses one (1) freehold allotment with road frontage of approximately 485 metres along Boyles Road, covering an area of 13.676 hectares. Proposed lot 3 contains the existing dwelling house and associated outbuildings, while proposed lots 1 and 2 are vacant and void of any structures. The properties all contain frontage and access to the Boyles Road to the west. Across the road to the south-west is the Cairns Hinterland Steiner School, with two (2) rural residential allotments north of the school both under 2ha. The Barron River is only 190m to the north/west of the site. The adjacent property to the east is zoned 'Emerging Community'.



Figure 1: Aerial View of the Subject Land

A site summary is provided below:

Table 2.0: Site summary

Street address:	29 Boyles Road, Kuranda
Real property description:	Lot 2 on RP726691
Local government area	Mareeba Shire Council
Tenure:	Freehold title
Site area:	13.676 hectares
Zone:	Rural residential zone
Precinct:	N/A
Sub-precinct:	N/A
Current use:	Rural Lifestyle Allotment
Road frontage:	Boyles Road
Adjacent uses:	Rural Residential
Topography:	The site slopes gently towards the south as you move from north to south along the property, then slopes gently to east into a natural drain line along the eastern boundary.
Vegetation:	The site contains regulated regrowth vegetation mapped as Caterory C & R, with large sections of Category X within an around the existing dwelling and outbuildings located on proposed lot 3.
Easements:	Electricity Infrastructure
Existing infrastructure:	The site has access to Boyles Road which is sealed with power running available also along the road reserve.



Figure 2: Site Locality

3.0 DEVELOPMENT PROPOSAL

This development application is seeking a development permit to Reconfigure the allotments under the *Planning Act 2016* at 29 Boyles Road, Kuranda from one (1) into three (3) allotments. The subject land is formally described as lot 2 on RP726691 and is located 5.9km from the Kennedy Highway, and is surrounded by rural residential allotments on all sides except to the east in which the property is zoned within the 'Emerging Community' zone. It is also noted that the Cairns Hinterland Steiner School is located across the road to the south-west of the site, with two (2) rural residential allotments north of the school both under 2ha. There are various other rural residential allotments well below 2 hectares within the immediate and surrounding area, namely along High Chapparral Road, Monaro Close, Cadagi Drive, Oak Forest Road, Green Forest Road to name a few. Accordingly, the existing character and lot size has been established in the immediate area, and this development will provide a suitable outcome consistent with the strategic intent for the area.



Figure 3: Extract from Development Plans

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

3.1 Development Definition

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

reconfiguring a lot means—

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

3.2 Subdivision

The proposed development for a Reconfiguration of a Lot – 1 into 3 lots is sought to subdivide lot 2 on RP726691, to create an additional Rural Residential Allotment within the existing Kuranda Surrounds. The site is designated within the Rural Residential Zone of the Mareeba Shire Planning Scheme and no change to the zoning is proposed as part of this development. The proposed development will result in the creation of an additional two (2) allotments on the property whilst maintaining the existing amenities and character of the site and surrounding area.

The proposed reconfiguration seeks to create three (3) allotments currently described as proposed lots 1, 2 and 3. The proposed areas of these allotments are provided below:

- Proposed Lot 1 - 2.2 hectares
- Proposed Lot 2 - 2.3 hectares
- Proposed Lot 3 – 9.175 hectares

The property is located 4.8kms from the central business district of Kuranda as the crow flies and is surrounded by rural residential development on all sides except to the east, of which the property is zoned as ‘Emerging Community’. The subject land is designated under the planning scheme as being within the “Rural Residential Zone” where the minimum lot size within this zone is not particularly specified given it isn’t within a designated precinct.

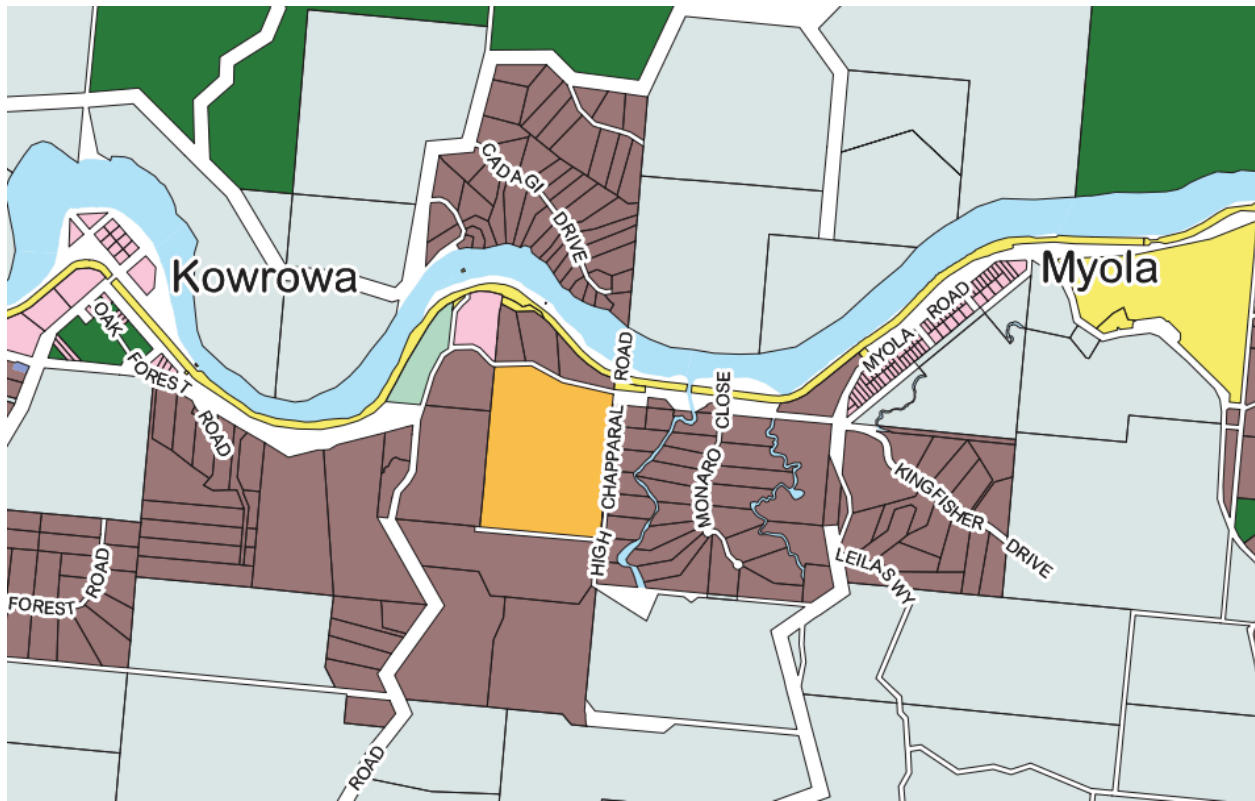


Figure 4: Planning Scheme Zoning Map – Rural Residential Zone (brown)

In terms of the services provided as part of this development, we have proposed the following to be provided as part of this development:

- **Access:** Combined access crossover in accordance FNQROC Standard Drawing S1105e for rural property accesses;
- **Water:** The house on proposed lot 3 has an existing bore and rainwater tanks to service the site. Proposed lot 1 and 2 are expected to be conditioned to provide similar water infrastructure as part of this development, required as part of the subsequent building approval development applications;
- **Sewerage:** Existing on-site sewerage system servicing the existing dwelling on proposed lot 3 is contained within proposed lot 3. A condition of approval will require separate on-site effluent disposal system to be provided as part of subsequent development application for building and plumbing works;
- **Power:** Proposed lot 3 has an existing connection to power. The power line network runs along Boyles Road, with the last power pole being the approximate location of the combined access crossover into proposed lots 1 & 2. Our client has indicated that they would like to connect both proposed lots to mains power. However, the alternative to provide off the grid power to the site should be afforded to this development as a condition of approval given the latest improvements in solar power and battery storage technology; and
- **Telecommunications:** This will be satisfied through an application to NBN for each site to be connected to the internet at the time of completion of the subsequent dwelling houses on each allotment.

Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit based on sound planning grounds. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Rural Residential Zone Code and Reconfiguring a Lot Code. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

4.0 DEVELOPMENT APPLICATION DETAILS

This impact assessable development application seeks a development permit to Reconfigure the Lot under the *Planning Act 2016* from one (1) into three (3) rural residential allotments. By way of this development application, the applicant is seeking specific approval of the following development permit to authorise the subdivision of the allotments as detailed in this planning report.

5.0 PLANNING JUSTIFICATION

This development application is made in accordance with the requirements of the *Planning Act 2016* and is for the Reconfiguration of one (1) into three (3) allotments of Lot 2 on RP726691, located at 29 Boyles Road, Kuranda. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Residential Zone and Reconfiguring a Lot Code.

5.1 Mareeba Shire Planning Scheme 2016

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

- Strategic Framework
- Rural Residential Zone Code
- Reconfiguration of a Lot Code
- Landscape Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Hill and Slope Overlay Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- State Development Assessment Provisions

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

5.1.1 Strategic Framework

The Strategic Intent, and the Strategic Framework (SF) as a whole is a set of high order strategic outcomes and land use strategies which set the overarching policy intent for the lower order, more detailed components of the planning scheme i.e. zones, codes and policies. The Framework is split into various themes which cover the main aspects of land use planning and development governance. Given the level the Framework operates at, it is difficult to provide a direct, site specific assessment of the proposal against its many components. However, a proposal that satisfies

the lower order components of the planning scheme, i.e. zone codes, development codes, overlay codes, planning scheme policies, etc; inherently satisfies the intent of the Framework.

The SF sets the policy direction for the Shire for the life of the Planning Scheme. Regarding this development the relevant provisions of the SF are:

- Settlement pattern and built environment - Rural Residential Areas; and
- Natural Resources and Environment - Biodiversity.

Regarding Rural residential Areas the SF states:

‘Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.’

Rural Residential Areas:

OUTCOME SOUGHT	COMMENT
<i>Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation of loss of agricultural areas or biodiversity areas.</i>	Complies
<i>Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.</i>	Complies
<i>No further subdivision of greater than anticipated density occurs within Rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.</i>	Complies
<i>Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of the proposed development.</i>	Complies
<i>Limited agricultural and animal husbandry activities occur in Rural residential areas where the offsite impacts of the activity are mitigated in protection of the amenity expectation of the Rural residential areas.</i>	Complies
<i>Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in rural residential areas.</i>	N/A

Regarding Biodiversity Areas the SF states:

Biodiversity Areas:

OUTCOME SOUGHT	COMMENT
<i>Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.</i>	Complies – development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.</i>	Complies – development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protections commensurate with the scale of development.</i>	Complies - development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Areas within the Einsleigh Uplands bioregion.....</i>	N/A
<i>Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll and the habitat of endemic species are protected across all land tenures.</i>	Complies - development is only proposed in the cleared areas and in the area containing the old Lychee orchard.

The proposed development is not in conflict with the policy direction, outlined in the Strategic Framework, for the future development of the Shire.

5.1.2 Rural Residential Zone Code

6.2.10.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
 - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
 - (b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and

- (c) The 4,000m² precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m².
- (4) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
 - (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;
 - (c) Development avoids areas of ecological significance;
 - (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;
 - (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;
 - (f) Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;
 - (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and
 - (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.

The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Rural Residential Zone and the Rural Activities Code. Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit on solid planning grounds to justify and support the creation of two (2) additional rural residential allotments. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Rural Residential Zone Code and Reconfiguring a Lot Code.

5.1.3 Reconfiguring a Lot Code

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

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

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

- (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*
- (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.*
- (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*
- (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*

- (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
- (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
- (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
- (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
- (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
- (j) Land in historical townships is not reconfigured to be used for urban purposes; and
- (k) Residential subdivision and greenfield development is designed to consider and respect:
 - (i) topography;
 - (ii) climate responsive design and solar orientation;
 - (iii) efficient and sustainable infrastructure provision;
 - (iv) environmental values;
 - (v) water sensitive urban design;
 - (vi) good quality agricultural land; and
 - (vii) the character and scale of surrounding development.

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

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m ²	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	350m ²	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m ²	5 metres
	All other lots	600m ²	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m ²	5 metres
	All other lots	800m ²	16 metres
	Medium density residential	Rear lot	600m ²
All other lots		400m ²	10 metres
Industry	All lots	1,500m ²	45 metres
Recreation and open space	All lots	Not specified	Not specified
Rural	All lots	60 hectares	400 metres
Rural residential	2 hectare precinct		
	All lots	2 hectares	60 metres
	1 hectare precinct		
	All lots	1 hectare	40 metres
	4,000m ² precinct		
All lots	4,000m ²	40 metres	

The proposed reconfiguration complies or can be conditioned to comply with the design parameters of the Code. However, the proposed reconfiguration itself is not supported as the site is not included in Precinct A, B or C, referred to in the table above within the rural residential zone. However, land adjacent to the site is included in Emerging Community which suggests it is earmarked for future residential development. The Cairns Hinterland Steiner School is located across the road to the south-west of the site, with two (2) rural residential allotments north of the school both under 2ha. There are various other rural residential allotments within the surrounding locality well below 2

hectares, namely along High Chapparal Road, Monaro Close, Cadagi Drive, Oak Forest Road, Green Forest Road to name a few. Accordingly, the existing character and lot size has been established in the immediate area, and this development will provide a suitable outcome consistent with the strategic intent for the area.

5.1.4 Landscaping Code

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

5.1.5 Parking and Access Code

The proposal is for a subdivision within the Rural Residential Zone. As such, this code is not considered applicable to this development in terms of controlling parking demands and requirements as part of a reconfiguration of a lot. However, it is noted that each allotment will contain suitable access to the existing Road Network and will not detrimentally affect nor impact on the functionality of the existing a Road Network.

Access to proposed lots 1 and 2 will be provided via a newly constructed combined/shared access crossover in accordance with the standard drawings in the Planning Scheme Policy 4 – FNQROC Regional Development Manual. This has been noted and included on the development plans.

5.1.6 Works, Service and Infrastructure Code

The proposal is for Reconfiguration of 1 into 3 lots within the Rural Residential Zone, and as such limited services and infrastructure are required to be provided. Proposed lot 3 will contain the existing services, accesses, buildings and structures. In terms of water, proposed lot 3 is already connected with the necessary water infrastructure and will not result in any changes to water supply. Existing on-site sewerage treatment systems in place for the existing dwelling and structures are contained within proposed lot 3 and will remain unchanged.

Access to both proposed Lots 1 and 2 as noted in the parking and access code will be provided with a newly constructed combined access crossover in accordance with the standard drawings in the Planning Scheme Policy 4 – FNQROC Regional Development Manual. This detail has been noted and included on the development plans. In terms of water, each allotment will have the opportunity to provide their own water infrastructure as part of subsequent development applications for the dwelling houses on each property. stored in water tanks, which will then be pumped to service the future dwellings. In terms of on-site sewerage disposal, both lots 1 and 2 will have adequate area on-site to accommodate a suitably designed sewerage system to be submitted as part of the building application.

To summarise, the following is proposed in terms of services to be provided as part of this development:

- **Access:** Combined access crossover in accordance FNQROC Standard Drawing S1105e for rural property accesses;
- **Water:** The house on proposed lot 3 has an existing bore and rainwater tanks to service the site. Proposed lot 1 and 2 are expected to be conditioned to provide similar water infrastructure as part of this development, required as part of the subsequent building approval development applications;
- **Sewerage:** Existing on-site sewerage system servicing the existing dwelling on proposed lot 3 is contained within proposed lot 3. A condition of approval will require separate on-site effluent disposal system to be provided as part of subsequent development application for building and plumbing works;
- **Power:** Proposed lot 3 has an existing connection to power. The power line network runs along Boyles Road, with the last power pole being the approximate location of the combined access crossover into

proposed lots 1 & 2. Our client has indicated that they would like to connect both proposed lots to mains power. However, the alternative to provide off the grid power to the site should be afforded to this development as a condition of approval given the latest improvements in solar power and battery storage technology; and

- **Telecommunications:** This will be satisfied through an application to NBN for each site to be connected to the internet at the time of completion of the subsequent dwelling houses on each allotment.

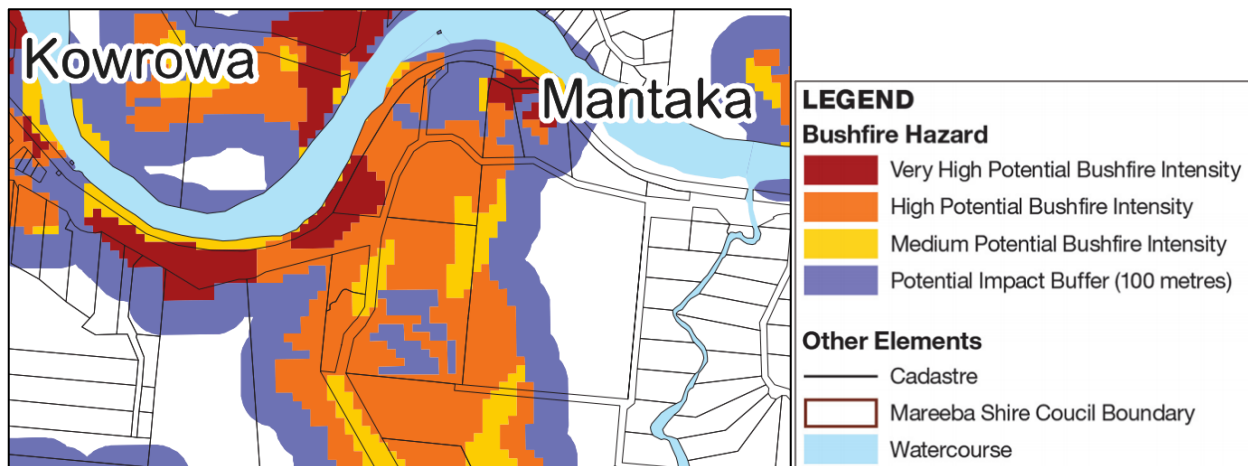
It is considered that the proposed Reconfiguration of a lot development achieves compliance with the outcomes sought to be achieved within Works, Services and Infrastructure Code.

5.1.7 Bushfire Hazard Overlay Code

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

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

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



The subject land is mapped as containing areas of 'medium' to 'high' potential bushfire hazard intensity mapping, with sections mapped as being located within the 'Potential Impact Buffer (100 metres)'. The hazard mapping strongly correlates with the vegetated areas on site. Proposed Lot 3 contains the existing buildings or structures, of which will not be amended or altered as part of this development. Proposed lot 1 and 2 on the other hand are the newly created vacant allotments that will accommodate new dwellings and associated structures in the near future. In response, we have included a building location envelope (BLE) on the allotment in an area away from the fire source. Additionally, the area where the proposed BLE are to be located will be cleared to ensure a buffer of at least 1.5m the height of the tallest tree or 20m whichever is the greatest, to provide a suitable buffer. In addition to this, it is anticipated that a condition of approval will require a water storage tank (5,000 ltrs) to be provided with suitable connections to be utilised for fire-fighting purposes. Lastly, both properties will be maintained by the landowners to ensure no build-up of hazardous materials and that existing or proposed firebreaks are maintained. Accordingly, it is considered that this development achieves compliance with the outcomes sought under the Bushfire Hazard Overlay Code.

5.1.8 Environmental Significance Overlay Code

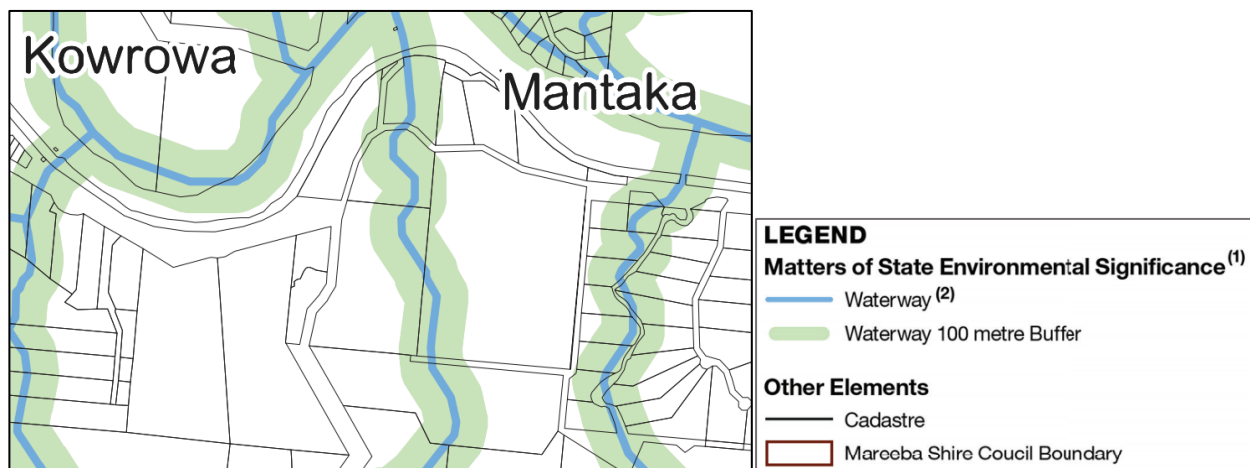
The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

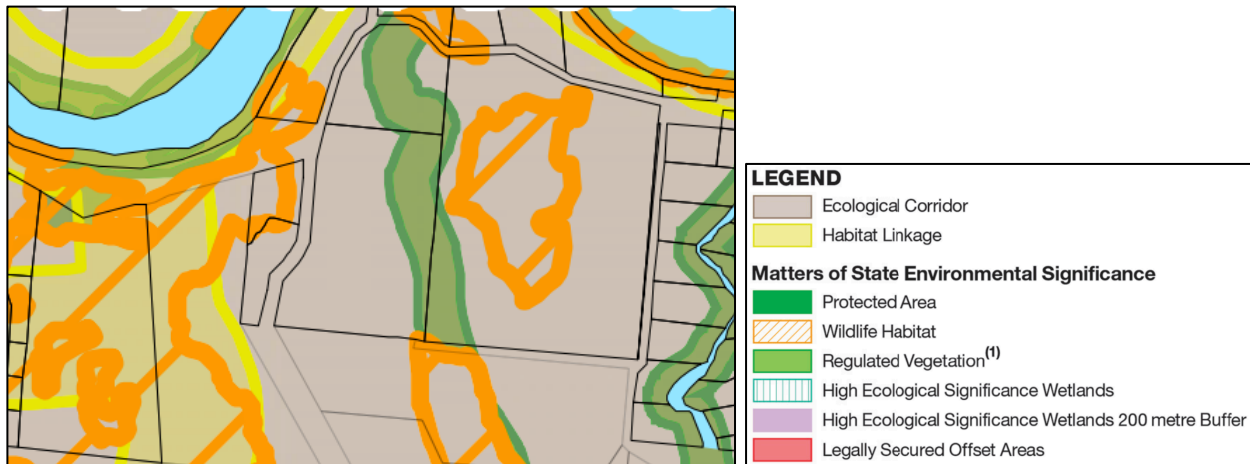
The Environmental significance overlay code ensures that:

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

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

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

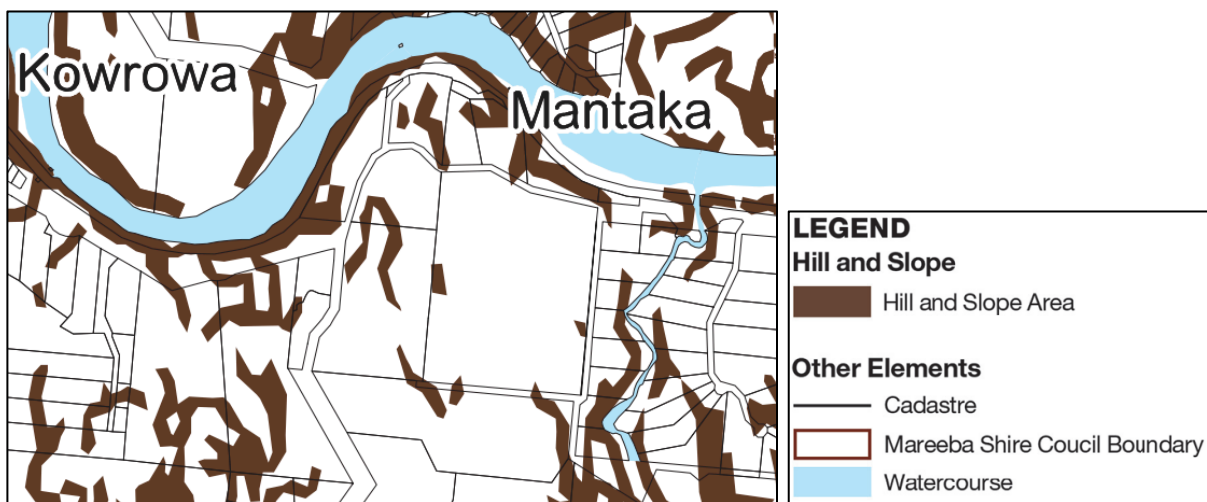




The site is Mapped as containing a section of Regulated Vegetation along the rear/eastern boundary which correlates with a Waterway and Buffer on the Environmental Significance Overlay Mapping. The areas mapped under this overlay are reflected in the state vegetation mapping, of which the development has not triggered referral to the state government. No clearing of the regulated vegetation is proposed as part of this development, with the proposed BLE illustrating the separation from these significant areas. As such, compliance is achieved, and no further assessment of this development is required against the Environmental Significance Overlay Code.

5.1.9 Hill and Slope Overlay Code

- (1) *The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - a) *Development is located to avoid sloping land where practical; and*
 - b) *Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.*



The site is mapped as containing two (2) strips of hill and slope area within proposed lots 1 and 2. Based on an inspection of the site, it is concluded that the mapping over the property does not accurately reflect the topography on-site. The image below was taken in the northern most point of proposed lot 3 adjacent to proposed lot 2 where the building envelope is to be located. As you can see the site has a gentle slope that gradually moves across the site, however it does not justify the need for a geotechnical report. Accordingly, any elements relating to the site and future development will be address as part of a structural engineering report submitted as part of subsequent building development applications.



Image 1: Site photo from NW Corner of Proposed Lot 3

5.2 State Development Assessment Provisions

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

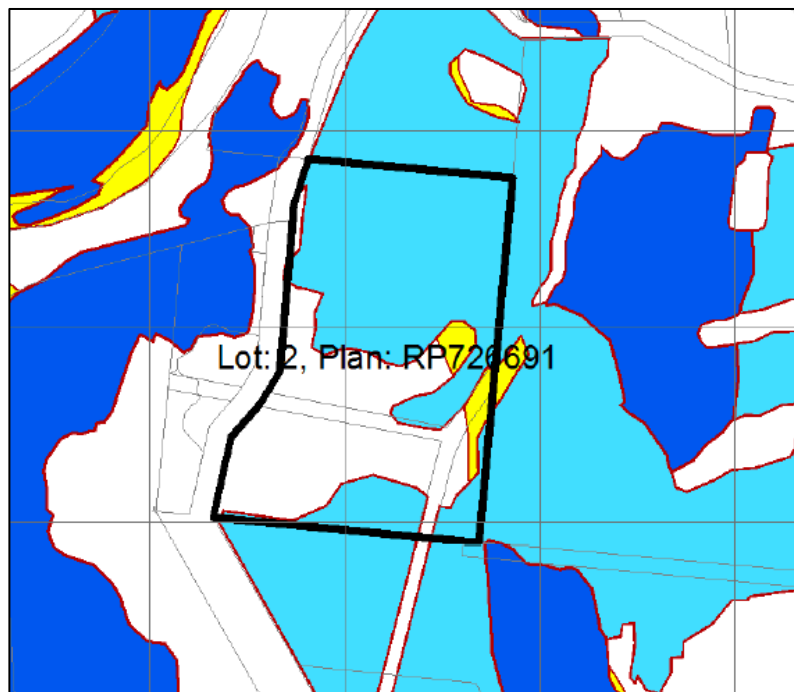


Figure 6: Mapping Layers for matters of state interest

5.2.1 Clearing Native Vegetation

The subject site is mapped by the state government as containing regulated vegetation protected under the *Vegetation Management Act 1999*. Clearing in a category C area cannot be assessable development under the Planning Regulation 2017, as clearing in a category C area on freehold land is not clearing for a relevant purpose under section 22A of the *Vegetation Management Act 1999*.

Clearing in category C area must be undertaken as an exemption listed in Schedule 21 of the Planning Regulation 2017 or as accepted development, clearing under an Accepted Development Vegetation Clearing Code for infrastructure.

If the clearing cannot be carried out under an exemption or Accepted Development Vegetation Clearing Code, then the clearing is prohibited.

Schedule 21 of the Planning Regulation 2017 allows exempt clearing for routine management on freehold land in regulated regrowth.

Routine management allows a necessary road and/or fence to be established if the clearing for the road and/or fence is no more than 10m wide. Routine management also allows for built infrastructure to be established if the area cleared is less than 2ha and the total area covered by the built infrastructure is less than 2ha.

Schedule 21 of the Planning Regulation 2017 also allows an exemption to clear for residential clearing on freehold land. See Appendix 4, in relation to the pre-lodgement advice received from SARA.

5.3 Far North Regional Plan 2009-2031

The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009- 2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.0 CONCLUSION


It is considered that the proposed development being a Reconfiguration of a Lot – One (1) into Three (3) Allotments over land described as Lot 2 on RP726691 is appropriate. In particular, the proposed development:

- Achieves compliance with the Performance Outcomes and Purpose Outcomes relating to Rural Residential Zone;
- Achieves compliance with the Performance Outcomes, Purposes and the Intent of the Reconfiguring a Lot Code for land included in the Rural Residential Zone;
- Satisfies compliance with the relevant applicable mapped Overlays; and
- Does not conflict with the Far North Queensland Regional Plan 2009 – 2031.

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

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

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



Ramon Samanes, MPIA

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning

APPENDIX 1: DEVELOPMENT APPLICATION FORMS 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>	Allyson Sheppard c/- U&i Town Plan
Contact name <i>(only applicable for companies)</i>	Ramon Samanes
Postal address <i>(P.O. Box or street address)</i>	PO Box 426
Suburb	Cooktown
State	QLD
Postcode	4895
Country	Australia
Contact number	0411344110
Email address <i>(non-mandatory)</i>	ramon@uitownplan.com.au
Mobile number <i>(non-mandatory)</i>	0411344110
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	R4-20

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
		29	Boyles Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	2	RP726691	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):*

One (1) into Three (3) Lot

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?	
One (1) existing allotment	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input checked="" type="checkbox"/> Subdivision <i>(complete 10)</i>	<input 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: Rural Residential
Number of lots created				One (1) into Three (3) Allotments

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input checked="" 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 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			
<u>Environmentally relevant activities</u>			
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.			
<u>Hazardous chemical facilities</u>			
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:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
 No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
 No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of 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 (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct	
<input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i>	
<i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>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 <i>DA Rules</i> 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 2: OWNER'S CONSENT

CLIENT ACCEPTANCE FORM / OWNER'S CONSENT

(TO BE COMPLETED AND RETURNED)



3* LOTS PREFERRED

PROJECT:	Reconfiguration of a Lot – 1 into 4 Lots
PROJECT ADDRESS:	29 BOYLES ROAD, KURANDA (LOT 2 ON RP726691)

Client Details

Client:	Allyson Sheppard	(enter client name) (primary contact)
Invoice Address:	29 Boyles Rd Kuranda Q	(enter invoice address)
Phone:	04488 35004	(enter client phone)
Email:	allyoops1970@gmail.com	(enter client email)
Accounts Contact:	ALLYSON SHEPPARD	(enter accounts email & phone)

Landowner Details

Landowner Name/s:	ALLYSON SHEPPARD GLENN SHEPPARD	(enter landowner name/s) As shown on rates notice
Address:	29 BOYLES RD KURANDA	(enter address)
All Owners Signatures:	 	(signatures from all landowners & Dated)

I / we, the party named below (the Client), confirm the commission of R&A Samanes Pty Ltd t/a U&i Town Plan (the Consultant), in relation to the project referenced above and accept all terms and conditions of the Quote and in particular confirm responsibility for payment of fees generated by this commission and payable to the Consultant strictly prior to lodgement of the Application and in other cases within 7 days of the date of invoice.

Signed: 

Name: ALLYSON SHEPPARD

Date: 30.04.2020

Please complete, sign and return to: ramon@uitownplan.com.au

APPENDIX 3: DEVELOPMENT PLANS

APPENDIX 4: SARA PRE-LODGEMENT ADVICE

Our reference: 2005-16633 SPL
Your reference: R4-20

13 May 2020

Allyson Sheppard
C/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895
ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Allyson Sheppard

Pre-lodgement advice

Thank you for your correspondence received on 5 May 2020 in which you sought pre-lodgement advice from the Department of State Development, Manufacturing, Infrastructure and Planning regarding the proposed development described below.

Location details

Street address:	29 Boyles Road, Kuranda
Real property description:	Lot 2 on RP726691
Local government area:	Mareeba Shire Council
Existing use:	Rural residential

Details of proposal

Development type:	Reconfiguring a lot
Development description:	1 into 3 Lots

Supporting information

Drawing/report title	Prepared by	Date	Reference no.
State Assessment and Referral Agency Lot plan report	Department of State Development, Manufacturing, Infrastructure and Planning	5 May 2020	2RP726691
Request for pre-lodgement advice form (includes proposed RaL plans)	U&I Town Plan	21 Mar 2020	8063-34412

The department has carried out a review of the information provided and the impacts of the proposal. There are no matters of interest to the department for this proposal, and the proposed development application would not require referral to the department.

The following advice is provided by the Department of Natural Resources, Mines and Energy (DNRME), regarding the clearing of regulated regrowth vegetation (category C and R), the taking of water, and protected plants.

Item	Advice
Proposal	
1.	<p>The proposal involves the reconfiguration of freehold Lot 2 on RP726691, which contains mapped category X, C and R areas.</p> <p>The applicant has proposed two options for reconfiguration, both dividing 1 into 3 lots.</p> <p>New boundaries, building envelopes and access for both options are located within category C or X areas. Building envelopes are proposed from 3,000 – 3,750m², and access at 10m wide.</p> <p>The site is zoned Rural residential (and is not within a rural residential precinct) under the Mareeba Shire Council Planning Scheme, and has a total area of 13.70ha.</p>
Vegetation	
2.	<p>Clearing in a category C area cannot be assessable development under the Planning Regulation 2017, as clearing in a category C area on freehold land is not clearing for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>.</p> <p>Clearing in category C area must be undertaken as an exemption listed in Schedule 21 of the Planning Regulation 2017 or as accepted development, clearing under an Accepted Development Vegetation Clearing Code for infrastructure.</p> <p>If the clearing cannot be carried out under an exemption or Accepted Development Vegetation Clearing Code, then the clearing is prohibited.</p> <p>Schedule 21 of the Planning Regulation 2017 allows exempt clearing for routine management on freehold land in regulated regrowth.</p> <p>Routine management allows a necessary road and/or fence to be established if the clearing for the road and/or fence is no more than 10m wide. Routine management also allows for built infrastructure to be established if the area cleared is less than 2ha and the total area covered by the built infrastructure is less than 2ha.</p> <p>Schedule 21 of the Planning Regulation 2017 also allows an exemption to clear for residential clearing on freehold land.</p> <p>Further information regarding exemptions and Accepted Development Vegetation Clearing Codes can be found on the DNRME Vegetation Management website: https://www.qld.gov.au/environment/land/management/vegetation</p> <p>If the applicant has further questions in regards to exempt clearing or Accepted Development Vegetation Clearing Codes, they can contact the VEG hub on 135VEG (13 58 34) or email vegetation@dnrme.qld.gov.au.</p>
Water Act 2000	
3.	DNRME is of the understanding that there is no town water supply to the area where Lot 2 on

Item	Advice
	<p>RP726691 is located. Therefore, advice on the take of water from a watercourse, overland flow or via a bore (i.e. underground water) is provided below.</p> <p>Lot 2 is located within the area covered by the <i>Water Plan (Barron) 2002</i> (Barron Water Plan) and is mapped as containing a feature known as 'Unnamed Tributary of Barron River'. This feature is a watercourse for the purposes of <i>Water Act 2000</i>.</p> <p>Landholders (including non-riparian landholders) in the Barron Water Plan area can take water from the 'Unnamed Tributary of the Barron River' for the following purposes:</p> <ul style="list-style-type: none"> • stock and domestic purposes (as defined in the dictionary, Schedule 4 of the Water Act. Usage must be in accordance with this schedule) • prescribed activities (as defined in Schedule 3 of the Water Regulation 2016) – in this area, an authorisation from DNRME is required to take more than 20 megalitres of water for prescribed activities. <p>To take water for any other purpose (e.g. irrigation), or to interfere with water (e.g. to construct an impoundment or weir across a watercourse), an entitlement will be required under the Water Act. A development permit may also be required under the <i>Planning Act 2016</i>.</p> <p>The authority to take watercourse water does not confer trespass rights. The proponent is encouraged to consider how the proposed reconfiguration options would allow for access to the watercourse (e.g. by tailoring the Lot configuration, or by way of a dedicated easement).</p> <p><u>Take of water in a Water Supply Scheme area</u></p> <p>The proposed development is near to the trunk of the Barron River, which is a supplemented watercourse that forms part of the Mareeba-Dimbulah water supply scheme. Taking and interfering with water for any purpose (other than generally authorised under the Water Act) from a supplemented scheme requires authorisation from the scheme operator (i.e. SunWater). Authorisation is not required from DNRME.</p> <p><u>Overland flow water</u></p> <p>The taking of, or interfering with overland flow water (e.g. by constructing an off-stream dam to capture water flowing over the land, other than in a watercourse) is not regulated under the Barron Water Plan.</p> <p><u>Underground water</u></p> <p>For Lot 2, the take of underground water is not regulated in this area of the Barron Water Plan. DNRME has no record of registered bores on the subject lot. Planning approval under the Planning Act is not required for the drilling of new bores on the subject lot, however a registered water bore driller is required to drill a bore deeper than six metres.</p> <p><u>Riverine protection requirements</u></p> <p>From the pre-lodgement material provided it is not clear if the proposed development will involve works in or adjacent to the watercourse. Therefore the following general advice is provided.</p> <p>Landowners may excavate up to 500 cubic metres of material from, or place up to 150 cubic metres of fill in, a non-tidal watercourse that is on or adjacent to their property without approval. These activities may only occur where the works can be undertaken in accordance with the document; "Riverine protection permit exemption requirements", available at: www.dnrme.qld.gov.au/?a=109113:policy_registry/riverine-protection-permit-exemption-requirements.pdf</p> <p>Material excavated as a waste product must be disposed in accordance with the exemption document.</p> <p>A riverine protection permit must be applied for under section 218 of the Water Act if the</p>

Item	Advice
	<p>proposed works do not meet the exemption requirements.</p> <p>There is no fee for this permit. The application to apply for a riverine protection permit is available at: www.business.qld.gov.au/industry/water/managing-accessing/accessing-water/authorisations/riverine-protection</p> <p>If the applicant has further questions in regards to taking or interfering with water, they can contact DNRME by phone on 4017 0140 or email waterinfonorth@dnrme.qld.gov.au</p>
<i>Nature Conservation Act 1992 – Protected plants</i>	
4.	<p>In Queensland, all native plants are considered “protected plants” under the <i>Nature Conservation Act 1992</i>. Anyone proposing to clear protected plants ‘in the wild’ for any reason may require a permit from the Department of Environment and Science.</p> <p>The subject site is identified as a high risk area on the Protected Plants Flora Survey Trigger Map. This trigger map is available as part of the Vegetation Management Report which can be accessed on Queensland Government’s website.</p> <p>In a high risk area, a flora survey must be undertaken, and a clearing permit may be required for clearing endangered, vulnerable and near threatened plants (‘EVNT plants’) and their supporting habitat.</p> <p>The Department of Environment and Science can be contacted via email at palm@des.qld.gov.au or by contacting 1300 130 372 for information regarding clearing requirements under the <i>Nature Conservation Act 1992</i> protected plant framework.</p>

Please note the pre-lodgement advice is valid for a period of nine months from the date of issue, unless a change in legislation or policy occurs that would affect the pre-lodgement advice.

This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)