

16 September 2020

Our Ref: 19-517

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Mr Brian Millard – Senior Planner (BrianM@msc.qld.gov.au)

Dear Brian,

APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE AT 1458 KENNEDY HIGHWAY, KURANDA

We refer to the above-described matter and confirm that Urban Sync Pty Ltd has been engaged by Djabugay Tribal Aboriginal Corporation ICN 1536 to submit a development application to Mareeba Shire Council for assessment with respect to the above described land. In support of the application, we attach the following documents to assist with Council's assessment:

- DA Form 1 as **Attachment 1**;
- Plans of Development as **Attachment 2**;
- Site Searches as **Attachment 3**;
- Pre-lodgement Correspondence as **Attachment 4**;
- Assessment of the applicable State Development Assessment Provisions Code as **Attachment 5**; and
- Assessment of the applicable development codes under the *Mareeba Shire Council Planning Scheme 2016* as **Attachment 6**.

In accordance with discussions with Council, Councils' application fee to the amount of **\$4,360.00** will be paid to facilitate lodgement of this application. We request an invoice for payment be issued by Mareeba Shire Council as soon as practicable.

In accordance with s51(2) of the *Planning Act 2016*, landowners' consent has not been provided as the Applicant is the owner of the land.

We trust this application can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully,



Justin Phipps
Town Planner

E justin@urbansync.com.au | T 4051 6946 | M 0458 902 541

TOWN PLANNING REPORT

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE

1458 KENNEDY HIGHWAY, KURANDA

16 September 2020

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Djabugay Tribal Aboriginal Corporation ICN 1536 and considers the instructions and requirements of Djabugay Tribal Aboriginal Corporation ICN 1536 with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
19-517	1.0	26/08/2020	JJP	-	-
19-517	2.0	02/09/2020	JJP	MDI	-
19-517	3.0	16/09/2020	JJP	MDI	MDI

16/09/2020

FINAL Version 3.0

Urban Sync Pty Ltd

Level 1, 17 Aplin Street, CAIRNS QLD 4870

www.urbansync.com.au

admin@urbansync.com.au



I EXECUTIVE SUMMARY

Djabugay Tribal Aboriginal Corporation ICN 1536 (the 'Applicant') seeks the requisite statutory development approval from Mareeba Shire Council (Council) to make lawful, several existing land uses, while also proposing to establish a new Djabugay Art Centre and ancillary coffee shop over part of Lot 1 on RP728072 at 1458 Kennedy Highway, Kuranda (the site).

In a planning context, the site is located within the Rural Residential Zone (Precinct A – 4,000m²) of the *Mareeba Shire Planning Scheme 2016* (Planning Scheme), where a Material Change of Use for the proposed activities triggers the need for an **Impact Assessable** development application, subject to assessment against the provisions of the current Planning Scheme, to be lodged with and approved by Council. Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use (Community Use, Educational Establishment & Office).**

This development application report has been undertaken to:

- Present the physical characteristics of the site;
- Summarise the pre-lodgement phase of the development and identify any relevant site development history;
- Accurately describe the development as generally reflected in the plans of development prepared by Bau Design Architects;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulations 2017* (PR), *State Planning Policy 2017* and the Planning Scheme; and
- Address any 'key' planning issues and non-compliances with the Planning Scheme provisions and in doing so, demonstrate that the development complies with the Assessment Benchmarks or can be conditioned to achieve reasonable compliance.

This report highlights that the development has very few departures away from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved. Whilst the development is not providing rural residential development, as is generally sought by the zoning designation that applies to the site, the rural residential zone code does encourage the establishment of tourism and other uses as is being proposed by the development, albeit where suitably located and where able to suitably mitigate any development impacts. This report has demonstrated that the development can meet these criteria and specifically, that the development will:

- Not result in any negative environmental impacts (we acknowledge that conditions of approval may be required to ensure this occurs); and
- Will not result in any unacceptable, negative amenity or land use conflicts with nearby rural residential premises/sensitive land uses; and
- Will not constrain the ability of the site to be used for its intended function, being rural residential development, at some time in the future.

With the above in mind, we now submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the Planning Scheme and State legislation to allow favourable consideration, subject to the imposition of reasonable and relevant conditions.



2 APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought:	Development Permit for a Material Change of Use for a Community Use, Educational Establishment & Office
Applicant:	Djabugay Tribal Aboriginal Corporation ICN 1536
Registered Landowners:	Djabugay Tribal Aboriginal Corporation ICN 1536
Project Description Details:	To make lawful, the existing uses operating from the site (Corporation Office and Educational Establishment) and the conversion of one (1) of the existing dwellings to facilitate the lawful establishment of an Art Centre used to showcase local aboriginal art with an ancillary coffee shop to serve visitors.
ASSESSMENT DETAILS	
Assessment Manager:	Mareeba Shire Council
Development Category:	Assessable Development
Assessment Category:	Impact Assessable
Public Notification:	Yes
PRE-LODGEMENT CONSULTATION	
Council:	Yes – Please see section 4.2 and Attachment 4 .
State Authority:	Yes – Please see section 4.2 and Attachment 4 .
RELEVANT STATE PLANNING INSTRUMENTS	
Legislation:	<i>Planning Act 2016 (Qld)</i>
Planning Policy:	Queensland State Planning Policy (July 2017)
Planning Policy Assessment Benchmarks:	<ul style="list-style-type: none"> ▪ Biodiversity; ▪ Transport Infrastructure; and ▪ Strategic Airports and Aviation Facilities.
Regional Plan:	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use:	Regional Landscape and Rural Production Area
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Fish Habitat Areas; ▪ Water Resources; ▪ State Transport Corridor; and ▪ Areas within 25m of a State Transport Corridor



Referrals:	Yes
Other State Interests:	Transport Noise Corridor (State-Controlled Road).
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	<i>Mareeba Shire Council Planning Scheme 2016</i>
Local Plan:	N/A
Zone:	Rural Residential
Zone Precinct:	Precinct A – 4,000m ² Precinct
Overlays:	<ul style="list-style-type: none"> ▪ Aviation Infrastructure ▪ Environmental Significance; ▪ Flood Hazard; ▪ Hill and Slope; ▪ Residential Dwelling House and Outbuilding; ▪ Scenic Amenity; and ▪ Transport Infrastructure.

2.2 PLANS OF DEVELOPMENT

Document	Company	Reference	Revision	Author	Reviewer	Date
Site Plan	BAU Design	20032	2	B. Killeen	B. Killeen	18/03/2020
Concept Site Plan	Urban Sync Pty Ltd	19-517	A	JJP	JJP	29/06/2020
Existing Office Layout	Djabugay Tribal Aboriginal Corporation	1458 Kennedy Highway, Kuranda	A	N.M	-	02/07/2020



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowners:	Djabugay Tribal Aboriginal Corporation ICN 1536
Site Location:	1458 Kennedy Highway, Kuranda
Lot and Description:	Lot 1 on RP728072
Site Area:	13.28ha
Tenure:	Freehold
Easements/Encumbrances:	Nil
Local Government Authority:	Mareeba Shire Council



Figure 1: Site location – 1458 Kennedy Highway, Kuranda (Source: Queensland Globe, State of Queensland, 2020).

3.2 SITE ANALYSIS

Current Use/s:	The site is currently operating as the Djabugay Tribal Aboriginal Corporation Office and Ranger Program Base, as well as the Work for the Dole Horticultural Program. These uses are proposed to continue to operate from the site and this application will seek to make lawful these existing uses.
Existing Improvements:	The site is improved with several existing buildings, including two (2) dwelling houses, storage/maintenance sheds, a greenhouse, water tanks, and an on-site effluent trench system. Fruit and vegetable orchards are also evident throughout the property.

Topography:	The topography of the site varies considerably. The north-western portion of the site is heavily vegetated and includes an unnamed waterway, of which is the lowest point of the site. From the waterway, the topography begins to rise gradually towards the east through to the front and rear property boundaries.
Waterways:	There is an unnamed waterway that bisects the rear of the site.
Vegetation:	The rear, western portion (rear and southern side boundary) of the site contains dense vegetation located on and around the waterway while the north-eastern (northern side and front boundary) portion also contains dense vegetation. There is also an existing hobby farm on-site which is utilised as part of the Horticulture program and consists of small vegetable and fruit gardens and lychee trees.
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, the site is NOT listed on the Environmental Management Register or the Contaminated Lands Register.
Heritage Places:	The site is not an identified State or local 'Heritage Place', nor are any adjacent sites.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	<p>The site has an approximate 455m frontage to Kennedy Highway, which is identified as a State-controlled Road in Council's road hierarchy. The Kennedy Highway is a single lane, undivided two-way, 16m wide sealed carriage way within a varying road reserve width of approximately 60-70m.</p> <p>Adjacent to the sites frontage is the end taper of an overtaking lane, left hand slip lane and bus stop. There is no kerb and channelling for the majority of the length of the site's frontage given the extent of existing vegetation located along the site's frontage</p>
Water & Sewerage Supply:	<p>This site is serviced by water tanks and is not connected to Council's reticulated water infrastructure. However, there is an existing water main that runs parallel to the sites frontage which can be utilized.</p> <p>The site is also not connected to Council's reticulated sewerage infrastructure and utilizes an existing on-site trenching system.</p>
Stormwater:	Stormwater from the site appears to be discharged via sheet flow to the existing waterway towards the rear of the site or to the north, north-east of the site.
Electricity & Telecommunications:	The site will continue to utilize the existing telecommunications and electricity connections existing on-site.



4 DEVELOPMENT BACKGROUND

4.1 RELEVANT APPROVALS

An online search of Council's website did not uncover any relevant town planning approvals over the site. However, a building search was conducted to determine when the two (2) Dwelling Houses were established over the site. Given the size of these approvals, they have not been included within the application. However, these can be provided to Council upon request if required.

4.2 PRELODGE MENT MEETINGS

4.2.1 Mareeba Shire Council

A significant amount of 'informal' pre-lodgement discussions were undertaken with Mareeba Shire Council's Planning Officer Carl Ewin over the past 6+ months, where discussions related generally around confirming the existing and proposed land uses over the site, confirmation of the extent of plans and supporting documentation required, and confirmation of application fees and infrastructure charges.

Council advised that they were generally supportive of the development despite the rural residential zoning, given that the site has extensive vegetation buffering to protect the adjoining residential uses, and also due to the fact that Council have not received any complaints for the existing 'unlawful' activities operating over the site for the past number of years. All these matters are considered to have been addressed within this report and supporting documentation and all correspondence with Council has been provided in **Attachment 4**.

Council confirmed the following application fees would be applicable to the development:

Proposed Use	Application Fee
Community Use	\$2,750.00
Office	\$1,610.00
Educational Establishment	\$0.00 (fee waived)
TOTAL	\$4,360.00

4.2.2 State Government

Pre-lodgement advice was also sought from the State Government on 18 February 2020, with Queensland Treasury providing their pre-lodgement advice on 30 June 2020 (see **Attachment 4**). Commentary on how the matters raised in DSDMIP's pre-lodgement advice have been addressed within this development application are provided below:

1. Noted;
2. Noted – Please refer to assessment against the SDAP in **Attachment 5**;
3. Noted – The applicant is agreeable to proceed with works in accordance with the Alternative Road Alignment Layout Sketch provided at the back of the State pre-lodgement advice in **Attachment 5**;
4. Noted – Please refer to assessment against the SDAP in **Attachment 5** and correspondence with Queensland Treasury provided in **Attachment 4** which confirms that a detailed traffic impact assessment report is not warranted in this instance based off the outcome of the State pre-lodgement. All works will be undertaken in accordance with DTMR's 'Alternative Road Alignment Layout Sketch' provided in **Attachment 4**. All other works described in this point will be addressed post-approval, as part of detailed design and we ask that DTMR condition this;
5. Noted;
6. Noted – Discussions with our Civil Engineer determined that further advice is not required.



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This development application seeks the requisite statutory development approval from Council to make lawful the existing uses currently operating on-site, and to support the establishment of a new Djabugay Art Centre and ancillary coffee shop over part of Lot 1 on RP728072 at 1458 Kennedy Highway, Kuranda. Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use (Community Use, Educational Establishment & Office).**

5.2 PROPOSAL DETAILS

The site is currently being utilised for the Djabugay Tribal Aboriginal Corporation Office and Ranger Program base, as well as the Work for the Dole Horticultural Program. These uses are proposed to continue operating from the site and are non-commercial and not for profit. No additions or alterations are proposed to the existing Corporation Office building. It has been determined that none of the existing activities operating over the site have the required statutory planning approvals and as a result, this development seeks to make lawful these existing uses.

The project will also involve the partial demolition and extension of the existing dwelling house on the site to allow for the establishment of the Djabugay Art Centre which will showcase local aboriginal art with an ancillary café proposed to service visitors of the Art Centre.

A breakdown of each activity is provided below for Council's consideration.

5.2.1 Community Use (Art Centre & Ancillary Cafe)

The Art Centre will have a total area of approximately 160m² and include an outdoor public deck area covered by several shade sails to accommodate guests and provide protection from the weather.

The Art Centre and Cafe will:

- Operate from Monday to Sunday, 8:00am – 5:30pm;
- Have a maximum amount of four (4) staff on-site at any given time; and
- Is anticipated to accommodate a maximum of between 80 and 160 people per day.

5.2.2 Office (Corporation Office)

The Corporation Office currently manages operations and administration of the three (3) Tribal Aboriginal Corporation and offers minimal public interaction (no on-site public services). Upon the establishment of the Art Centre, the Corporation Office will then also provide administration support to the art centre digitally across the internet. Very minimal physical movements between the Corporation Office and Art Centre will be undertaken.

The Corporation Office currently:

- Has eleven (11) staff in total. Six (6) of which are employed full time, and five (5) part-time employees;
- Operates from 8:30am to 5:30pm from Monday to Friday with some services offered over the weekend (albeit minor).

5.2.3 Educational Establishment (Training Room)

The training room is currently operating from one (1) of the rooms within the Corporation Office, but is proposed to be relocated to the 'Training Room' of the Art Centre identified on the Design Plans in **Attachment 2**.



As of current, the training room:

- Provides in-house training for up to eight (8) people approximately 2-3 times a year;
- Provides Language Workshops for Rangers for up to six (6) people once each week in 2 hour sessions;
- Provides professional development activities for staff approximately 2-3 times per year; and
- Provides Conservation and Land Management Workshops.

Once the Art Centre is fully established and operational, the training room will also:

- Provide Visual Art workshops for up to 15 people; and
- Provide arts industry professional development workshops for up to 15 people.

The exact days and times for these proposed training programs are yet to be confirmed and will be determined based on interest. Please refer to the Design Plans provided in **Attachment 2** for further details on the proposal.

5.3 STAGING

The development will not be staged.

5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

5.4.1 Water Supply

The site is serviced by large rainwater tanks, of which will continue to be utilised to service the existing components of the development (i.e., the Corporation Office).

The Art Centre/Educational Establishment is proposed to connect to Council's existing reticulated water infrastructure that runs along the site's frontage to accommodate the increased demand generated by the Art Centre.

5.4.2 Sewerage Supply

Each building/structure on-site is serviced by an on-site toilet block trench system. The development will connect to this existing on-site system and we will seek to investigate whether or not any upgrades to this system would be required to cater for the demand generated by the Art Centre.

5.4.3 Electricity and Telecommunications

The site is already connected to electricity and telecommunications infrastructure and the proposed development will continue to utilise these existing arrangements.

5.4.4 Stormwater (Quantity)

Stormwater from the development will continue to be collected and discharged to a lawful point of discharge under the existing on-site arrangements. Specifics will be provided within the Stormwater and Flood Report, post-approval as per DTMR's requirements.

5.4.5 Stormwater (Quality)

As the development does not propose a Material Change of Use for an urban purpose that involves premises 2,500m² or greater and won't involve in an impervious area greater than 25 per cent of the net developable area, no stormwater quality measures are proposed for the Operational Phase of the development. Compliance can be conditioned for the construction/conversion of the existing dwelling into the Art Centre if required.



5.4.6 Bulk Earthworks

No earthworks are required or proposed to facilitate the development.

5.4.7 Erosion and Sediment Control

An Erosion and Sediment Control Plan will be prepared prior to construction.

5.5 TRANSPORT AND ACCESSIBILITY

5.5.1 External Upgrades

The existing access off the Kennedy Highway to the site is proposed to be upgraded as per DTMR's requirements as generally identified in the Pre-lodgement Meeting Record provided in **Attachment 4**. Specifics will be provided as part of the detailed design phase, post-approval.

5.5.2 Internal Upgrades

All access and internal roadways/driveways will be upgraded and will be continually maintained and graded with suitable gravel and road base materials.

5.5.3 Access Locations

Access to the site will be via the existing access on the Kennedy Highway. This access is proposed to be upgraded to accommodate the demand generated by the proposed development and further information in regard to this will be provided post-approval as part of the detailed design phase.

5.5.4 Car Parking

Car Parking will be provided as follows:

- Five (5) formal car parking spaces will be provided to facilitate the Art Centre (Community Use); and
- Informal car parking spaces in the defined overflow areas will accommodate the existing Office use as well as the Educational Establishment land use on-site.

As the Corporation Office and Educational Establishment are existing, no formal car parking spaces are proposed and these uses will continue to utilise the overflow area on-site (identified in **Figure 3** below).

5.6 INFRASTRUCTURE CHARGES

Chapter 4 – Infrastructure of the PA outlines provisions for local governments to prescribe infrastructure charges for demands placed on trunk infrastructure where a Local Government Infrastructure Plans (LGIP) is included as part of the Planning Scheme and is adopted by resolution. These provisions have been reflected in Mareeba Shire Council's Infrastructure Charges Resolution (No. 1) 2020 (AICR), which came into effect from 17 June 2020.

The site is in the Rural Residential zone which is located outside the Priority Infrastructure Area of the Mareeba Shire Council Local Government Area. In accordance with Council's AICR, Infrastructure Charges are applicable to the development calculated as follows and shown in **Table 1**:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses.



Table 1: Calculation of Infrastructure Charges

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Places of Assembly	Community Use	Per m ²	\$38.56 (20% discount)	86	\$3,316.16
Education Facility	Educational Establishment	Per m ²	\$77.08 (20% discount)	19.2	\$1,479.94
Commercial (Office)	Office	Per m ²	\$52.99 (45% discount)	63.14	\$3,345.79
Credit					
Residential	Dwelling House	3 or more-bedroom dwelling	\$10,515.00	2	\$21,030.00
TOTAL					Nil

Notes:

- All fees are calculated in accordance with Mareeba Shire Council's Infrastructure Charges Resolution (No. 1) 2020 and are subject to further CPI increases.

Section 4.1 of the AICR outlines the relevant discounts applicable to specific developments in accordance with s120 of the *Planning Act 2016*.

Discussions with Council have confirmed that the site is not connected to Council's reticulated sewerage network and fronts a State-controlled Road and hence, the credit applied to offset any charge for the proposed development would be a total credit of **\$10,515.00** per existing dwelling onsite for a total credit of **21,030.00** (2 dwellings).

Council have also confirmed that as the site is not connected to town water (20% reduction) and is accessed from a State-controlled Road (25% reduction), a total reduction of 45% in Infrastructure Charges is applicable for the Office component while a 20% reduction is applicable for the Art Centre and Educational Establishment as these uses are proposed to connect to Council's reticulated water system. These reductions are presented in **Table 1** above for Council's consideration.

As a result, the Applicant is not required to pay any Infrastructure Charges to facilitate the proposed development.



6 LEGISLATIVE REQUIREMENTS

6.1 PLANNING ACT 2016

6.1.1 Confirmation that the Development is not Prohibited

The development is not prohibited. This has been established by considering all the relevant State and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20, of the *Planning Regulation 2016* ('PR').

6.1.2 Assessable Development

The development involves a Material Change of Use in respect of the '*start of a new use of the premises*'. A Material Change of Use for the activities being applied for deemed to be considered "Assessable Development" pursuant to Section 44 (3) of the PA, which states that "*Assessable Development is development for which a development approval is required.*"

6.1.3 Level of Assessment

A Material Change of Use for a Community Use, Office, and Educational Establishment in the Rural Residential Zone all trigger **Impact Assessment**.

6.1.4 Statutory Considerations for Assessable Development

When assessing the application, the relevant considerations of the Assessment Manager in making the decision are in accordance with Sections 59, 60(3), and 62 of the PA and Sections 29-31 of the PR. Specifically, section 60(3) of the PA states for an Impact Assessable application, the Assessment Manager must decide:

- a) *"To approve all or part of the application;*
- b) *To approve all or part of the application, but impose development conditions on the approval; or*
- c) *To refuse the application."*

6.1.5 Assessment Manager

The Assessment Manager for this development application is Mareeba Shire Council, as determined by Schedule 8 of the PR.

6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

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

6.3 STATE PLANNING POLICY

The State Planning Policy (SPP) came into effect on July 2017 under the PA. Part E of the SPP includes an array of State interests and associated assessment benchmarks which need to be considered during the development assessment process, where these State interests have not already been appropriately reflected within the relevant planning scheme. A review of the SPP mapping indicates that the proposed development/site is subject to several State interests, as outlined below (see also **Attachment 3**):

- Biodiversity:
 - MSES – Wildlife Habitat (Endangered or Vulnerable);



- MSES – Regulated Vegetation (Category R);
- MSES – Regulated Vegetation (Essential Habitat); and
- MSES – Regulated Vegetation (Intersecting a Watercourse).
- Transport Infrastructure:
 - State-controlled Road.
- Strategic Airports and Aviation Facility:
 - Aviation Facility.

The Minister has identified that the Planning Scheme appropriately advances the SPP. Accordingly, all the applicable State interests have been appropriately reflected in the Planning Scheme and in turn, compliance with the SPP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

A review of the DA mapping system indicates that the site is subject to the following matters of State interest (see **Attachment 3**):

- Fish Habitat Areas:
 - Queensland Waterways for Waterway Barrier Works.
- Water Resources:
 - Water Resource Planning Area Boundaries.
- State Transport Corridor:
 - State-controlled Road.
- Areas Within 25m of a State Transport Corridor:
 - Area within 25m of a State-controlled Road.

In consultation with the PR and the above identified matters of interest, the development triggers the following referrals:

- State Assessment Referral Agency – Schedule 10 Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use of premises near a State Transport Corridor or that is a future State Transport Corridor (within 25m of State Transport Corridor)

As a result, the following module of the State Development Assessment Provisions (version 2.4) are applicable:

- State Code 1 – Development in a State-controlled Road Environment

A full assessment against this module is provided in **Attachment 5**.

6.5.1 Use Definition

The proposed development is defined under the Planning Scheme as:

'Community Use':

"Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink."

'Educational Establishment':

"Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation."

'Office':

"Premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for the following:

- *Business or professional advice;*
- *Service of goods that are not physically on the premises;*
- *Office based administrative functions of an organisation."*

6.5.2 Applicable Overlays

The site is affected by the following Planning Scheme overlays:

- Aviation Infrastructure – Kuranda (Area of Interest – 15,000 metre buffer);
- Environmental Significance – Waterways (Waterway and Waterway 100m Buffer);
- Environmental Significance - Regionwide (Ecological Corridor and Regulated Vegetation);
- Flood Hazard (General Extent of Modelled Flood Hazard Levels);
- Hill and Slope (Hill and Slope Area);
- Residential Dwelling House and Outbuilding;
- Scenic Amenity (Shire Scenic Route 500 metre buffer, Local Scenic Route and Shire Scenic Route); and
- Transport Infrastructure – Regionwide (State-controlled Road).

6.5.3 Applicable Codes

The development is subject to assessment against the following relevant codes and provisions of the Planning Scheme:

Table 2: Relevant Codes

Scheme Component	Comment
Zone Code	
Rural Residential Zone Code	Refer to Attachment 6 and Section 6.6.2
Local Plan Code	
N/A	N/A
Overlay Codes	
Airport Environs Overlay Code; Environmental Significance Overlay Code; Flood Hazard Overlay Code; Hill and Slope Area Overlay Code; Residential Dwelling House and Outbuilding Overlay Code; Scenic Amenity Overlay Code; and Transport Infrastructure Overlay Code.	Refer to Attachment 6 and Section 6.6.3
Development Codes	
Commercial Activities Code; Community Activities Code; Landscaping Code; Parking and Access Code; and Works, Services and Infrastructure Code.	Refer to Attachment 6 and Section 6.6.4.

6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme does not prevent or discourage the development from being located in the rural residential zone, on the provision that all development impacts can be suitably managed. Accordingly, the development needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development, and the design arrangements proposed. Based on this, Urban Sync undertook a full assessment of the proposed development against the applicable codes of the Planning Scheme and this assessment is included in **Attachment 6**.

Where the proposed development does not comply with a 'deemed to comply' Acceptable Outcome, a performance-based assessment has been provided to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. To put a performance-based assessment into context, it is important to note that a non-compliance with one or more Acceptable Outcomes does not, of itself, establish conflict with the Planning Scheme. With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed.



6.6.1 Strategic Framework

The Strategic Framework of the Planning Scheme sets out a broad policy direction for the Mareeba Shire Council Local Government Area, offering a series of themes to guide appropriate development outcomes for the life of the Planning Scheme. Additionally, in respect to the provisions of the PR, particularly S31(1)(b), the Assessment Manager must have regard to the whole Planning Scheme, including its Strategic Framework, when deciding an Impact Assessable application. Therefore, this section of the report includes planning commentary addressing the elements of the strategic framework that are applicable to the site/development in support of the development.

Commentary has been provided on the following relevant parts of the strategic framework (as considered relevant).

6.6.1.1 3.3.1 Element – Settlement Pattern and Built Environment

- *3.3(4): "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."*

Response:

The development will involve the rectification of the existing uses currently operating on-site, being the Corporation Office base and Ranger Program while the existing dwelling will be converted into an Art Centre. As a result, very little development density will be incorporated into the site and given the size of the site, we are of the view that this is acceptable in this instance. The development will also not result in the fragmentation of rural areas, nor jeopardise the ability of the site to be utilised for future rural residential development. All existing environmental/biodiversity values will be retained, and the development will have no additional impacts on these areas of the site.

6.6.1.2 3.3.10 Element – Rural Residential Areas

- *3.3.10.1(2): "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"*

Response:

The development does not involve any 'infill' development per se. Notwithstanding, the site has been operating as the Corporation and Ranger Base for a number of years and the site has appropriate levels of infrastructure to accommodate these existing use activities. The proposed use will result in further demand on these existing services and we propose to connect the Art Centre to Council's reticulated water infrastructure that runs along the site's frontage and investigate potential upgrades to the existing on-site effluent system to accommodate the Art Centre post approval.

This will ensure that the site has appropriate infrastructure and services to accommodate the development and the dense vegetation buffering along all site boundaries will ensure that the existing rural living character on adjoining and surrounding premises is maintained.

- *3.3.10.1(6): "Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in rural residential areas"*

Response:

The development will involve the conversion of the existing dwelling house into a small-scale tourism use (Art Centre). Given the nature of this use, the fact the amenity of the locality is already somewhat compromised by the Bruce Highway and combined with the existing vegetation and separation distances between the art centre and the adjacent rural residential premises to the south and west, the development will not have a unacceptable negative impact on the rural residential character and amenity of the area.



Given that the site has been operating as a Corporation Office and Ranger Base for a number of years with no complaints, these uses will also not have an unacceptable negative impact on the rural residential character and amenity of the area.

6.6.1.3 3.4.4 Element – Biodiversity Areas

- 3.4.4.1(1): *“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.”*

Response:

All activities on-site are proposed within existing buildings and the Art Centre is proposed within a converted Dwelling House and will not involve any vegetation clearing or activities that may negatively impact upon the existing ecological values of the biodiversity areas on-site.

6.6.1.4 3.4.5 Element – Strategic Rehabilitation and Ecological Corridors

- 3.4.5(1): *“Ecological corridors are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of ecological corridors.”*

Response:

As identified above, all existing and proposed uses will be located within existing buildings, in already cleared areas of land. Hence, we are of the view that there are no ecological corridors within proximity of the development that may be impacted upon. Furthermore, there is dense vegetation covering along the rear and side of the site in which can continue to be utilised as ecological corridors. The development does not propose anything to these existing, vegetated areas.

6.6.1.5 3.4.6 Element – Watercourses and Wetlands

- 3.4.6.1(1): *“Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.”*

Response:

The development will not involve any buildings/structures or activities that may impact upon the existing hydrological flows, riparian ecology or ecosystem services of watercourses on-site.

- 3.4.6.1(5): *“Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.”*

Response:

The proposed activities are located within existing buildings on-site and setback a significant distance from the existing waterways (approx. 150m) that traverse the site. Hence, we are of the view that the development will not impact upon these existing waterways on-site.

6.6.1.6 3.5.4 Element – Scenic Amenity

- 3.5.4.1(1): *“Areas of high scenic amenity (such as scenic routes) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. Scenic routes include:*

(a) *Great Tropical Drive;*

(b) *Savannah Way;*

(c) *Wheelbarrow Way;*



- (d) *Black Mountain Road;*
- (e) *Barron Falls Road;*
- (f) *The Great Inland Way;*
- (g) *Kuranda Range; and*
- (h) *Rex Range.”*

Response:

Due to the topography of the site and the presence of an existing timber fence, the development will not result in any buildings or structures that will be visible from the Kennedy Highway. Hence, we are of the view that no scenic values will be disturbed as a result of the development.

- 3.5.4.1(2): *“Development ensures scenic amenity values are maintained through sensitive location, design, materials, colour schemes, scale, minimising earthworks and retention of native vegetation.”*

Response:

See above.

- 3.5.4.1(3): *“Forested hill slopes which are visible from scenic routes and residential areas are maintained in their natural state in recognition of their contribution to the shire’s scenic amenity.”*

Response:

The development does not propose any activities in, on, or around the forested hill slopes located towards the rear and a portion of the side of the property boundary.

6.6.1.7 3.5.6 Element – Community Facilities

- 3.5.6.1(1): *“The development and reuse of cultural facilities and precincts is:*
 - (a) *Compatible with the surrounding areas;*
 - (b) *Provided with a high level of amenity and safety for users of the site;*
 - (c) *Located to be easily accessible to the majority of residents.”*

Response:

The development will comply with this Strategic Framework element as follows:

- (a) It is acknowledged that the proposed uses are not necessarily ‘compatible’ with the surrounding rural residential area. However, the site has been chosen as it has been used for the Corporation office and Ranger Base for a number of years without complaint. Furthermore, the dense vegetation buffering located along the property boundaries acts as a perfect buffer to reduce any potential impacts created as a result of the development. Hence, we are of the view that while the development may not be necessarily considered to be ‘compatible’ in a broad sense with the surrounding area, the site has the ability to mitigate any potential impacts on the surrounding rural residential premises;
- (b) The proposed Art Centre is to be located approximately 100m from the Corporation Office with vegetation buffering provided in between to ensure that amenity is maintained between the proposed uses; and
- (c) The site is accessed directly off the Kennedy Highway (State-controlled Road) and hence, the site is considered to be highly accessible for the customer base it intends to serve.



6.6.1.8 3.7.9 Element – Education, Research, Culture and the Arts

- 3.7.9.1(1): *“Development complements and provides for improved access to important education, research, cultural and arts facilities.”*

Response:

The development will involve a new art centre which will allow for improved access to culture/arts facilities for residents and visitors of the shire.

- 3.7.9.1(2): *“Education, research, cultural and arts facilities are protected from development that will adversely impact on their operations or constrain further development.”*

Response:

There are no surrounding land uses that will impact on the operation of the development, nor will the development constrain the ability of the site to be utilised for rural residential development in the future.

- 3.7.9.1(3): *“New education, research, cultural and arts facilities are established in appropriate, accessible, safe and well serviced locations within Mareeba Shire.”*

Response:

The site is accessed directly off the Kennedy Highway (State-controlled Road) and hence, the site is considered to be highly accessible for the customer base it intends to serve.

6.6.2 Rural Residential Zone Code

The development complies with, or can be conditioned to comply with, the Rural Residential Zone Code (see section 7.1).

6.6.3 Overlay Codes

Airport Environs Overlay Code

The development does not involve any buildings, structures or activities that may protrude into, or impact upon the Operational Airspace of the Cairns or Mareeba Airports. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

Environmental Significance Overlay Code

The development complies with, or can be conditioned to comply with, the Environmental Significance Overlay Code.

Flood Hazard Overlay Code

It is acknowledged that the site is located within the ‘General Extent of Modelled Flood Hazard levels’; however, the site is not subject to any Potential, Low, Significant, High, or Extreme Flood Hazard events. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

Hill and Slope Area Overlay Code

No works are proposed within the Overlay Area. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

Residential Dwelling House and Outbuilding Overlay Code

The development will not involve a Residential Dwelling House or Outbuilding. As a result, no assessment against this code is warranted and for this reason, has not been undertaken.



Scenic Amenity Overlay Code

The development complies with, or can be conditioned to comply with, the Scenic Amenity Overlay Code.

Transport Infrastructure Overlay Code

The development complies with, or can be conditioned to comply with, the Transport Infrastructure Overlay Code.

6.6.4 Development Codes

Commercial Activities Code

The development complies with, or can be conditioned to comply with, the Commercial Activities Code.

Community Activities Code

The development complies with, or can be conditioned to comply with, the Community Activities Code.

Landscaping Code

The site is already heavily vegetated and the development does not propose to establish any more vegetation/landscaping on-site. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

Parking and Access Code

The development complies with, or can be conditioned to comply with, the Parking and Access Code.

Works, Services and Infrastructure Code

The development complies with, or can be conditioned to comply with, the Works, Services and Infrastructure Code.



7 DISCUSSION – KEY PLANNING MATTERS

This section of the report seeks to provide additional commentary along with technical justification in support of the key matters considered relevant to the assessment, namely zoning, land use conflicts and amenity.

7.1 ZONING

To demonstrate the sites suitability to accommodate the development, a full assessment against the higher order provisions of the Rural Residential Zone Code is provided in **Table 3** below, namely to demonstrate the development does not conflict with the purpose or overall outcomes of the Rural Residential Zone Code.

Table 3: Assessment Against the Purpose and Overall Outcomes of the Rural Residential Zone Code

Code Requirement	Comment
The Purpose of the Rural Residential Zone Code is to:	
<i>“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.”</i>	The development does not involve a subdivision and will not constrain the ability of future residential development being provided on large lots in the future.
Mareeba Shire Councils purpose of the Rural Residential zone is to:	
<i>“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.”</i>	The development does not involve a subdivision and will not constrain the ability of the site to be utilised for rural residential development in the future.
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:	
<i>“the 2 hectare precinct is characterized 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.”</i>	The site is not located within the 2 hectare precinct.
<i>“The 1 hectare precinct is characterized by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lot within this precinct will not be reconfigured below 1 hectare in size.”</i>	The site is not located within the 1 hectare precinct.
<i>“The 4,000m² precinct is characterized 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.”</i>	The development does not involve a subdivision and will not constrain the ability of the site to be utilised for rural residential development in the future.

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

<p><i>"The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated."</i></p>	<p>The development will not involve the establishment of large rural residential lots.</p>
<p><i>"Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities."</i></p>	<p>The development will have no environmental or topographical impact as no trees are proposed to be removed, no earthworks are proposed to alter the topography, and all construction works are limited to the conversion of the dwelling house into the Art Centre.</p>
<p><i>"Development avoids areas of ecological significance."</i></p>	<p>No development is not proposed on any areas of ecological significance.</p>
<p><i>"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."</i></p>	<p>The development will involve small-scale, low impact activities and these uses are proposed within existing buildings with the exclusion of the Art Centre and Educational Establishment, of which are proposed within the soon to be converted dwelling house. Hence, any potential impacts created by these uses is able to be suitably mitigated through the dense vegetation buffering and significant separation distances granted by the site.</p>
<p><i>"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 minimized through location, design, operation and management requirements."</i></p>	<p>All natural features will be retained and no development is proposed in, or around these areas.</p>
<p><i>"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."</i></p>	<p>It is acknowledged that the proposed uses may not meet the day to day needs of the residential catchment. However, the site forms a significant holding of the Djabugay Tribal Aboriginal Corporation and the proposed Art Centre and ancillary facilities have a direct link to the land and the traditional owners. Hence, we are of the view that given the above, in addition to the fact that these uses are able to be suitably managed on-site, that the development is able to comply with this outcome.</p>
<p><i>"Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct."</i></p>	<p>The development will not involve a subdivision.</p>
<p><i>"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 constrains of Rural residential zones land outside of identified precincts."</i></p>	<p>The development will not involve a subdivision.</p>



7.2 LAND USE CONFLICTS & AMENITY

In addition to the commentary provided in section 7.1, this section seeks to demonstrate that the development will not result in any land use conflicts and/or any unacceptable amenity impacts (amenity impacts are based on those matters listed in PO9 and PO10 of the Rural Residential Zone Code and PO4 of the Community Activities Code).

7.2.1 Hours of Operation

The development will operate from 8:00am – 5:30pm, Monday to Sunday.

7.2.2 Traffic and Access

The development will not result in the increase of traffic on any residential roads as the site gain access from a State-controlled road. Access to the site will require upgrades in accordance with DTMR's requirements.

7.2.3 Waste Storage and Collection

Waste storage and collection arrangements are existing. Council can condition compliance if they would like these arrangements to be updated to a commercial standard.

7.2.4 Advertising Devices

The development does not involve any advertising devices (as defined in the Planning Scheme).

7.2.5 Noise, Odour, Light and Emissions

Due to the nature of the uses being proposed (and as existing), the development is not anticipated to result in any adverse noise, odour, light or emission impacts on the surrounding rural residential premises. Furthermore, the Corporation Office and Educational Establishment have been operating from the site for a number of years and Council have confirmed that no complaints have been received in regard to the activities being undertaken on-site.

This ultimately leads Urban Sync to the view that the development has provided a more than adequate separation distance from all nearby sensitive land uses to sufficiently mitigate any potential negative impacts as a result of noise, odour, light and/or emissions. Full details of how these matters will be mitigated will be included in the Environmental Management Plan to be prepared prior to the commencement of the use.

7.2.6 Visual Amenity

No buildings or structures are visible from the Kennedy Highway (see **Figure 2**) and there is a significant amount of existing vegetation between the development site and the adjoining residential uses and Kennedy Highway which will be retained. This will ensure the development is suitably screened from nearby sensitive land uses AND the Kennedy Highway which in turn, ensures it will not negatively impact on the visual amenity of the wider locality.





Figure 2: View of Site from the Kennedy Highway (Source: Queensland Globe, 2020)

7.2.7 Privacy

Due to the extent of dense vegetation provided along all property boundaries and the developments distance from other uses, the development will have no unacceptable, negative impacts on the privacy of the nearby rural residential premises.

7.3 CAR PARKING

The Parking and Access Code of the Planning Scheme seeks to ensure that all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use. Given that two (2) of the proposed uses have been operating on-site for several years with no formal car parking spaces provided, we propose the following arrangements for Council's consideration.

7.3.1 Corporation Office (Existing):

The Corporation Office has been operating for several years and strictly manages the operations and administration of the three (3) Tribal Aboriginal Corporations and offers minimal public interaction (no on-site public services).

In accordance with Table 9.4.3.3.B of the Parking and Access code, the development would be required to provide three (3) car parking spaces based off the Office GFA of 63m². Given that the Corporation Office is existing and only accommodates Staff members, we are of the view that formal car parking spaces are not required for this use and that the site has sufficient area to accommodate the required three (3) car parking spaces for this use, informally and within the overflow car parking area (**Figure 3**).

7.3.2 Educational Establishment (Existing):

The Educational Establishment has been operating from the Corporation Office and is proposed to be relocated to a single room of the Art Centre comprising 19.2m² of GFA. As the Educational Establishment (Training Room) will comprise of one (1) teacher and a maximum of 15 people, a total of three (3) car parks are required to be provided to achieve the Acceptable Requirement identified in the Parking and Access Code.

Given that this use is existing, in addition to the infrequency of classes (1 per week) no formal car parking spaces have been provided and instead, it is proposed that mini-buses and/or private vehicles can utilise the overflow area (**Figure 3**) for informal parking when classes take place.

7.3.3 Art Centre:

As the Art Centre is 86m², five (5) car parking spaces must be provided to achieve compliance with the Acceptable Outcome, of which have been provided as identified on the Design Plans in **Attachment 2**.



Figure 3: On-site Car Parking Overflow Area (Source: Queensland Globe, 2020)

8 CONCLUSION

This report supports a development application made by Djabugay Tribal Aboriginal Corporation ICN 1536 seeking the requisite statutory development approval from Mareeba Shire Council to make lawful the existing uses currently operating on-site and to support the establishment of a new Djabugay Art Centre and ancillary coffee shop over part of Lot 1 on RP728072 at 1458 Kennedy Highway, Kuranda. Accordingly, this application has sought the following development approval from Council:

- **Development Permit for a Material Change of Use (Community Use, Educational Establishment & Office).**

This report has described the development, identified the applicable statutory and legislative requirements of Mareeba Shire Council under their Planning Scheme, the *Mareeba Shire Council Planning Scheme 2016*, as well as those at the State level under the *Planning Act 2016*, *Planning Regulation 2017*, *State Planning Policy 2017* and other, relevant State legislation and requirements, and in doing so, demonstrated the suitability of the site to accommodate the development.

This report has highlighted that the development has very few departures away from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved.

Whilst the development is not providing rural residential development, as is generally sought by the zoning designation that applies to the site, the rural residential zone code does encourage the establishment of tourism and other uses as is being prosed by the development, albeit where suitably located and where able to suitably mitigate any development impacts. This report has demonstrated that the development can meet these criteria and specifically, that the development will:

- Not compromise the achievement or conflict with any of the relevant Strategic Outcomes of the Planning Scheme;
- It will not compromise or conflict with the purpose, intent or the overall outcomes of the Rural Residential Zone code being achieved;
- Not result in any negative environmental impacts (we acknowledge that conditions of approval may be required to ensure this occurs); and
- Will not result in any unacceptable, negative amenity or land use conflicts with nearby rural residential premises/sensitive land uses; and
- Will not constrain the ability of the site to be used for its intended function, being rural residential development, at some time in the future.

With the above in mind, we now submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the Planning Scheme and State legislation to allow favourable consideration, subject to the imposition of reasonable and relevant conditions.





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>	Djabugay Tribal Aboriginal Corporation ICN 1536
Contact name <i>(only applicable for companies)</i>	C/- Justin Phipps of Urban Sync Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	
Email address <i>(non-mandatory)</i>	justin@urbansync.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	19-517

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
		1458	Kennedy Highway	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	1	RP728072	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):*

Material Change of Use for an Office, Educational Establishment, and Art Centre with ancillary Cafe

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 checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input 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>
Art Centre & Ancillary Cafe	Community Use	-	Refer to plans
Corporation Office	Office	-	Refer to plans
Training Room	Educational Establishment	-	Refer to plans

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input checked="" 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?	

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 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)

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

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

\$ _____

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?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> 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			
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 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 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			

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34776562

Search Date: 26/08/2020 10:30

Title Reference: 20933078

Date Created: 11/02/1974

Previous Title: 20218175

REGISTERED OWNER

Dealing No: 716170009 28/11/2014

DJABUGAY TRIBAL ABORIGINAL CORPORATION ICN 1536

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 728072
Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20104047 (POR 2V)
2. CAVEAT No 716170010 28/11/2014 at 14:38
INDIGENOUS LAND CORPORATION

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX

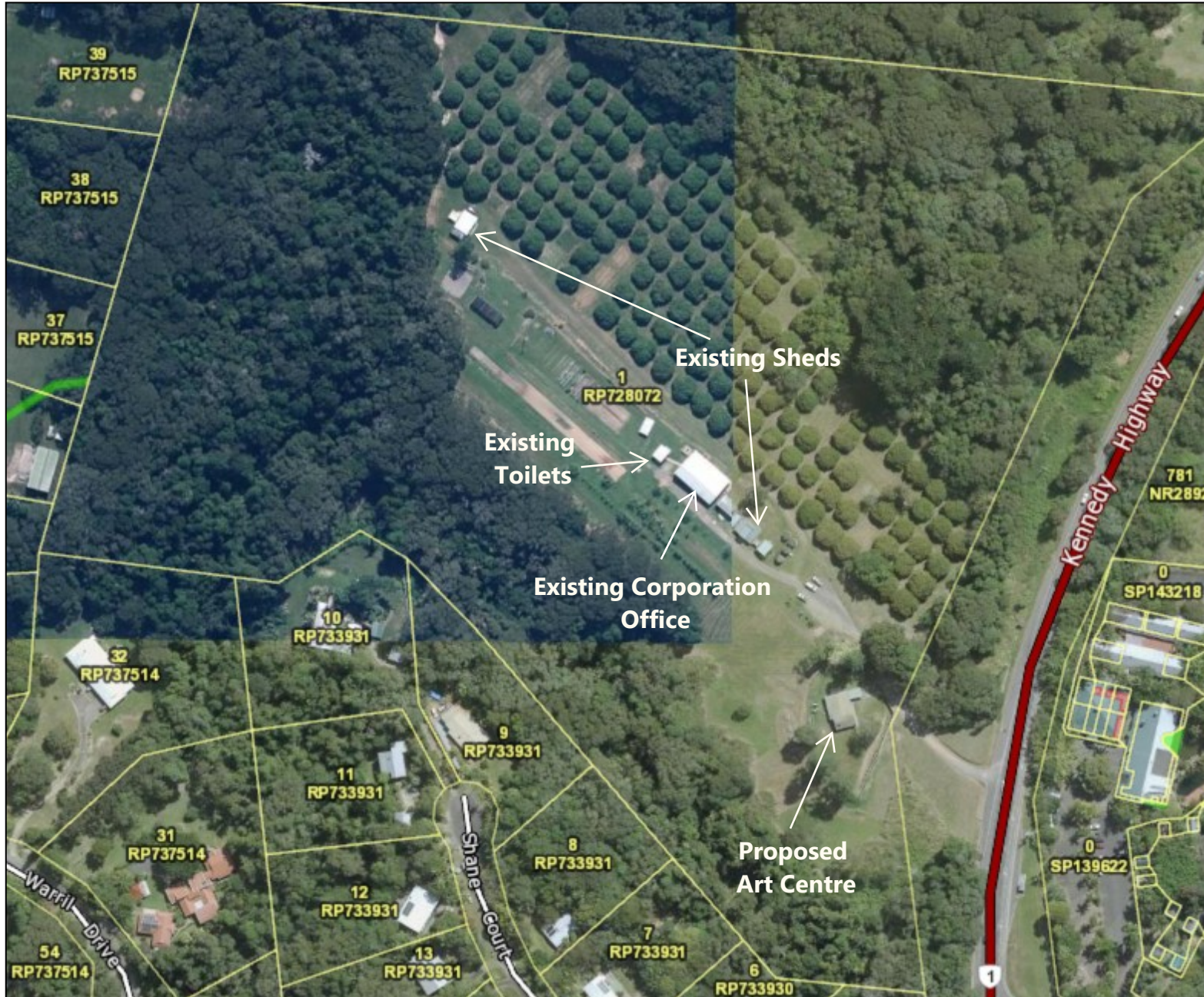
**ATTACHMENT 2:
DESIGN PLANS**





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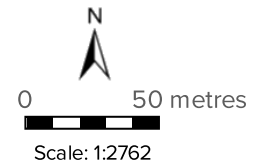
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16°49'44"S 145°37'2"E

16°49'44"S 145°37'20"E

Legend located on next page



Printed at: A4
Print date: 11/6/2020

Datum: Geocentric Datum of Australia 1994
Projection: Web Mercator EPSG 102100

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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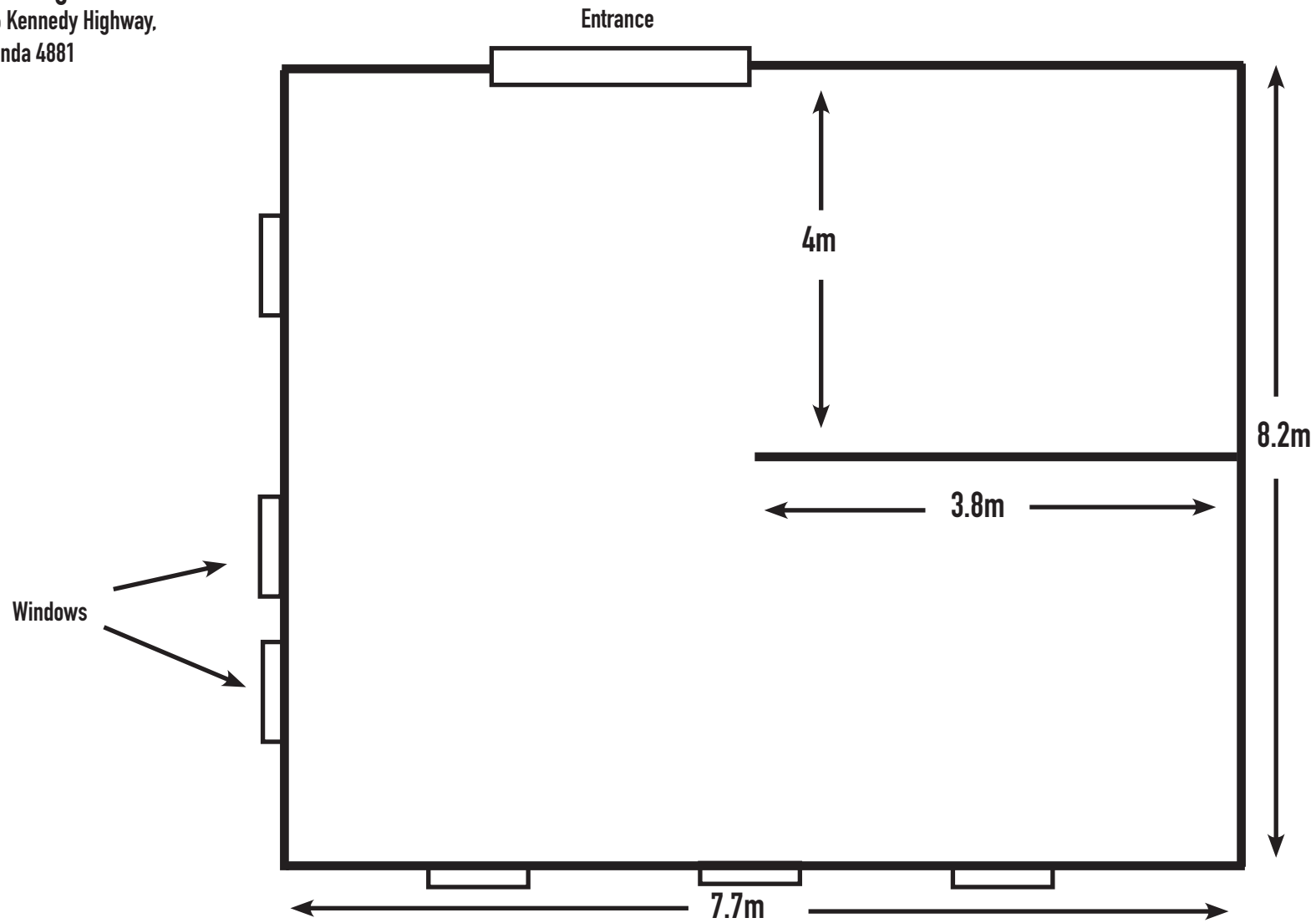
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Djabugay Aboriginal Corporations

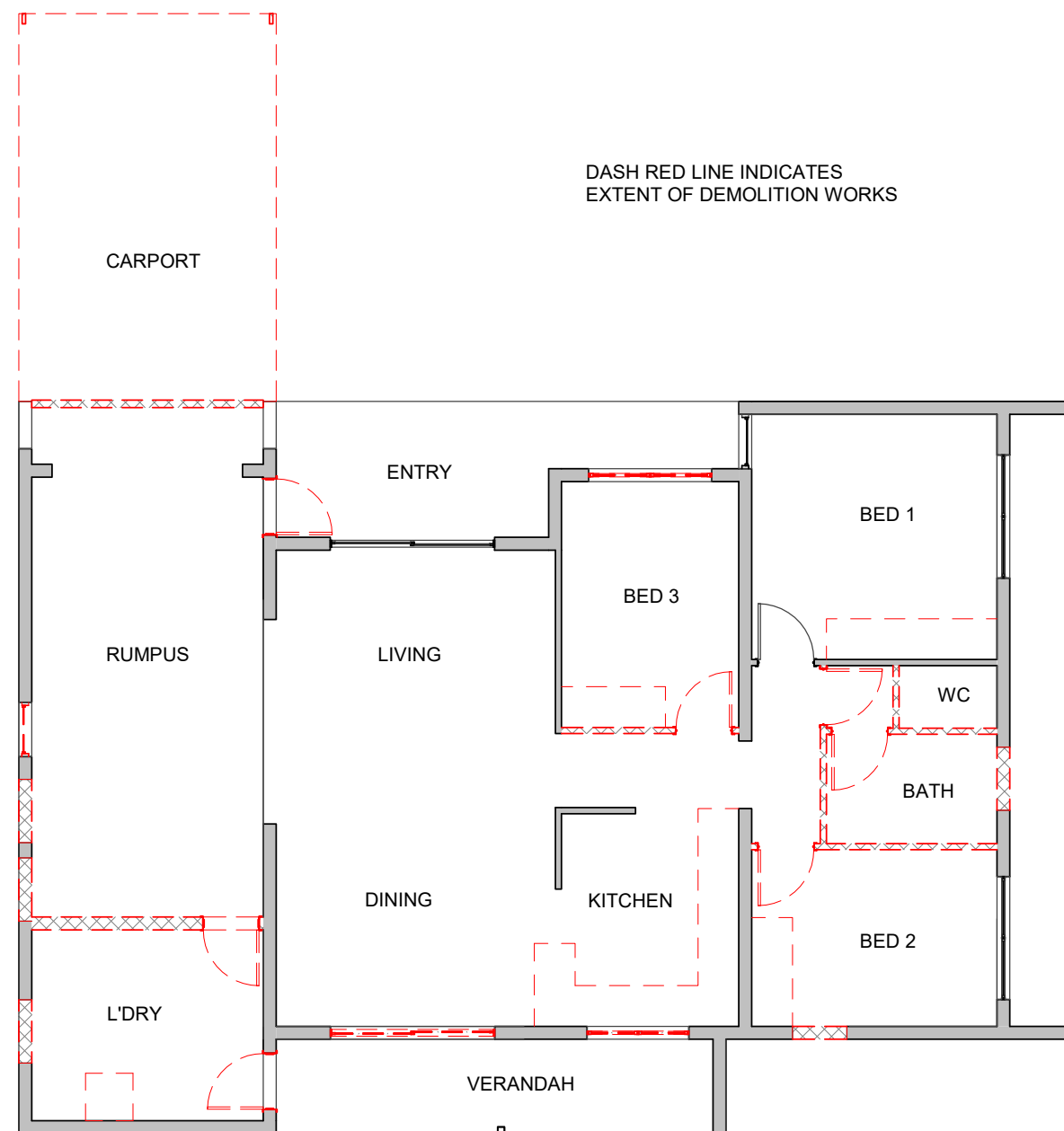
- Existing Office
1496 Kennedy Highway,
Kuranda 4881

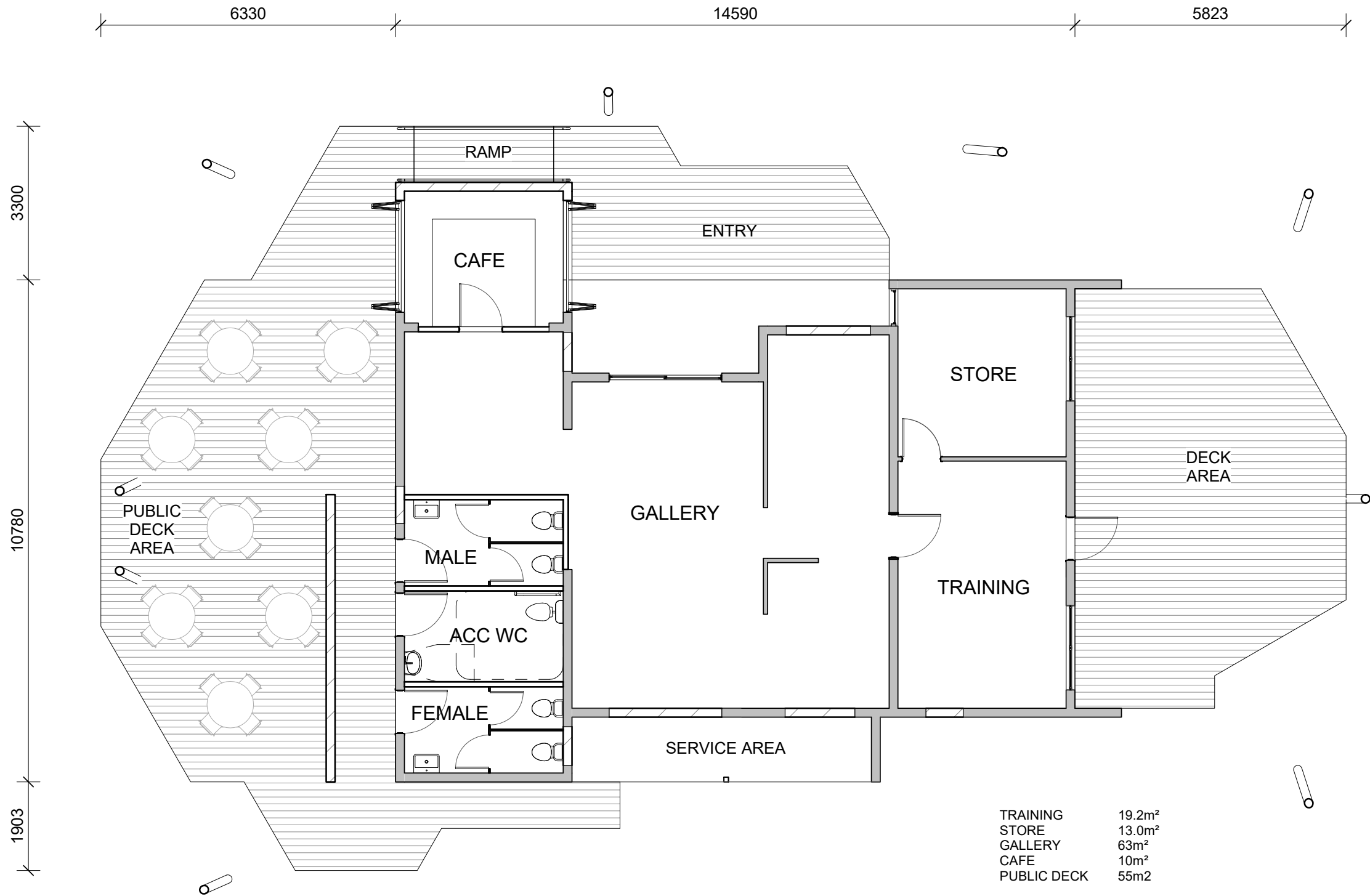
Not To Scale

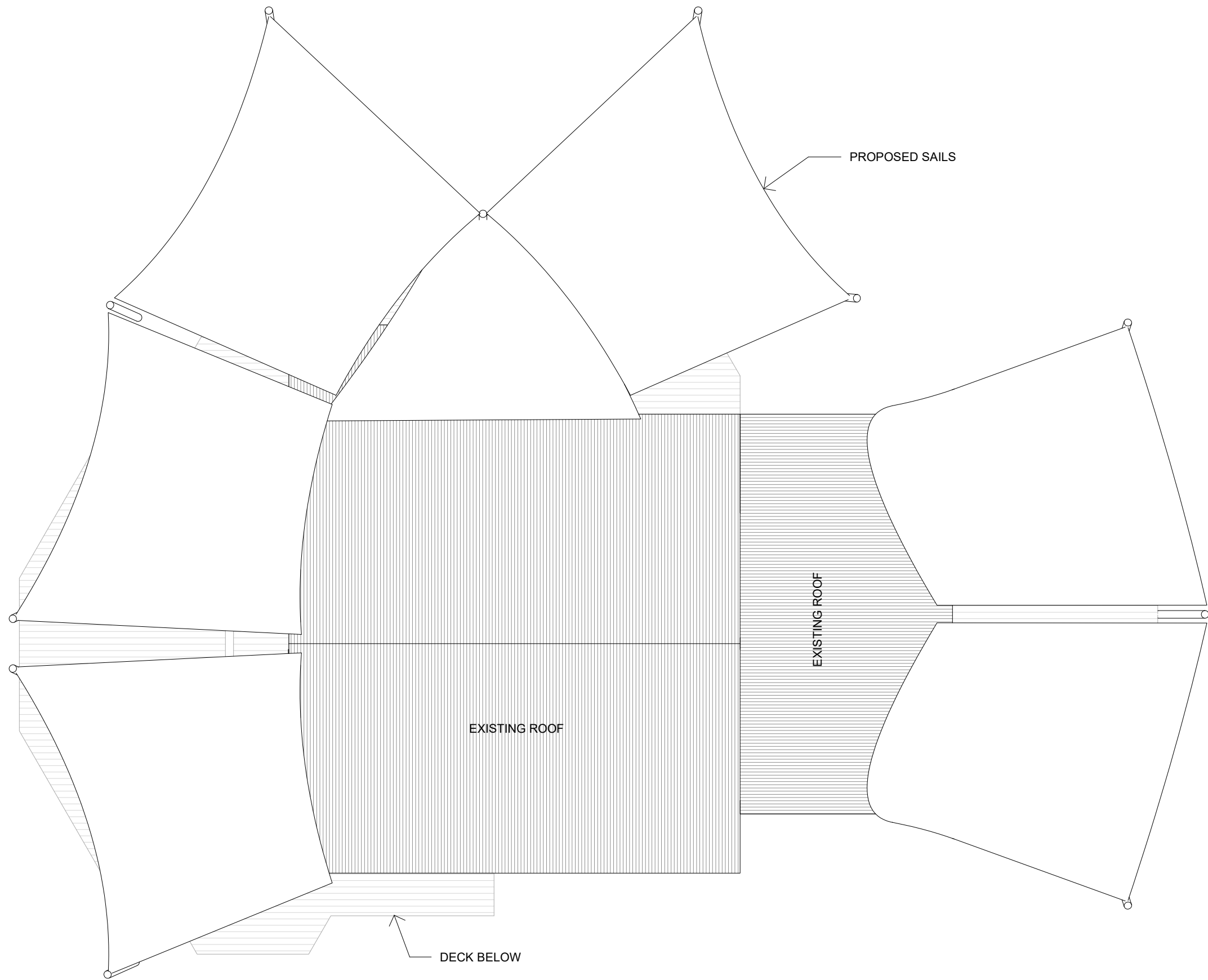


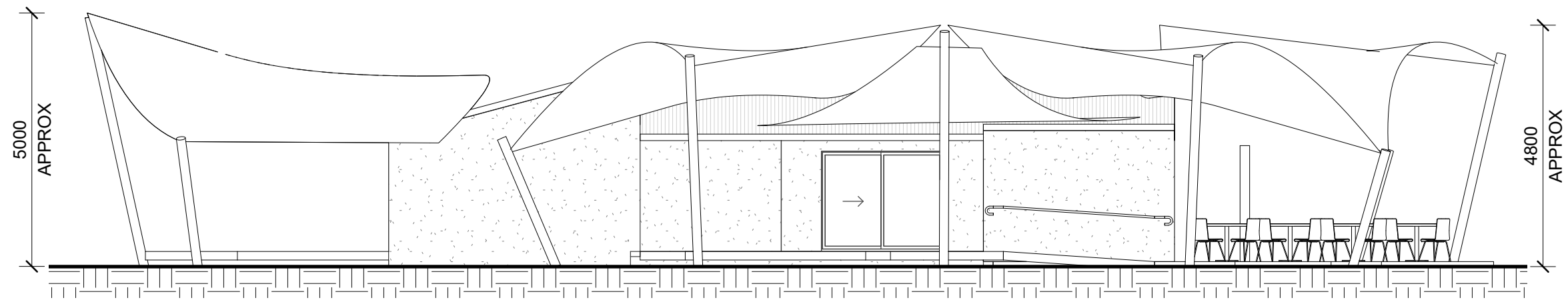


Sheet Number	Sheet Name	Issue
A01	Site Plan	2
A02	Demolition Plan	2
A03	Floor Plan	2
A04	Roof Plan	1
A05	Elevations	1
A06	Elevations	1
A07	3D image	1



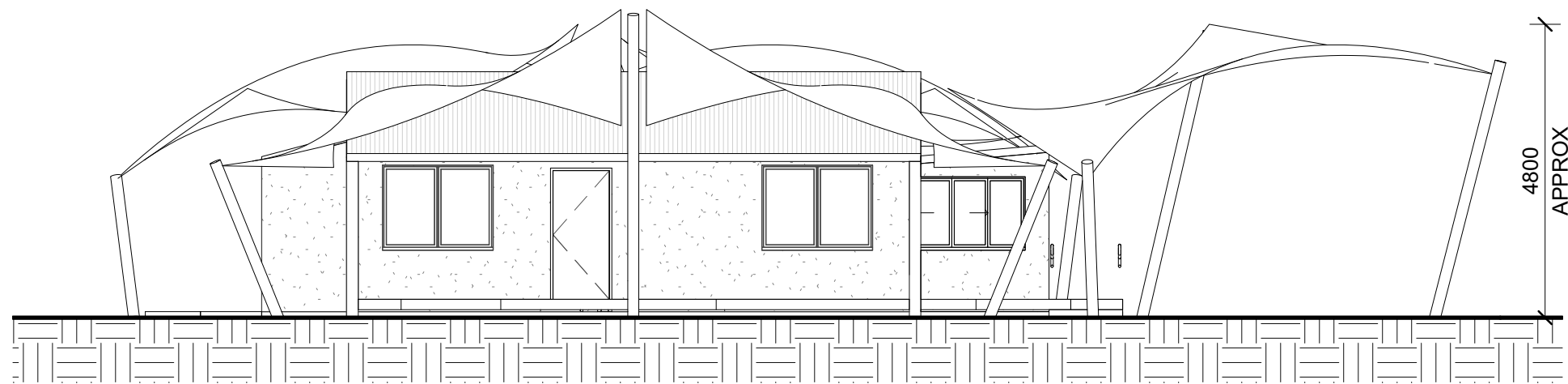






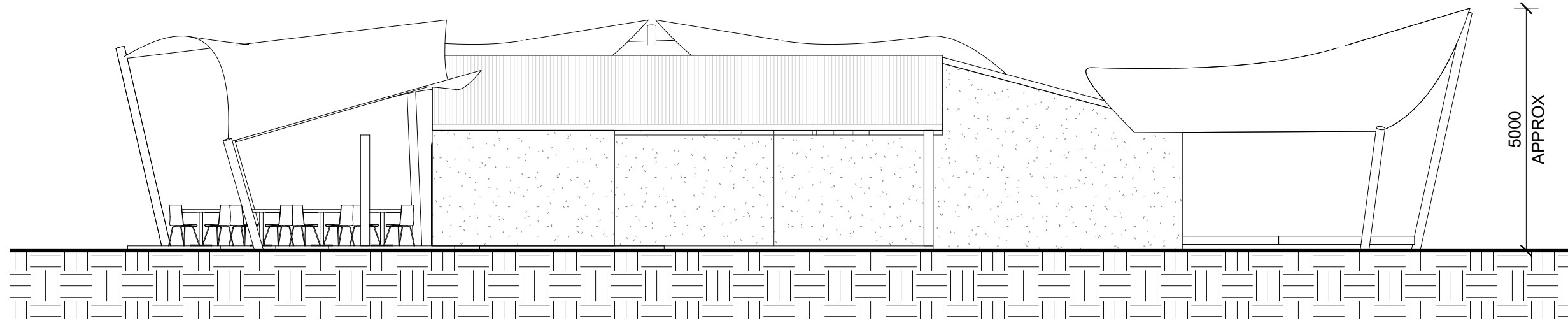
EAST ELEVATION

1 : 100



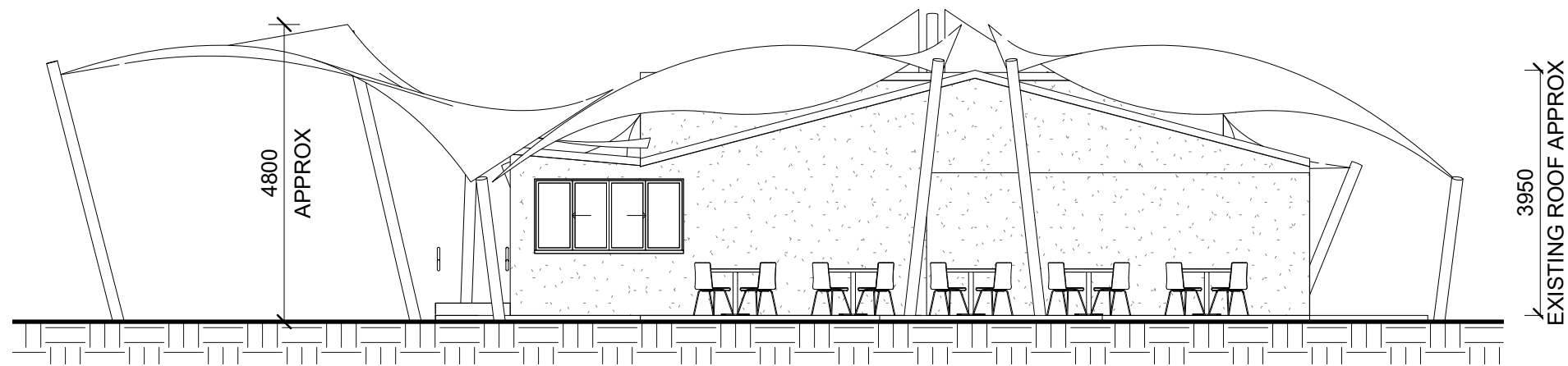
SOUTH ELEVATION

1 : 100



WEST ELEVATION

1 : 100



NORTH ELEVATION

1 : 100



Southern View



Northern View

**ATTACHMENT 3:
SITE SEARCHES**



State Assessment and Referral Agency

Date: 13/03/2020



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Manufacturing, Infrastructure
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Matters of Interest for all selected Lot Plans

Queensland waterways for waterway barrier works
Water resource planning area boundaries
State-controlled road
Area within 25m of a State-controlled road

Matters of Interest by Lot Plan

Lot Plan: 1RP728072 (Area: 132800 m²)
Queensland waterways for waterway barrier works
Water resource planning area boundaries
State-controlled road
Area within 25m of a State-controlled road



State Assessment and Referral Agency

Date: 13/03/2020




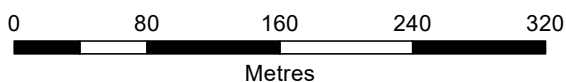
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Legend

Water resource planning area boundaries

 Water resource planning area boundaries



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State Assessment and Referral Agency

Date: 13/03/2020



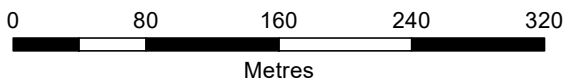
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Legend

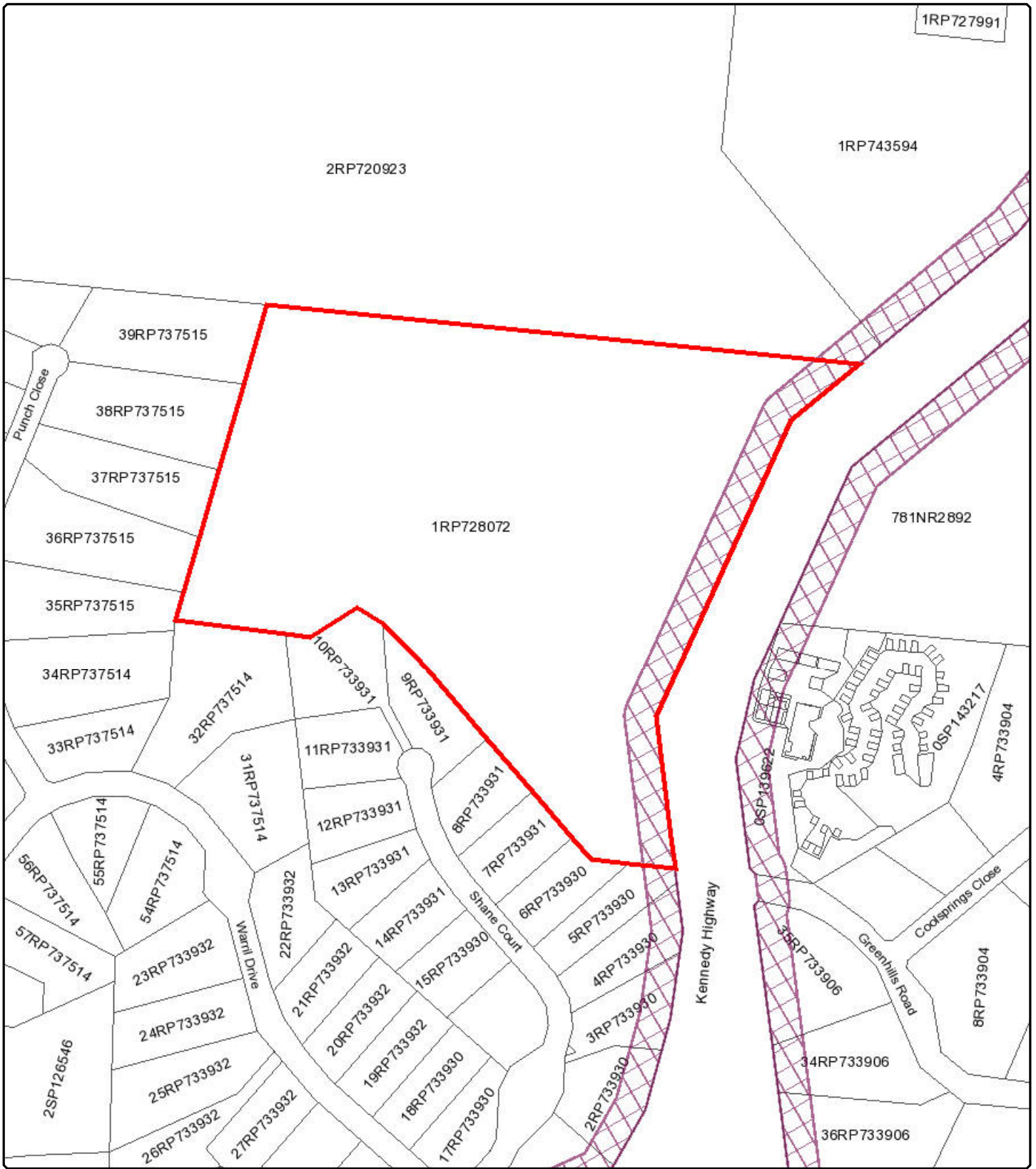
Queensland waterways for waterway barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major



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State Assessment and Referral Agency


Date: 13/03/2020

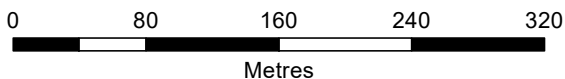


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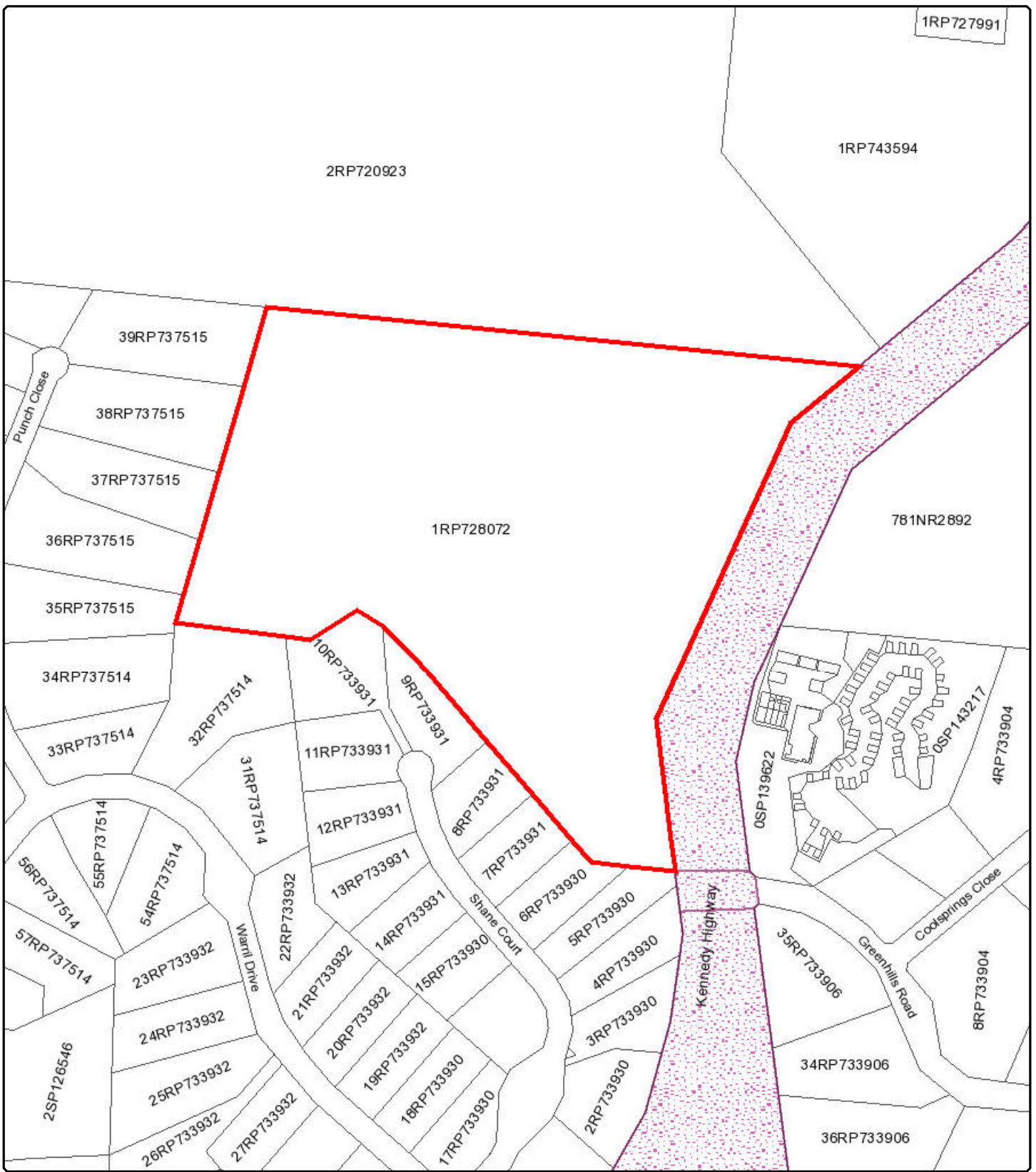
Legend

- Area within 25m of a State-controlled road
-  Area within 25m of a State-controlled road



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State Assessment and Referral Agency

Date: 13/03/2020



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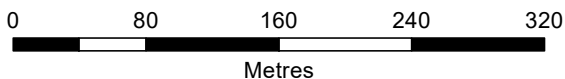
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Legend

State-controlled road

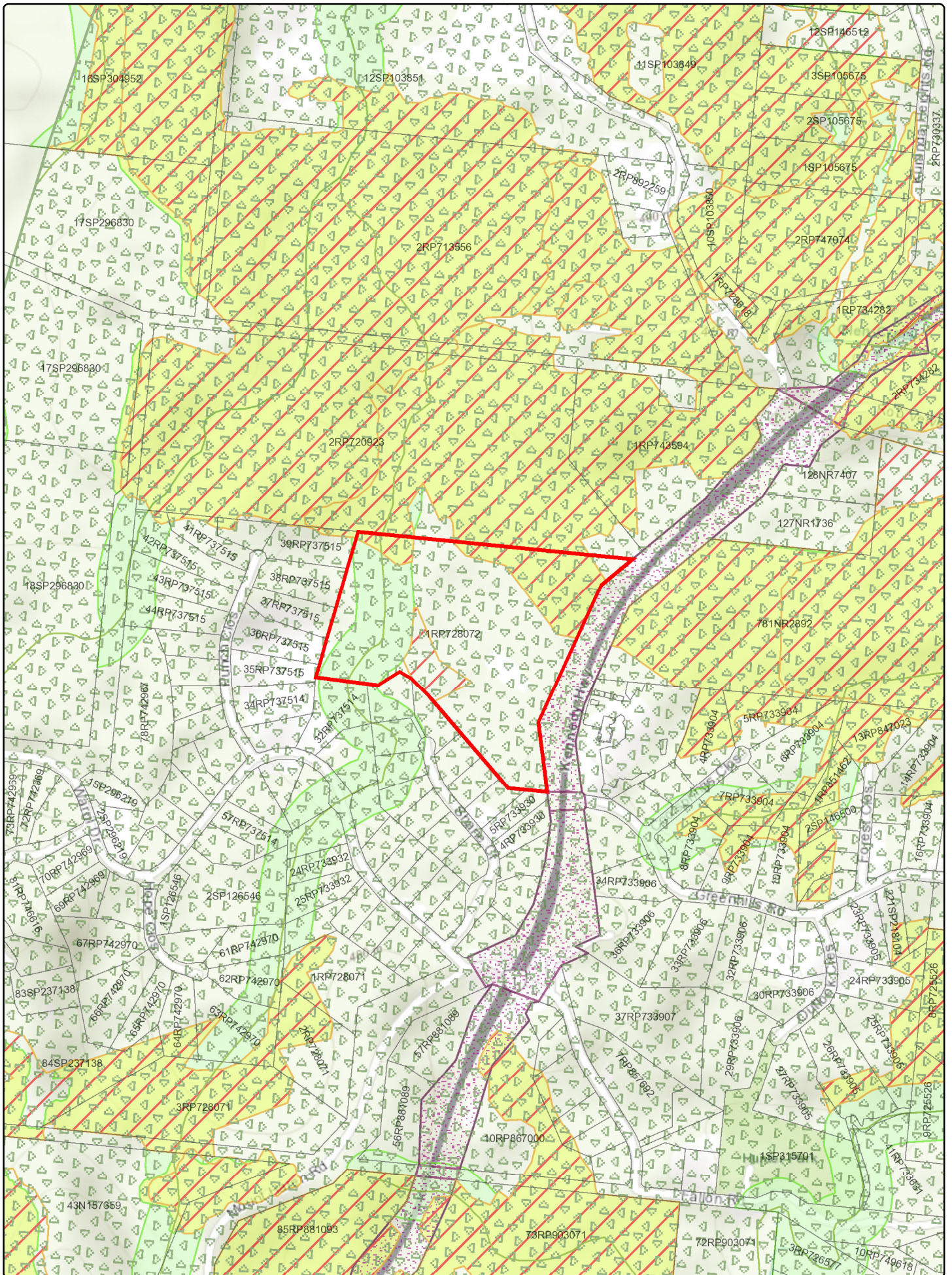


State-controlled road



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State Planning Policy

Making or amending a local planning instrument
and designating land for community infrastructure

Date: 13/03/2020

Department of State
Development, Manufacturing,
Infrastructure and Planning

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0 140 280 420 560

Metres

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Legend


Drawn Polygon Layer

Override 1


Cadastre (10k)


 Cadastre (10k)

Aviation facility


 Location

 Building restricted area - Zone A


 Building restricted area - Zone A/B

 Building restricted area - Area of interest

MSES - Regulated vegetation (intersecting a watercourse)

 MSES - Regulated vegetation (intersecting a watercourse)


MSES - Wildlife habitat (endangered or vulnerable)

 MSES - Wildlife habitat (endangered or vulnerable)


State-controlled road

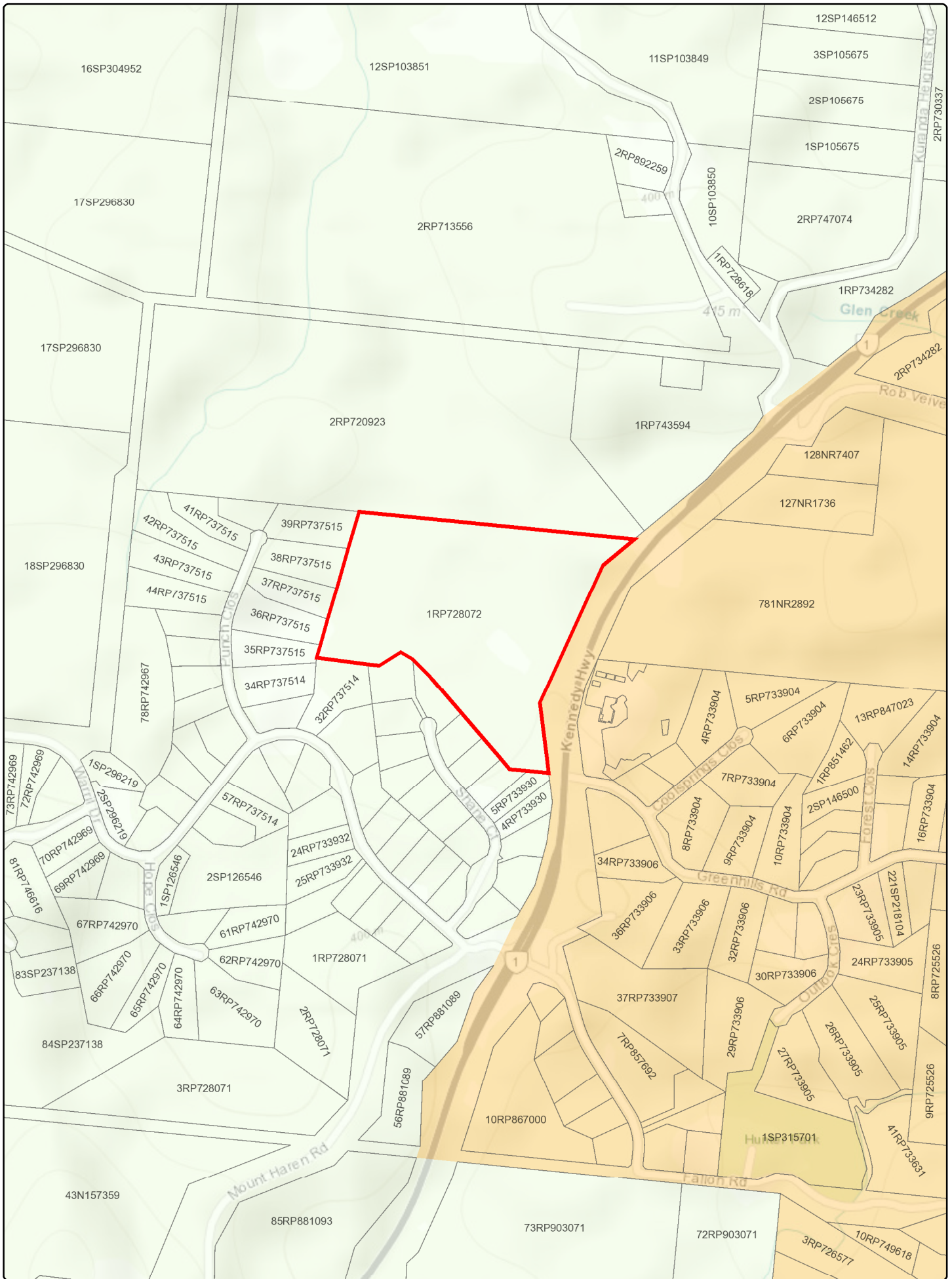
 State-controlled road

MSES - Regulated vegetation (category R)

 MSES - Regulated vegetation (category R)

MSES - Regulated vegetation (essential habitat)

 MSES - Regulated vegetation (essential habitat)



State Planning Policy

Making or amending a local planning instrument and designating land for community infrastructure

Date: 13/03/2020

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0 140 280 420 560

Metres

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Legend


Drawn Polygon Layer


Override 1


Cadastre (10k)

 Cadastre (10k)

Regional land use categories (SEQ, WBB, MIW, FNQ)

 Urban Footprint

 Rural Living Area

 Regional Landscape and Rural Production Area



Date: 13/03/2020

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State Planning Policy

Making or amending a local planning instrument
and designating land for community infrastructure

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PRELODGE MENT CORRESPONDENCE (MSC AND STATE)



Justin Phipps

From: Justin Phipps
Sent: Thursday, 21 May 2020 12:04 PM
To: Carl Ewin
Cc: Brian Millard
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Hi Carl,

Thanks for that. I will coordinate the floor plan for the Corporation Office building and try and get the client to track down the building approval for the Corporation Office or buy it through Council's website.

Thank you very much for all your help.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



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From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Thursday, 21 May 2020 11:35 AM
To: Justin Phipps <Justin@urbansync.com.au>
Cc: Brian Millard <BrianM@msc.qld.gov.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Hi Justin,

Sounds good. In terms of uses, I agree with what you have mentioned, so the application would be for Material Change of Use – Educational Establishment, Community Use and Office.

We would be happy for a marked up google earth map as the site plan, however the floor plan for the existing building which is used as the office should probably be located and submitted. This building may also require a reclassification if its approved as something else.

Regards,

Carl Ewin
Planning Officer



Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Thursday, 21 May 2020 10:05 AM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Good morning Carl,

We have decided to apply for all existing and proposed uses as part of this application for the Art Centre at 1458 Kennedy Highway, Kuranda.

Could Council please confirm the following land use definitions just so we have some guidance moving forward:

I am of the understanding that the existing and proposed land uses would be defined as follows:

- Corporation Office – ‘Office’ use;
- Work for Dole Program – Does not constitute a use. This would be the same as anyone undertaking garden/ground maintenance.
- Cultural Activities – ‘Educational Establishment’ use;
- Ranger Program – ‘Educational Establishment’ use;
- Art Centre – ‘Educational Establishment’ and ‘Community Use’.

Can Council also please confirm that they would be happy for us to submit a Google Earth aerial image with mark ups identifying the location of the existing uses on-site in addition to the attached plans showing the proposed Art Centre.

We are expecting to have the traffic report by next week so hopefully, depending on the outcome of the traffic report and discussions with DTMR, we can start looking to prepare a Development Application in the next few weeks.

Thanks Carl.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



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From: Justin Phipps
Sent: Friday, 8 May 2020 2:07 PM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Afternoon Carl,

I know that the Ranger program has only been operating for approx. 3 years; however, not sure about the other uses.

I will touch base with the client and come back to you next week but I think it would be neater and tidier to wrap everything up in the one application.

Thank you.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



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From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Wednesday, 6 May 2020 8:57 AM
To: Justin Phipps <Justin@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Justin,

In our opinion, unless it can be demonstrated that these activities have been occurring for a substantial amount of time, likely pre 2004 (with evidence of such), then these activities would constitute assessable development and would need to be formalised through an application to Council.

Are you aware of when the corporation took over the property?

Regards,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | Direct: 07 4086 4656 | Fax: 07 4092 3323
Email: carle@msc.qld.gov.au | Website: www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Friday, 1 May 2020 3:10 PM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Cc: Matt Ingram <matt@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Good afternoon Carl,

I have been able to compile the attached summary for the existing uses operating from the site in relation to the proposed Art Centre for your consideration.

I've tried to make it as clear as I can but if you have any questions, please let me know and if I don't know the answer I can get it for you.

Thanks Carl, have a good long weekend!

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



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From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Wednesday, 29 April 2020 9:45 AM
To: Justin Phipps <Justin@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Hi Justin,

If the Djabugay Office use that is occurring on-site is going to interact with the art centre, i.e. result in an increase in the intensity of the administrative activities of the existing office, staff moving between the art centre and the office etc. then it might be an issue. What scale of office activity is occurring on site at the moment?

The work for the dole program, if that simply involves people coming on site and helping maintain the property and work on the orchard, I don't see an issue with that.

The ranger program, depending on the frequency of the use it could be seen as an "educational Establishment" which would be assessable development. Just depends on the scale, what exactly happens on site (what's involved in their training), how many rangers per year/month etc.

I've never received a complaint about anything occurring on the property so it must be pretty low key.

Are you able to compile a summary of what occurs on site and at what scale?

Regards,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Wednesday, 29 April 2020 8:55 AM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Good morning Carl,

Thank you so much for sending through the below!

I just wanted to confirm with you what details Council would require regarding the existing uses operating from the site so I can go back to our client. Or are Council saying that they are happy to assess the Art Centre separate and allow the existing uses to operate independently from the site?

I just don't want to run into any hurdles down the track where we only apply for the Art Centre and then it comes back that the existing uses are operating unlawfully and they have to cease the existing activities from the site until another DA is lodged.

Thanks Carl.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



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From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Friday, 24 April 2020 12:04 PM
To: Justin Phipps <Justin@urbansync.com.au>
Cc: Matt Ingram <matt@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Hi Justin,

See below responses to your queries:

- **Confirm with Council that the activities being proposed constitute a Community Use as the development will be providing artistic and cultural facilities in addition to providing community support services to the local indigenous artists of the surrounding area and will also include the ancillary preparation and provision of food and drink in accordance with the Planning Scheme definition.**

After reviewing the Planning Scheme’s land use definitions, I can confirm that “Community Use” would be the appropriate land use to apply for, and allows for the ancillary provision of food and drink (via the café proposed). Community Use is Impact assessable development within the Rural residential zone. Keep in mind, Council would only permit the café to operate while the art/culture centre was operating. A fresh/separate approval for MCU – food and drink outlet would need to be sought if it was ever proposed to be a standalone use.

- **Please confirm the existing approved use/s operating over the site. This will guide what is being applied for in the Development Application. If Council have any questions regarding the existing uses operating from the site, feel free to touch base and I can gather any additional information required;**

Upon having a quick look I couldn’t find any existing approvals over the site, that’s not to say that what’s occurring on-site now is unlawful, or that the uses weren’t covered by some very old approval. We would need some further detail regarding the existing uses. Not overly important though, if the use proposed is standalone which it appears to be.

- **Please confirm the Council application fees (i.e., \$2,685.00 for an Impact Assessable Community Use);**

Yes, the fee will be \$2,685.00.

- **Please confirm that there is an existing Infrastructure Charge Credit of \$18,800.00 over the site for the existing 3-bedroom dwelling house;**

An \$18,800.00 charge would apply to a dwelling that was serviced by the 4 trunk networks (water, sewer, parks and roads). This site is not serviced by town sewer, and fronts a State controlled road, so the credit applied to

offset any charge for the proposed Community Use development would be \$5,815.00 (water – Kuranda Low Level Zone) + \$4,700.00 (parks) = **\$10,515.00.**

- ***Please confirm that the proposed Infrastructure Charges for the proposed development to Council would be \$0.00. Being a total of \$4,333.40 based off \$47.00 per m² and a GFA of 92.2m² (excludes store room and toilets) and a further 80% deduction in infrastructure charges would be applicable given that the site is not connected to any sewer or stormwater infrastructure, is located in the rural residential zone which would not accrue and parks fees, and does not gain access from a local road, resulting in an total amount of \$866.68 minus the existing credit over the site;***

The revised charge rate based on the fact that the site is not connected to town water (20% reduction) , and is accessed from a State controlled road (25% reduction) would be $\$47 \times 0.55 = \25.85 per m². I wouldn't consider the parks component to come into the calcs for a community use development. So the total infrastructure charge would be $92.2\text{m}^2 \times \$25.85 = \$2,383.37$. The charge does not exceed the credit, so no charge would be payable regardless.

- ***We acknowledge the possible zoning conflicts with the proposed Community Use being located in the Rural Residential Zone. However, we are of the understanding that given the size and location of the site, with the future intent of the land being for a Djabugay Cultural Hub (exact details are yet to be confirmed), the site is suitable to accommodate the proposed use, subject to suitable buffers being provided through the existing vegetation on-site between the adjoining rural residential allotments to minimise amenity impacts caused by the proposed development. Furthermore, It is our understanding that given the overall intent of the site to become the Djabugay Cultural Hub, that finding land of a suitable size within more appropriate zones within the Kuranda Village would be next to impossible as the majority of land within the surrounding Village's would not be able to accommodate the future intent/vision of the land. In addition to this, all large parcels of land that are suitable for the future intent of the development are Rural, Rural Residential, Conservation or Recreation and Open Space zoning, all of which would still conflict with the proposed development. Based on this understanding, can Council please confirm they are 'in principle' support of the proposed development. Happy to discuss this in more detail as required;***

The Rural residential zone code and Planning Scheme as a whole provides an avenue for non-residential development to occur within the Rural res zone provided it can be demonstrated that no unreasonable loss of amenity will be experienced at nearby properties. Given the size of the site and natural vegetation buffering that exists between the development and nearby residential uses, I don't have any real concerns. Hours of operation conditions, restrictions on amplified music, lighting restrictions etc. will be applied to an approval if granted. I can't really comment on any broader proposal to develop the site into a cultural hub until we have those details.

- ***Please confirm that other than traffic, no additional technical reports would be required to accompany the development;***

Traffic calcs would likely be required for DTMR (SARA) but not necessarily for Council. The site is accessed from a State controlled road and we would leave any requirements up to DTMR. The applicant should look into what size wastewater treatment system, including grease trap/s would be required to service the propose use.

- ***Please refer to the concept plan attached to this email. Can Council please confirm that these plans will suffice for Council's assessment, or does additional information need to be provided to this plan and if so, please advise what additional information Council will require;***

The plans submitted are adequate.

- ***Any other additional information or concerns Council considers relevant to the development are welcomed.***

N/A

Let me know if you need any further info.

Regards,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Tuesday, 21 April 2020 8:42 AM
To: Carl Ewin <CarLE@msc.qld.gov.au>
Cc: Matt Ingram <matt@urbansync.com.au>
Subject: Development at 1458 Kennedy Highway, Kuranda

Good morning Carl,

Apologies for not getting you this sooner. We had a few things to tie up from our end first.

As per our phone discussion approx. 3 weeks ago, we have been engaged by Djabugay Tribal Aboriginal Corporation to investigate the potential to establish a new Djabugay Art Centre at 1458 Kennedy Highway, Kuranda (Lot 1 on RP728072) to showcase local aboriginal art with an ancillary cafe proposed to serve visitors. The project will involve the partial demolition and extension of the existing dwelling house on the site to allow for the establishment of the Art Centre.

Based off the information we have received, we are of the view that the application to Council will seek the following approval:

- **Development Permit for a Material Change of Use for a Community Use (Art Centre).**

However, this is dependent on the extent of existing approvals over the site and additional uses may need to be applied for to ensure that everything operating from the site does so lawfully.

The site is currently being utilised for the Corporation Office and also the Work for the Dole Horticultural Program and the Ranger Program base. These uses are proposed to continue operating from the site and are non-commercial and not for profit.

The Art Centre will have a total area of approximately 160.2m² and include an outdoor public deck area covered by a number of shade sails to accommodate guests and provide protection from the weather (as generally outlined in the attached plans).

The Art Centre will:

- Operate from Monday to Sunday, 8:00am – 5:30pm;
- Have a maximum amount of 4 staff on-site at any given time;
- Is anticipated to accommodate between 80 and 160 people per day; and
- Incorporate simple, 2D signage at the entrance to the art centre driveway.

With the above in mind, before a development application can be prepared with any confidence, we seek w pre-lodgement advice from Council in relation to the following:

- Confirm with Council that the activities being proposed constitute a Community Use as the development will be providing artistic and cultural facilities in addition to providing community support services to the local indigenous artists of the surrounding area and will also include the ancillary preparation and provision of food and drink in accordance with the Planning Scheme definition.
- Please confirm the existing approved use/s operating over the site. This will guide what is being applied for in the Development Application. If Council have any questions regarding the existing uses operating from the site, feel free to touch base and I can gather any additional information required;
- Please confirm the Council application fees (i.e., \$2,685.00 for an Impact Assessable Community Use);
- Please confirm that there is an existing Infrastructure Charge Credit of \$18,800.00 over the site for the existing 3-bedroom dwelling house;
- Please confirm that the proposed Infrastructure Charges for the proposed development to Council would be **\$0.00**. Being a total of \$4,333.40 based off \$47.00 per m² and a GFA of 92.2m² (excludes store room and toilets) and a further 80% deduction in infrastructure charges would be applicable given that the site is not connected to any sewer or stormwater infrastructure, is located in the rural residential zone which would not accrue and parks fees, and does not gain access from a local road, resulting in an total amount of **\$866.68** minus the existing credit over the site;
- We acknowledge the possible zoning conflicts with the proposed Community Use being located in the Rural Residential Zone. However, we are of the understanding that given the size and location of the site, with the future intent of the land being for a Djabugay Cultural Hub (exact details are yet to be confirmed), the site is suitable to accommodate the proposed use, subject to suitable buffers being provided through the existing vegetation on-site between the adjoining rural residential allotments to minimise amenity impacts caused by the proposed development. Furthermore, It is our understanding that given the overall intent of the site to become the Djabugay Cultural Hub, that finding land of a suitable size within more appropriate zones within the Kuranda Village would be next to impossible as the majority of land within the surrounding Village's would not be able to accommodate the future intent/vision of the land. In addition to this, all large parcels of land that are suitable for the future intent of the development are Rural, Rural Residential, Conservation or Recreation and Open Space zoning, all of which would still conflict with the proposed development. Based on this understanding, can Council please confirm they are 'in principle' support of the proposed development. Happy to discuss this in more detail as required;
- Please confirm that other than traffic, no additional technical reports would be required to accompany the development;
- Please refer to the concept plan attached to this email. Can Council please confirm that these plans will suffice for Council's assessment, or does additional information need to be provided to this plan and if so, please advise what additional information Council will require;
- Any other additional information or concerns Council considers relevant to the development are welcomed.

I would also like to flag here that we are looking into the access matters with a traffic engineer and DTMR.

If you have any questions, please feel free to give me a call on 0458 902 541

Kind Regards

Justin Phipps

From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Monday, 6 July 2020 10:44 AM
To: Justin Phipps
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Justin,

I propose the following in relation to revised fees:

The 'community use' component is a new land use on site and should be paid for in full, the fee for which is **\$2,750.00** (community use – impact).

With regards to the 'office' component, being only minor in nature (63m²) I propose that only the office – code (up to 250m²) fee of **\$1,610.00** be payable. It should be noted that if any application proposed significantly larger office space on site the higher fee may be payable.

With regards to the 'educational establishment' component, which from what you have mentioned is limited to non-intensive training of rangers on the property, I'm happy to **waive this fee** considering the small scale nature of this component of the proposed development. The application should include particular details of what occurs on the property as part of this program. Again, if we receive an application and there is some more intensive educational activity proposed, then a higher fee may be applicable.

This brings the total fees payable to **\$4,360.00**.

Regards,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Friday, 3 July 2020 3:45 PM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Good afternoon Carl,

Sorry to keep bothering you about this one.

I've had a fair bit of back and forth with the client this past week and they are worried about the Council application fees since the addition of the extra land uses. I have advised them what you told me in the email below and also advised that I believe we have a good argument to get a refund, but they are requiring more certainty moving forward and are

reconsidering progressing with the DA as they would need to gain consent from the board of which would likely be unfavourable (based on what I've been advised).

As a result, I have provided justification below as to why we believe we shouldn't be required to pay the entire application fee. I will argue about a partial refund for the Infrastructure Charges within the DA (if any are applicable).

Given that the Educational Establishment will only occupy 19.2m² of the Art Centre and all existing educational/training activities will now be undertaken in this room, we find it highly unreasonable that the application fee of \$6,460.00 is relevant in this instance as this equates to \$336.46 for each m². Furthermore, there will be little to no additional assessment required to justify the Educational Establishment land use. As a result, We seek Council's confirmation that NO application fee be applicable for the Educational Establishment component.

The Corporation Office occupies a total area of 63.14m² which accrues an Application fee of \$2,750.00. Given that the use has been operating on-site for a number of years with no issues being raised by surrounding landowners, in addition to the fact that the corporation office is the base for the not-for-profit organisation, that the total application fee is not applicable. Hence, we ask for a 50% discount on this Fee OR we would be happy if this fee was reduced to the Code Assessable Application fee for an Office less than 250m² of **\$1,610.00**.

In terms of the Community Use, given that the applicant is a not-for-profit organisation, we would like to ask for a 50% reduction to this fee also OR have the fee reduced to the Code Assessable Application fee of **\$1,610.00**.

Based off the above, can you please confirm if Council would be willing to accept the below application fees:

- Community Use - **\$1,610.00** (code) OR **\$1,375.00** (50% off);
- Educational Establishment - \$0.00; and
- Office (less than 250m²) - **\$1,610.00** (Code) OR **\$1,375.00** (50% off)

This would result in the total application fee being either **\$3,220.00** OR **\$2,750.00**.

I understand your stance but if you could provide us with some certainty moving forward it would be greatly appreciated.

Thanks Carl, have a good weekend.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



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From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Monday, 29 June 2020 3:53 PM
To: Justin Phipps <Justin@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Hi Justin,

Application Fees

With regards to the fees, that \$15,670 will be the maximum fee we will charge. We may look at a reduction based on the scale of development proposed once we receive the application material.

Infrastructure Charges

The infrastructure charge rates will be whatever the rates are in the latest infrastructure charges notice, again we'd look at it more closely at decision stage. If the educational establishment component is predominately outdoor training, then it won't utilise a large GFA anyway. In the past, Council have decided not to issue exemptions or discounts to not-for-profit organisations, but if you want to try, include a request in the application.

Car Parking

If you can justify a lesser rate in the application we would be accommodating to that. The fact that those uses have been operating on site for some time should make it easier to determine the amount of parking needed. There is also spill over parking available on site. With regards to sealing, we may look at conditioning a gravel seal only at first (given the separation from adjoining uses), but there's usually a back-up condition that requires a seal be put down in the event of a substantiated dust complaint.

Regards,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Wednesday, 24 June 2020 12:05 PM
To: Carl Ewin <CarlE@msc.qld.gov.au>
Cc: Matt Ingram <matt@urbansync.com.au>
Subject: RE: Development at 1458 Kennedy Highway, Kuranda

Good afternoon Carl,

I just wanted to let you know that we have finalised pre-lodgement discussions with DTMR regarding this development at 1458 Kennedy Highway, Kuranda and the results have come back positive with DTMR and our Engineer agreeing to an access arrangement that satisfies both parties and will require the least amount of excavation/widening works on the Kennedy Highway.

I have also organised a Building Certifier to head up the hill this Friday to have a look at the existing buildings and advise on the implications of the reclassification and recommendations moving forward.

I guess from here I really just need to confirm with you a few things now that we have all the background information we need.

Application Fees

As the Application is now for three (3) land uses, can you please confirm that the applicable Application Fee will be **\$15,670.00** In accordance with the fee and charge schedule for **2020/2021** As broken down below:

- Office (Impact & more than 251m²) – **\$6,460.00**
- Community Use (Impact) - **\$2,750.00**
- Educational Establishment (Impact) - **\$6,460.00**

Infrastructure Charges:

The existing Infrastructure Charge Credit over the site would be a total of **\$21,030.00** (\$10,515.00 per existing dwelling (x2) excluding sewer and local transport network fees).

I also just want to confirm the applicable Infrastructure Charge rate for when we I do a more comprehensive assessment of the existing buildings on-site. Hence, the Infrastructure Charge rates per m² would be:

- Community Use - **\$26.51 per m²** (48.2 x 0.55 (55% reduction)); and
- Office & Educational Establishment – **\$52.99 per m²** (96.35 x 0.55).

Can you please confirm if these application and infrastructure fees are correct and can you also advise if Council have a policy in place for refunds for not-for-profit organisations please.

Car Parking:

Now that we are applying for three (3) land uses over the site, I just wanted to confirm with you that no additional car parking spaces would be required for the existing Corporation Office as this use has been operating for a large number of years with little to no impacts and this proposal will simply seek to rectify the land uses operating from the site and will not result in any amendments or alterations to the existing uses/buildings.

As a result, we are of the view that the only car parking required is for the Community Use (Art Centre), which we have provided five (5) car parking spaces for in accordance with the Parking and Access Code as shown in the Design Plans attached and that the existing uses can continue to operate with informal parking spaces provided given the size of the site and the existing arrangements. These five (5) car parking spaces will be sealed in accordance with the Planning Scheme requirements.

Given that it is anticipated that Mini-Buses (up to 20 seater) will utilise the site (exact number not yet known), I am of the view that the mini-buses have the ability to drop off passengers and turn around in the existing area identified in the image below (circled in red), given that the site is Rural Residential and there are no surrounding residential uses that may be impacted upon in terms of amenity (noise, lights, etc.) from the Mini-buses, and there won't be a large number of mini-buses entering and exiting the site per day... I am anticipating less than 5 per day; however, I can firm this up in due course.

I guess the basis of this is just to clarify that we want the existing uses to continue operating under the existing arrangements and the new proposed use will comply with the Planning Scheme requirements in terms of numbers and sealing.



Feel free to give me a call if easier and thanks for all your help with this one Carl.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946 M 0458 902 541

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



Planning Institute Australia



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10 June 2020

Our Ref: 19-517

Department of State Development, Manufacturing, Infrastructure and Planning
PO Box 2358
CAIRNS, QLD, 4870

Attn: Brett Nancarrow

Dear Brett,

PRE-LODGE MENT REQUEST FOR A PROPOSED MATERIAL CHANGE OF USE OVER PART OF LOT 1 ON RP728072 AT 1458 KENNEDY HIGHWAY, KURANDA.

Urban Sync have been engaged by Djabugay Tribal Aboriginal Corporation to prepare and lodge a Development Application over the above-mentioned land to make lawful the existing uses currently operating on-site, while also proposing to establish a new Art Centre. Discussions with Council have determined that the application is likely to trigger the need for the following approvals:

- **Development Permit for a Material Change of Use (Community Use, Educational Establishment & Office).**

Given the site's proximity to the Kennedy Highway (State-controlled Road), we request a face to face pre-lodgement meeting with the State Assessment Referral Agency & the relevant technical agency, being the Department of Transport and Main Roads (DTMR) to discuss the proposed access requirements to the site.

I PROPOSAL

The site is currently being utilised for the Djabugay Tribal Aboriginal Corporation Office and Ranger Program base, as well as the Work for the Dole Horticultural Program. These uses are proposed to continue operating from the site and are non-commercial and not for profit. It has been determined that none of the existing activities operating over the site have the required statutory planning approvals and as a result, this development seeks to make lawful these existing uses. A brief summary of the existing activities operating on-site are included in **Attachment 1** for your consideration.

The project will also involve the partial demolition and extension of the existing dwelling house on the site to allow for the establishment of the Djabugay Art Centre which will showcase local aboriginal art with an ancillary cafe proposed to service visitors of the Art Centre. The Art Centre will have a total area of approximately 160m² and include an outdoor public deck area covered by a number of shade sails to accommodate guests and provide protection from the weather. The Art Centre will:

- Operate from Monday to Friday, 8:00am – 5:30pm;
- Have a maximum amount of four (4) staff on-site at any given time;
- Is anticipated to accommodate between 80 and 160 people per day; and
- Incorporate simple, 2D signage at the entrance to the art centre driveway.

Please refer to the Design Plans in **Attachment 2** for further details on the proposal. Please contact us should you require any additional information on the proposal prior to the pre-lodgement meeting.

2 REFERRAL TRIGGERS

This application will trigger the following referral:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use of premises near a State Transport Corridor or that is a future State Transport Corridor (within 25m of State Transport Corridor).

3 INPUTS UNDERTAKEN

Djabugay Tribal Aboriginal Corporation engaged Civil Walker Consulting Engineers to undertake an initial assessment of the site access to the Kennedy Highway. Results from this assessment confirmed the following:

- Kennedy Highway speed limit at site = 80km/h
- Kennedy Highway AADT (annual average daily traffic) = 5456 vehicles per day
- Kennedy Highway Peak Hour traffic = 341 vehicles per hour in each direction
- Capacity of Kennedy Highway at site access = 1367 vehicles per hour
- Capacity is therefore considerably higher than current traffic
- Existing site access use in peak hour estimated to be 25 vehicles
- Proposed site access use in peak hour estimated to be 24 vehicles
- Therefore total peak hour use after development = 49 vehicles
- Based on warrants within Austroads Guide to Road Design the following turn treatments are required:
 - Left Hand Turn In = AUL(S)
 - Right Hand Turn In = CHR

We have provided images and commentary below of what these turn treatments are expected to look like.

3.1 Left Turn Treatment - AUL(S)

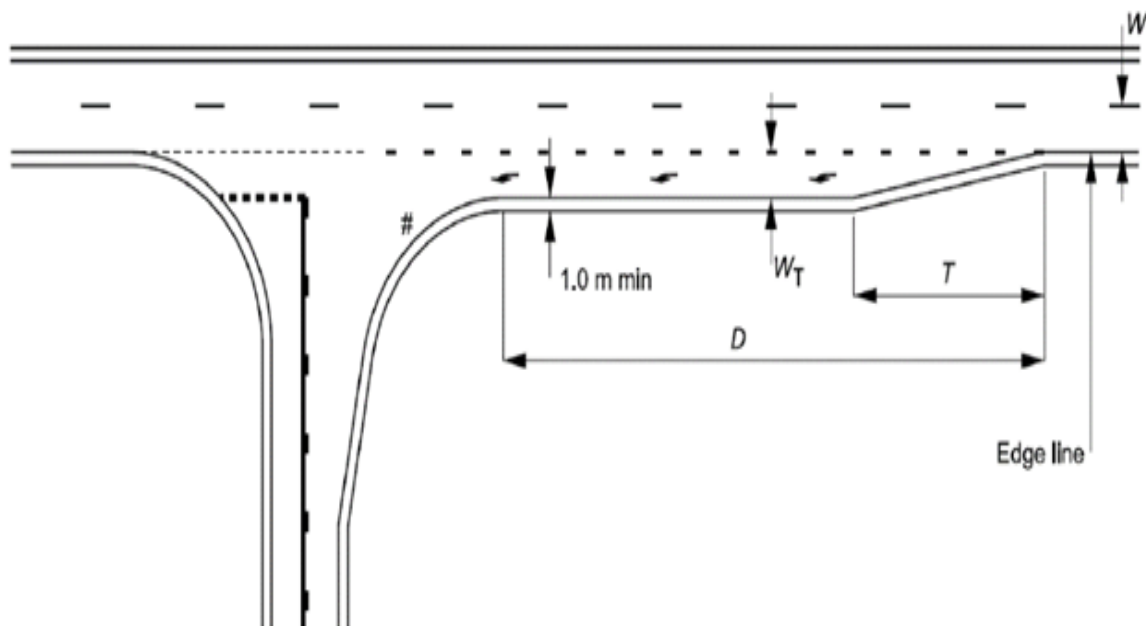


Figure 1: Left Turn Treatment - AUL(S) (Source: CivilWalker, 2020)

For the AUL(S) turn, based on the design parameters, "D" is required to be 45m long. Based on the existing pavement surfacing observed, it appears that there is considerable pavement to allow this to work to occur with

some minor widening to allow for a small section of guard rail relocation, some line marking and signage on the highway. Some pavement upgrade will be required for a portion of the existing access so that the left hand turn treatment can be completed without changing surface types (i.e., from a sealed surface to a loose gravel surface) during the manoeuvre and therefore reducing the risk of slipping). Survey will be conducted to confirm the extent of works.

3.2 Right Turn Treatment – CHR(S)

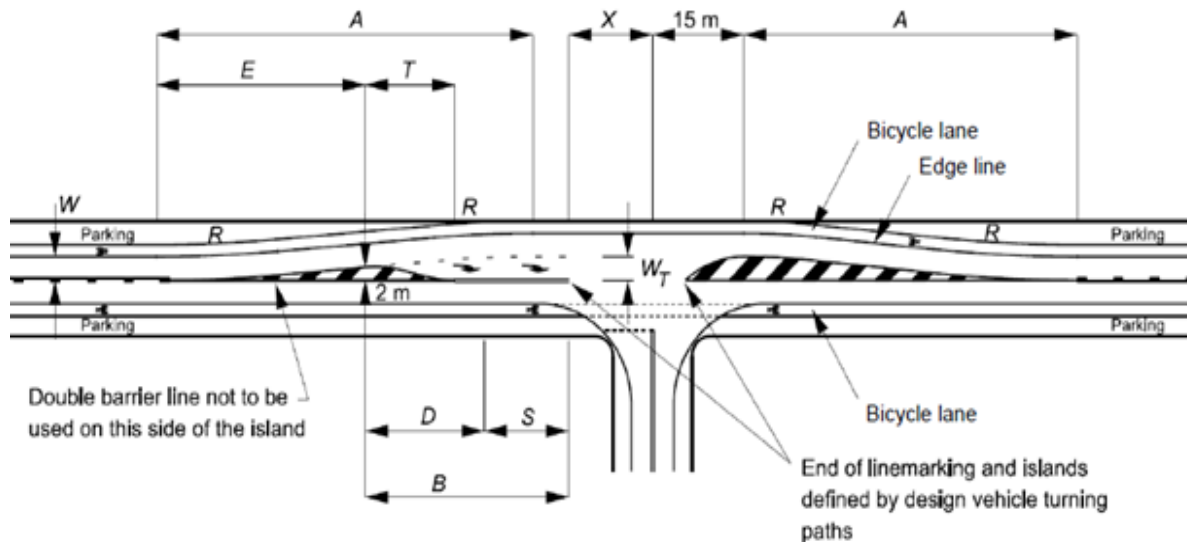


Figure 2: Right Turn Treatment - CHR(S) (Source: CivilWalker, 2020)

The addition of a CHR(S) turn to service the development will require the widening of the Kennedy Highway which will impact on the existing left-hand slip lane into Greenhills Road and the adjacent bus stop. We have provided a screenshot below of what a concept arrangement may look like if the length of existing left-hand slip lane (approximately 165m) was maintained. Please note this is a concept sketch for discussion purposes only. There is also a power pole close by, however initial thoughts are that it will not require relocation.



Figure 3: Concept Access Design (Source: CivilWalker, 2020)

4 ADVICE REQUESTED

With the above in mind, we seek to discuss and clarify the following matters at the pre-lodgement meeting:

1. Confirmation that the left turn treatment AUL(S) proposed in Section 3.1 of this letter ~~is~~ **are** suitable and that the existing left lane merge arrangement can be shortened to accommodate the AUL(S) left turn treatment AND/OR provide other alternative options to providing safe access to the site;
2. Confirmation that the length of the proposed right turn treatment (CHR(S)) is sufficient AND/OR provide other alternative options to providing safe access to the site;
3. Confirm that the length of the existing left-hand slip lane into Greenhills Road can be shortened from that shown in **Figure 3** to a length of approximately 100m. We are of the view that the current length of this slip lane is longer than necessary and a shortened lane and suitably re-located bus stop (slightly to the west) would still provide sufficient stopping and turning area for buses and private vehicles without the need for significant earth / retaining work;
4. Confirm the extent that the existing bus stop could be relocated (to the west) to assist with the matters outlined in point 3 above;
5. General/additional feedback on any other matters shown in the concept sketch in **Figure 3** and/or any other additional information or concerns DTMR considers relevant to the development are welcomed.

If you have any further questions in relation to this matter, please do not hesitate to contact me on 0488 200 229 and I would be happy to discuss.

Yours faithfully,



Matt Ingram
Senior Planner

E matt@urbansync.com.au | T 07 4051 6946 | M 0488 200 229





Queensland Treasury

PA5-L

Our reference: 2006-17203 SPL

Your reference: 19-517

30 June 2020

Djabugay Tribal Aboriginal Corporation
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
justin@urbansync.com.au

Attention: Justin Phipps

Dear Sir/Madam

Pre-lodgement meeting record

This pre-lodgement record provides a summary of the matters discussed at the pre-lodgement meeting in addition to providing further advice prepared subsequent to the meeting.

This record provides advice regarding the likely major issues relevant to the development proposal to assist in the timely processing of a development application. While this advice is provided in good faith, if the proposal is changed from that which was discussed with the State Assessment and Referral Agency (SARA) during the pre-application meeting, this advice is not binding.

Reference information

Departmental role: Referral agency

Departmental jurisdiction: **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 –**
Material change of use near a State transport corridor (Kennedy Highway)

Pre-lodgement meeting date: 18 June 2020

Meeting attendees:

Name	Position	Organisation
Jo Manson	Principal Planning Officer	State Assessment and Referral Agency (SARA)
Anthony Westbury	Planning Officer	SARA
David (Jim) Harding-Smith	Principal Engineer	Department of Transport and Main Roads

		(DTMR)
Steve Zelenika	Senior Town Planner	DTMR
Justin Phipps	Consultant Town Planner	Urban Sync
Daryl Walker	Consultant Engineer	CivilWalker
Nicolas Mills	CEO (Proponent)	Djabugay Tribal Aboriginal Corporation

Location details

Street address:	1458 Kennedy Highway, Kuranda
Real property description:	Lot 1 on RP728072
Local government area:	Mareeba Shire Council
Existing use:	Djabugay Tribal Aboriginal Corporation – Office, Ranger Program, Work for the Dole Horticultural Program, Cultural Workshops/Training

Details of proposal

Development type:	Material change of use
Development description:	To make lawful the existing uses operating on-site and for the establishment of an Art Centre (Community Use, Educational Establishment & Office)

Supporting information

Drawing/report title	Prepared by	Date	Reference no.
SARA Lot plan report	SARA	10 June 2020	1RP728072
Pre-lodgement Request Letter	Urban Sync	10 June 2020	19-517
Concept Access Design	CivilWalker	10 June 2020	-
Alternative Road Alignment Layout Sketch	DTMR	18 June 2020	2006-17203 SPL

Meeting outcomes

- DTMR is supportive of access and road works to be constructed on the northern side of the Kennedy Highway, based on the alternative road alignment layout sketch.
- Applicant to proceed with the access and road works design based on DTMR support.
- SARA to provide written further pre-lodgement information to applicant, detailing DTMR requirements, applicable fees and application processes.

It is considered that the above summary is an accurate record of the outcomes discussed at the pre-lodgement meeting.

The following information is provided as further advice prepared subsequent to the meeting. 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.

Item	Advice
Proposal	
1.	<p>The proposed development is for a Material Change of use for Community Use, Educational Establishment & Office.</p> <p>The 13.28ha site has road frontage and direct access via the Kennedy Highway, a state-controlled road.</p> <p>A changed access and road works to the state-controlled road will be required due to increased traffic generation from the development.</p> <p>The site is zoned Rural Residential under the Mareeba Shire Council Planning Scheme, and included in the 4000m² Precinct.</p>
State Development Assessment Provisions (SDAP)	
2.	<p>The current State Development Assessment Provisions (SDAP) will be used in assessing the application. Based on the location and scale of the proposed development, the following state codes are applicable:</p> <ul style="list-style-type: none"> State code 1: Development in a state-controlled road environment <p>To address the SDAP the applicant must demonstrate how the acceptable outcomes of the state code will be achieved. An application that complies with all applicable acceptable outcomes is considered to satisfy the corresponding performance outcome. If the development cannot meet an acceptable outcome, the applicant must provide evidence on how the proposal meets the performance outcome.</p> <p>To assist applicants in addressing the SDAP criteria the department has prepared SDAP version 2.6 response templates.</p> <p>Please note, the SDAP is continually amended to reflect updates to legislation and policies, and the version current at the time of application lodgement will be used for assessment.</p>
State transport corridor	
3.	<p>The premises has road frontage and direct access via the Kennedy Highway, a state-controlled road. The access is located on a bend within a posted 80km/hr speed zone opposite the channelized left-turn lane into Greenhills Road, and in close proximity to a designated public bus stop.</p> <p>Based on the information provided, the proposed development triggers referral agency assessment under Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a State transport corridor, of the Planning Regulation 2017.</p> <p>As discussed at the pre-lodgement meeting, DTMR is supportive of road widening works and road realignment on the northern side of the highway (as per the Alternative Road Alignment Layout Sketch – Attachment 1), as required to accommodate a channelized right-turn lane (CHR) and an auxiliary left-turn lane (AUL).</p> <p>Road works on the northern side of the highway will have little to no impact on the channelized left-turn lane into Greenhills Road nor require the relocation of the existing bus stop.</p>
4.	<p>The development application will need to address the following performance outcomes in SDAP State code 1: Development in a state-controlled road environment – Table 1.2.1, PO1, PO9, PO12-14, PO16, PO18 and PO20-22. Based on the information provided, the following performance outcomes will require particular consideration.</p>

Item	Advice
	<ul style="list-style-type: none"> • PO12-PO14: Stormwater and drainage • PO16: Access to a state-controlled road • PO18: Public passenger transport infrastructure • PO20-22: Network impacts <p>The Annual Average Daily Traffic (AADT) (2018) is 6,120 vehicles per day, with an annual vehicle growth rate of 2.32% over 10 years. DTMR has calculated that the 2020 AADT is approximately 6,404 vehicles per day and a 10-year projection indicates that the AADT in 2030 will be approximately 7,890 vehicles per day.</p> <p>Based on the AADT and traffic calculations, the proposed development will require a fully channelized right-turn lane (CHR) and an auxiliary left-turn lane (AUL). To ensure that DTMR can adequately assess and reasonably condition the proposed development, the applicant is required to prepare and submit a detailed traffic impact assessment report.</p> <p><u>Traffic Impact Assessment</u></p> <p>To demonstrate compliance with the performance outcomes, the traffic impact assessment report must demonstrate how the changed access and required road works on the Kennedy Highway will integrate into the current road environment so as not to compromise road safety, while retaining a minimum 90km/hr road design speed within a posted at 80km/hr speed zone.</p> <p>The Traffic Impact Assessment Report is to be prepared in accordance with DTMR's Guide to Traffic Impact Assessment (GTIA) by a qualified professional and certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The traffic impact assessment report will need to include a layout plan showing all existing and proposed lane radii for both inside and outside line-marking for a distance of a least 100m outside of the proposed amended line-marking. In addition, the access and road design will need to consider and provide the following:</p> <ul style="list-style-type: none"> • Standard design drawings and supplementary documentation. • Visibility assessment / drawings showing adequate visibility for all movements including a consideration of the terrain, guardrail or wire rope; • Drawings showing the proposed vehicular access arrangements and associated roadworks in relation to the existing bus stop, 'Kennedy Hwy near Greenhills Rd (Hail n Ride), Kuranda' (Hastus ID: 750667). • Locating critical / expensive infrastructure that is and / or will be within the clear zone or maybe considered a safety hazard (for example, power poles or guardrail too close to lanes. <p><u>Stormwater and Drainage</u></p> <p>The applicant is requested to provide a stormwater and flood report to demonstrate how the proposed development is able to achieve compliance with the performance outcomes, and with consideration given to the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (http://www.ipweaq.com/qudm). In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> • The management of stormwater and flooding post development can achieve a no worsening impact (on the pre-development condition) for all flood and stormwater events that exist prior to development. • Stormwater and floodwater flow from the proposed development will not damage or

Item	Advice
	<p>interfere with the state-controlled road.</p> <ul style="list-style-type: none"> • Existing stormwater drainage infrastructure on the state-controlled road corridor will not be interfered with or damaged by the proposed development such as through concentrated flows, surcharging, scour or deposition. <p>The stormwater information should include details of the mitigation measures proposed to address any potential stormwater impacts from the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is a no worsening impact on the Kennedy Highway.</p> <p><u>Application material</u></p> <p>The development application should include scaled and sufficiently detailed plans and supporting documentation which clearly identify all aspects of the proposed development in relation to the state-controlled road. In particular, this should include the following:</p> <ul style="list-style-type: none"> • A detailed site plan showing proposed new buildings and infrastructure. • Existing and proposed service and utility connections for the proposed development. • The extent of any new works such as for earthworks, service/utility connections and stormwater management. • A Stormwater and Flooding Report (as above) • A Traffic Impact Assessment Report (as above) <p>DTMR has prepared a range of guidance material to assist applicants in responding to SDAP State code 1 and includes SDAP Supporting information: Vehicular access to a state-controlled road.</p>
Development assessment fees and forms	
5.	<p>Based on the information provided, the applicable fees under the Planning Regulation 2017 for the proposed development are:</p> <ul style="list-style-type: none"> • Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 8(b)(ii) – Material change of use of premises near a State transport corridor: \$1,655.00 as the premises are within 25m of a State transport corridor, does not involve new access to a state-controlled road, and the use is non-residential. <p>In accordance with Section 38 of the Planning Regulation 2017, if the application is made by a non-profit organisation, the applicant is entitled to a 50% discount on the assessment fee.</p> <p>Please note that the assessment fees are subject to change. It is recommended you check Schedule 10 of the Planning Regulation 2017 or contact the department prior to the lodgment of your application, to confirm the assessment fees applicable at the time.</p> <p>The development application will need to include DA Form 1. To assist in completing DA Form 1, the department has prepared the DA forms guide: Forms 1 and 2.</p>
Further pre-lodgement advice	
6.	<p>It is recommended that prior to lodging a formal development application, the applicant seeks further advice from DTMR via SARA, to ensure and confirm that there are no outstanding or unresolved design issues with the changed access, proposed channelized right-turn lane (CHR) and an auxiliary left-turn lane (AUL) to be constructed on the northern side of the Kennedy Highway.</p> <p>For further pre-lodgement advice please use the 'related actions' tab in the 2006-17203 SPL</p>

Item	Advice
	MyDAS2 record and select 'Request more pre-lodgement advice from SARA'. You will be given an option to select either a meeting or written advice.

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

enc Attachment 1 - Alternative Road Alignment Layout Sketch

Attachment 1—Alte



Justin Phipps

From: Anthony Westbury <Anthony.Westbury@dsmip.qld.gov.au >
Sent: Thursday, 2 July 2020 2:12 PM
To: Justin Phipps
Cc: Joanne Manson; Steven Z Zelenika
Subject: RE: Pre-lodgement Advice for 1458 Kennedy Highway, Kuranda (2006-17203 SPL)

Hi Justin,

As discussed, I have spoken to DTMR and can confirm that a full traffic impact assessment report will not be required. I can provide the following additional comments to the pre-lodgement advice regarding DTMR requirements of the Traffic Impact Assessment Report:

- It will need to be clearly demonstrated how the changed access and road works will fit within the existing road environment, topography and infrastructure.
- An aerial overlay showing the works would be required.
- It is expected that on-ground assessment would need to be carried out to confirm construction requirements for the design, e.g. cut and fill areas for road widening and additional lanes, vegetation removal, relocation of light poles, guard rails etc.

Regards,



**Queensland
Government**

Anthony Westbury

Planning Officer

Planning and Development Services

Far North Queensland

Queensland Treasury

P 07 4037 3215

Ground Floor, Cairns Port Authority Building

Cnr Grafton and Hartley Streets, Cairns QLD 4870

PO Box 2358, Cairns QLD 4870

<https://planning.dsmip.qld.gov.au>

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**ATTACHMENT 5:
SDAP CODE ASSESSMENT**



State code 1: Development in a state-controlled road environment

Table 1.2.1: Development in a state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
Buildings and structures		
PO1 The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a state-controlled road, or cause damage to, or obstruct road transport infrastructure.	AO1.1 Buildings, structures, infrastructure, services and utilities are not located in a state-controlled road. AND	Complies with AO1.1 The development will not have any buildings, structures, infrastructure, services or utilities located in the State-controlled Road.
	AO1.2 Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a state-controlled road.	Complies with AO1.2 Any buildings, structures, infrastructure, services or utilities associated with the development are able to be maintained without requiring access to the State-controlled Road.
PO2 The design and construction of buildings and structures does not create a safety hazard by distracting users of a state-controlled road.	AO2.1 Facades of buildings and structures facing a state-controlled road are made of non-reflective materials. OR	Complies with AO2.1 Compliance can be conditioned for the Art Centre, although no buildings or structures will be visible from the State-controlled Road.
	AO2.2 Facades of buildings and structures do not reflect point light sources into the face of oncoming traffic on a state-controlled road. AND	Complies with AO2.2 See AO2.1 above.
	AO2.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on a state-controlled road and does not involve flashing or laser lights. AND	Complies with AO3.2 See AO2.1 above.

Performance outcomes	Acceptable outcomes	Response
	AO2.4 Advertising devices visible from a state-controlled road are located and designed in accordance with the Roadside Advertising Guide, 2 nd Edition, Department of Transport and Main Roads, 2017.	N/A The development does not include any advertising devices.
PO3 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto a state-controlled road.	AO3.1 Road, pedestrian and bikeway bridges over a state-controlled road include throw protection screens in accordance with section 4.9.3 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2018.	N/A The development does not involve a road, pedestrian or bikeway bridge over the State-controlled Road.
Filling, excavation and retaining structures		
<p>PO4 Filling and excavation does not interfere with, or result in damage to, infrastructure or services in a state-controlled road.</p> <p>Note: Information on the location of services and public utility plants in a state-controlled road can be obtained from the Dial Before You Dig service.</p> <p>Where development will impact on an existing or future service or public utility plant in a state-controlled road 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 any costs of relocation are to be borne by the developer.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	No acceptable outcome is prescribed.	Complies with PO4 The development will not involve any excavation or filling.
<p>PO5 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design</p>	No acceptable outcome is prescribed.	N/A See PO4 above.

Performance outcomes	Acceptable outcomes	Response
<p>Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>		
<p>PO6 Filling, excavation, building foundations and retaining structures do not cause ground water disturbance in a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	No acceptable outcome is prescribed.	<p>N/A See PO4 above.</p>
<p>PO7 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 state-controlled road, road transport infrastructure or road works.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with Road Planning and Design Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	No acceptable outcome is prescribed.	<p>N/A See PO4 above.</p>

Performance outcomes	Acceptable outcomes	Response
<p>PO8 Development involving the haulage of fill, extracted material or excavated spoil material exceeding 10,000 tonnes per year does not damage the pavement of a state-controlled road.</p> <p>Note: It is recommended a pavement impact assessment is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, and the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a pavement impact assessment.</p>	<p>AO8.1 Fill, extracted material and spoil material is not transported to or from the development site on a state-controlled road.</p>	<p>N/A See PO4 above.</p>
<p>PO9 Filling and excavation associated with the construction of vehicular access to a development does not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>N/A See PO4 above.</p>
<p>PO10 Fill material used on a development site does not result in contamination of a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO10.1 Fill material is free of contaminants including acid sulfate content.</p> <p>Note: Soils and rocks should be tested in accordance with AS 1289.0 – Methods of testing soils for engineering purposes and AS 4133.0-2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p> <p>AO10.2 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.</p>	<p>N/A No fill is required.</p> <p>N/A See AO10.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
<p>PO11 Filling and excavation does not cause wind-blown dust nuisance in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO11.1 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.</p> <p>AND</p>	<p>N/A See AO10.1 above.</p>
	<p>AO11.2 Dust suppression measures are used during filling and excavation activities such as wind breaks or barriers and dampening of ground surfaces.</p>	<p>N/A See AO10.1 above.</p>
Stormwater and drainage		
<p>PO12 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Complies with PO12 A Stormwater and Drainage Report will be provided to DTMR post-approval and we are agreeable for DTMR to condition this to ensure compliance.</p>
<p>PO13 Run-off from the development site is not unlawfully discharged to a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO13.1 Development does not create any new points of discharge to a state-controlled road.</p> <p>AND</p>	<p>Complies with AO13.1 See PO12 above. All Stormwater and drainage specifics will be provided within the report, post-approval.</p>
	<p>AO13.2 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division) Fourth Edition, 2016, provides further information on lawful points of discharge.</p> <p>AND</p>	<p>Complies with AO13.2 See AO13.1 above.</p>
	<p>AO13.3 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.</p>	<p>Complies with AO13.3 See AO13.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
<p>PO14 Run-off from the development site during construction does not cause siltation of stormwater infrastructure affecting a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO14.1 Run-off from the development site during construction is not discharged to stormwater infrastructure for a state-controlled road.</p>	<p>Complies with AO14.1 See AO13.1 above.</p>
Vehicular access to a state-controlled road		
<p>PO15 Vehicular access to a state-controlled road that is a limited access road is consistent with government policy for the management of limited access roads.</p> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO15.1 Development does not require new or changed access to a limited access road.</p> <p>Note: Limited access roads are declared by the transport chief executive under section 54 of the <i>Transport Infrastructure Act 1994</i> and are identified in the DA mapping system.</p> <p>OR</p>	<p>N/A See AO15.2 below.</p>
	<p>AO15.2 A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road.</p> <p>Note: Limited access policies for limited access roads declared under the <i>Transport Infrastructure Act 1994</i> can be obtained by contacting the relevant Department of Transport and Main Roads regional office.</p> <p>AND</p>	<p>Complies with AO15.2 The development will involve upgrades to the existing access to accommodate the increased demand generated by the development. All upgrade works will be conducted in accordance with DTMR's requirements and we ask that DTMR condition compliance.</p>
	<p>AO15.3 Where a new or changed access is for a service centre, access is consistent with the Service centre policy, Department of Transport and Main Roads, 2013 and the Access policy for roadside service centre facilities on limited access roads, Department of Transport and Main Roads, 2013, and the Service centre strategy for the state-controlled road.</p> <p>Note: The Service centre policy, Department of Transport and Main Roads, 2013, Access policy for roadside service centre facilities, Department of Transport and Main Roads, 2013 and the</p>	<p>N/A The development does not involve a service centre.</p>

Performance outcomes	Acceptable outcomes	Response
	relevant Service centre strategy for a state-controlled road can be accessed by contacting the relevant Department of Transport and Main Roads regional office.	
<p>PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.</p> <p>Note: Where a new or changed access between the premises and a state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p> <p>Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO16.1 Vehicular access is provided from a local road.</p>	<p>Complies with PO16 The site does not front a local road. A Traffic Impact Assessment Report will be provided to Council/DTMR post-approval once the detailed design arrangements are confirmed, of which ensures compliance with Performance Outcome PO16.</p>
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO16.2 Vehicular access for the development is consistent with the function and design of the state-controlled road.</p> <p>AND</p>	<p>Complies with PO16 See PO16 above</p>
	<p>AO16.3 Development does not require new or changed access between the premises and the state-controlled road.</p> <p>Note: A decision under section 62 of the <i>Transport Infrastructure Act 1994</i> outlines the approved conditions for use of an existing vehicular access to a state-controlled road. Current section 62 decisions can be obtained from the relevant Department of Transport and Main Roads regional office.</p> <p>AND</p>	<p>Complies with PO16 See PO16 above.</p>
	<p>AO16.4 Use of any existing vehicular access to the development is consistent with a decision under section 62 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Note: The development which is the subject of the application must be of an equivalent use and intensity for which the section 62 approval was issued and the section 62 approval must have</p>	<p>Complies with PO16 See PO16 above.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>been granted no more than 5 years prior to the lodgement of the application.</p> <p>AND</p>	
	<p>AO16.5 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road.</p>	<p>Complies with PO16 See PO16 above.</p>
<p>Vehicular access to local roads within 100 metres of an intersection with a state-controlled road</p>		
<p>PO17 The location and design of vehicular access to a local road within 100 metres of an intersection with a state-controlled road does not create a safety hazard for users of a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO17.1 Vehicular access is located as far as possible from the state-controlled road intersection.</p> <p>AND</p>	<p>Complies with AO17.1 Vehicular access to the site is located approximately 100m from the Kennedy Highway/Greenhills Road intersection</p>
	<p>AO17.2 Vehicular access is in accordance with parts, 3, 4 and 4A of the Road Planning and Design Manual, 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016.</p> <p>AND</p>	<p>Complies with AO17.2 Compliance can be conditioned.</p>
	<p>AO17.3 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in the intersection or on the state-controlled road.</p>	<p>Complies with AO17.3 Compliance can be conditioned.</p>
<p>Public passenger transport infrastructure on state-controlled roads</p>		
<p>PO18 Development does not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian or cycle access to</p>	<p>AO18.1 Vehicular access and associated road access works are not located within 5 metres of existing public passenger transport infrastructure.</p> <p>AND</p>	<p>N/A There is no mapped public passenger transport infrastructure within proximity of the site in</p>

Performance outcomes	Acceptable outcomes	Response
<p>public passenger transport infrastructure and public passenger services.</p> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>		<p>accordance with the State online DA Mapping system.</p>
	<p>AO18.2 Development does not necessitate the relocation of existing public passenger transport infrastructure.</p> <p>AND</p>	<p>N/A See AO18.1 above.</p>
	<p>AO18.3 On-site vehicle circulation is designed to 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 cycle access to public passenger transport infrastructure and public passenger services.</p> <p>AND</p>	<p>N/A See AO18.1 above.</p>
	<p>AO18.4 The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.</p>	<p>N/A See AO18.1 above.</p>
Planned upgrades		
<p>PO19 Development does not impede delivery of planned upgrades of state-controlled roads.</p>	<p>AO19.1 Development is not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.</p> <p>Note: Land required for the planned upgrade of a state-controlled road is identified in the DA mapping system.</p> <p>OR</p>	<p>N/A The site is not identified for any planned upgrades (as identified on the DA Mapping)</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AO19.2 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 a state-controlled road.</p>	<p>N/A See AO19.1 above.</p>
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO19.3 Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p>	<p>N/A See AO19.1 above.</p>
	<p>AO19.4 Vehicular access for the development is consistent with the function and design of the planned upgrade of the state-controlled road.</p> <p>AND</p>	<p>N/A See AO19.1 above.</p>
	<p>AO19.5 Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade to a state-controlled road.</p> <p>AND</p>	<p>N/A See AO19.1 above.</p>
	<p>AO19.6 Land is able to be reinstated to the pre-development condition at the completion of the use.</p>	<p>N/A See AO19.1 above.</p>
Network impacts		

Performance outcomes	Acceptable outcomes	Response
<p>PO20 Development does not result in a worsening of operating conditions on the state-controlled road network.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified traffic impact assessment is provided. Please refer to the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	No acceptable outcome is prescribed.	<p>Complies with PO20</p> <p>A Traffic Impact Assessment Report will be provided to Council/DTMR post-approval once the detailed design arrangements are confirmed, of which ensures compliance with Performance Outcome PO20.</p>
<p>PO21 Development does not impose traffic loadings on a state-controlled road which could be accommodated on the local road network.</p>	<p>AO21.1 The layout and design of the development directs traffic generated by the development to the local road network.</p>	<p>N/A</p> <p>The site does not front a local road.</p>
<p>PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.</p>	<p>AO22.1 Upgrade works required as a result of the development are designed and constructed in accordance with the <i>Road Planning and Design Manual</i>, 2nd edition, Department of Transport and Main Roads, 2016.</p> <p>Note: Road works in a state-controlled road require approval under section 33 of the <i>Transport Infrastructure Act 1994</i> before the works commence.</p>	<p>Complies with PO22</p> <p>All upgrade works will be conducted in accordance with DTMR's requirements post approval.</p>

Table 1.2.2: Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with table 2.2.2: Environmental emissions in State code 2: Development in a railway environment.

Refer to the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with the performance outcomes in Table 1.2.2.

Performance outcomes	Acceptable outcomes
Noise	
Accommodation activities	

Performance outcomes	Acceptable outcomes	
<p>PO23 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in habitable rooms.</p>	<p>AO23.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> a. ≤ 60 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am ≤ 40 dB(A)) b. ≤ 63 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am > 40 dB(A)) 2. in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017.</p> <p>If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.</p> <p>In some instances, the design of noise barriers and mounds to achieve the noise criteria above the ground floor may not be reasonable or practicable. In these instances, any relaxation of the criteria is at the discretion of the Department of Transport and Main Roads.</p>	<p>N/A The development does not involve an accommodation activity.</p>

Performance outcomes	Acceptable outcomes	
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO23.2 Buildings which include a habitable room are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	<p>N/A See AO23.1 above.</p>
	<p>AO23.3 Buildings are designed and oriented so that habitable rooms are located furthest from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	<p>N/A See AO23.1 above.</p>
	<p>AO23.4 Buildings (other than a relevant residential building or relocated building) are designed and constructed using materials which ensure that habitable rooms meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour over 24 hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>Habitable rooms of relevant residential buildings located within a transport noise corridor must comply with the Queensland Development Code MP4.4 Buildings in a transport noise corridor, Queensland Government, 2015. Transport noise corridors are mapped on the State Planning Policy interactive mapping system.</p>	<p>N/A See AO23.1 above.</p>

Performance outcomes	Acceptable outcomes	
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>AO24.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria in outdoor spaces for passive recreation: <ol style="list-style-type: none"> a. ≤ 57 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight ≤ 45 dB(A)) b. ≤ 60 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight > 45 dB(A)) 2. in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice – Volume 1 Road Traffic Noise, Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017</p> <p>OR</p>	<p>N/A See AO23.1 above.</p>
	<p>AO24.2 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p> <p>AND</p>	<p>N/A See AO23.1 above.</p>

Performance outcomes	Acceptable outcomes	
	<p>AO24.3 Each dwelling with a balcony directly exposed to noise from a state-controlled road or type 1 multi-modal corridor has a continuous solid gap-free balustrade (other than gaps required for drainage purposes to comply with the Building Code of Australia).</p>	<p>N/A See AO23.1 above.</p>
Childcare centres and educational establishments		
<p>PO25 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in indoor education areas and indoor play areas.</p>	<p>AO25.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> a. ≤ 58 dB(A) L₁₀ (1 hour) façade corrected (maximum hour during normal opening hours) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.</p>	<p>N/A The Educational Establishment component will comprise one (1) 19.2m² room within the Art Centre and will not create significant amenity impacts on-site or on surrounding and adjoining premises. Furthermore, the Art Centre will be setback approximately 70m from the State-controlled Road and noise intrusion is not anticipated to be significant enough to warrant noise intrusion requirements.</p>
	<p>OR all of the following acceptable outcomes apply:</p>	<p>N/A See AO25.1 above.</p>

Performance outcomes	Acceptable outcomes	
	<p>AO25.2 Buildings which include indoor education areas and indoor play areas are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	
	<p>AO25.3 Buildings are designed and oriented so that indoor education areas and indoor play areas are located furthest from the state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	<p>N/A See AO25.1 above.</p>
	<p>AO25.4 Buildings are designed and constructed using materials which ensure indoor education areas and indoor play areas meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p>	<p>N/A See AO25.1 above.</p>

Performance outcomes	Acceptable outcomes	
<p>PO26 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.</p>	<p>AO26.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria in each outdoor education area or outdoor play area: <ol style="list-style-type: none"> a. ≤ 63 dB(A) L_{10} (12 hour) free field (between 6am and 6pm) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>OR</p>	<p>N/A See AO25.1 above.</p>
	<p>AO26.2 Each outdoor education area and outdoor play area is shielded from noise generated from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>N/A See AO25.1 above.</p>
Hospitals		
<p>PO27 Development involving a hospital minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in patient care areas.</p>	<p>AO27.1 Hospitals are designed and constructed using materials which ensure patient care areas meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–</p>	<p>N/A The development does not involve the establishment of a hospital.</p>

Performance outcomes		Acceptable outcomes
		<p>1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p>
Vibration		
Hospitals		
<p>PO28 Development involving a hospital minimises vibration impacts from vehicles using a state-controlled road or type 1 multi-modal corridor in patient care areas.</p>	<p>AO28.1 Hospitals are designed and constructed to ensure vibration in the treatment area of a patient care area does not exceed a vibration dose value of 0.1m/s^{1.75}.</p> <p>AND</p>	<p>N/A The development does not involve the establishment of a Hospital.</p>
	<p>AO28.2 Hospitals are designed and constructed to ensure vibration in the ward area of a patient care area does not exceed a vibration dose value of 0.4m/s^{1.75}.</p> <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified vibration assessment report is provided.</p>	<p>N/A See AO28.1 above.</p>
Air and light		
<p>PO29 Development involving an accommodation activity minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>AO29.1 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>N/A The development will not involve an accommodation activity.</p>
<p>PO30 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment 	<p>AO30.1 Each outdoor education area and outdoor play area is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>N/A All outdoor education programs are undertaken off-site. The educational component on-site is wholly conducted indoors.</p>

Performance outcomes	Acceptable outcomes	
minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.		
PO31 Development involving an accommodation activity or hospital minimises lighting impacts from a state-controlled road or type 1 multi-modal corridor.	AO31.1 Buildings for an accommodation activity or hospital are designed to minimise the number of windows or transparent/translucent panels facing a state-controlled road or type 1 multi-modal corridor. OR	N/A The development does not involve an accommodation activity or hospital.
	AO31.2 Windows facing a state-controlled road or type 1 multi-modal corridor include treatments to block light from a state-controlled road or type 1 multi-modal corridor.	N/A See AO31.1 above.

Table 1.2.3: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	
PO32 Development does not impede delivery of a future state-controlled road.	AO32.1 Development is not located in a future state-controlled road. OR	N/A The site is not mapped as being located in a future State-controlled Road environment.
	AO32.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located in a future state-controlled road.	N/A See AO32.1 above.
	OR all of the following acceptable outcomes apply: AO32.3 Structures and infrastructure located in a future state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development. AND	N/A See AO32.1 above.

Performance outcomes	Acceptable outcomes	
	<p>AO32.4 Development does not involve filling and excavation of, or material changes to, a future state-controlled road.</p> <p>AND</p>	<p>N/A See AO32.1 above.</p>
	<p>AO32.5 Land is able to be reinstated to the pre-development condition at the completion of the use.</p>	<p>N/A See AO32.1 above.</p>
<p>PO33 Vehicular access to a future state-controlled road is located and designed to not create a safety hazard for users of a future state-controlled road or result in a worsening of operating conditions on a future state-controlled road.</p> <p>Note: Where a new or changed access between the premises and a future state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p>	<p>AO33.1 Development does not require new or changed access between the premises and a future state-controlled road.</p> <p>AND</p>	<p>N/A See AO32.1 above.</p>
	<p>AO33.2 Vehicular access for the development is consistent with the function and design of the future state-controlled road.</p>	<p>N/A See AO32.1 above.</p>
<p>PO34 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a future state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified geotechnical assessment is provided, prepared in accordance with the Road Planning and Design Manual, 2nd edition: Volume 3, Department of Transport and Main Roads, 2016.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	<p>No acceptable outcome is prescribed.</p>	<p>N/A See AO32.1 above.</p>

Performance outcomes	Acceptable outcomes	
<p>PO35 Fill material from a development site does not result in contamination of land for a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO35.1 Fill material is free of contaminants including acid sulfate content. Note: Soil and rocks should be tested in accordance with AS1289 – Methods of testing soils for engineering purposes and AS4133 2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p>	<p>N/A See AO32.1 above.</p>
<p>PO36 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>N/A See AO32.1 above.</p>
<p>PO37 Run-off from the development site is not unlawfully discharged to a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO37.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p>	<p>N/A See AO32.1 above.</p>
	<p>AO37.2 Stormwater run-off is discharged to a lawful point of discharge. Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division), Fourth Edition, 2016, provides further information on lawful points of discharge.</p> <p>AND</p>	<p>N/A See AO32.1 above.</p>
	<p>AO37.3 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.</p>	<p>N/A See AO32.1 above.</p>

ATTACHMENT 6:
MSC CODE ASSESSMENT



Application

- (1) This code applies to assessing development where:
 - (a) Located in the Rural Residential Zone; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

Criteria for assessment

Table 6.2.10.3 – Rural Residential Zone Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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. 	YES	Both proposed buildings that are the subject of this application are and will be, less than 8.5 metres and 2 storeys in height.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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 Rural residential zone. 	<p>AO2.1 On lots less than 2 hectares, domestic outbuildings do not exceed:</p> <ul style="list-style-type: none"> (a) 150m² in gross floor area; and (b) 5.5 metres above natural ground level. 	N/A	See AO2.2 below.
	<p>AO2.2 On lots greater than 2 hectares, domestic outbuildings do not exceed:</p> <ul style="list-style-type: none"> (a) 200m² in gross floor area; and (b) 8.5 metres above natural ground level. 	N/A	The development does not propose any domestic outbuildings.
SITING			
<p>PO3 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; (f) appearance of building bulk; and (g) relationship with road corridors. 	<p>AO3 Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State controlled Road; (b) 6 metres from a frontage to any other road; (c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone; (d) 5 metres from a boundary to an adjoining lot in the 4,000m² precinct; and (e) 3 metres from a side or rear boundary otherwise. 	ALTERNATE SOLUTION	<p>The development is unable to achieve a 40m setback to the State-controlled Road and hence, assessment against the Performance Outcome is required. The development will comply with the corresponding Performance Outcome as follows:</p> <ul style="list-style-type: none"> (a) The development will be located a minimum of approximately 150m from the nearest adjoining use with dense vegetation buffering separating adjoining premises. Hence, no adverse impacts will result from the development; (b) The Office will be located in an existing building and the Art Centre/Educations Establishment are proposed to be located within the converted Dwelling House, located approximately 100m from each other. Hence,

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			<p>we are of the view that the site and adjoining sites will continue to have access to sunlight and daylight;</p> <p>(c) As mentioned above, the Office and Art Centre/Educational Establishment will be located approximately 100m from each other and approximately 150m from the nearest adjoining premise. Hence no impacts on overlooking or privacy will occur;</p> <p>(d) Casual surveillance will be provided on-site; however, given the topography of the site, casual surveillance is unable to be afforded to the adjoining public spaces (road reserve);</p> <p>(e) The conversion of the existing dwelling into the Art Centre/Educational Establishment has been designed to allow greater air circulation and access to natural breezes through the use of outdoor decking, shade sails and windows over and above what was existing as a result of the Dwelling House;</p> <p>(f) All buildings on-site are single storey and will be completely screened from view from the road. Hence, we do not envision building bulk to be an issue; and</p> <p>(g) The development will involve the upgrade to the State-controlled Road (Kennedy Highway) to ensure that the traffic generated by the development can be suitably accommodated. Hence, we are of the view that the relationship with the road corridor will be suitable.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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 of 1 dwelling or accommodation unit per lot.</p>	N/A	<p>The development does not involve any accommodation activities.</p>
FOR ASSESSABLE DEVELOPMENT			
SITE COVER			
<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 No acceptable outcome is provided.</p>	YES	<p>The development will comply as follows:</p> <ul style="list-style-type: none"> (a) The proposal makes efficient use of the large land parcel through a variety of different uses while also allowing significant room for future uses to be established; (b) The site originally contained two (2) dwelling houses with additional, ancillary facilities (i.e., sheds, greenhouses, etc.) and the proposed development involves the conversion of one of these dwelling houses. While this conversion will slightly increase the size of the existing dwelling, it is not considered to be of a size that is inconsistent with the bulk and scale of surrounding buildings; and

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			<p>(c) As mentioned above, the only building works involve the conversion of one of the dwellings into an Art Centre and will not involve any vegetation clearing or works that may alter any natural features.</p>
BUILDING DESIGN			
<p>PO6</p> <p>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</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The only building works are proposed to the southern dwelling to convert it into the Art Centre and the development will comply with the corresponding Performance Outcome as follows:</p> <ul style="list-style-type: none"> (a) The development will incorporate vertical poles, outdoor decking and shade sails which is considered to increase visual interest and architectural variation; (b) The conversion will enhance the character of the surrounds through modernising the design and incorporating outdoor decking and shade sails to encourage natural ventilation and circulation; (c) The outdoor decking area will activate the building and provide additional opportunities for casual surveillance; (d) All aspects of the design have been built to a human scale to encourage and promote social interaction; and (e) The proposed decking and ancillary café will encourage the occupation of outdoor space.
<p>PO7</p>	<p>AO7</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The development complies with the corresponding Performance Outcome as follows:</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>Development complements and integrates with the established built character of the Rural 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. 			<ul style="list-style-type: none"> (a) The roof form and pitch will generally remain the same as the existing dwelling house, with a portion proposed to be removed to facilitate the outdoor decking and shade sails. This existing roof pitch and form is considered to integrate with the established built character of the Rural residential zone; (b) Eaves and awning are as above. The majority of these will be existing with some minor alterations incorporated to facilitate the outdoor decking and shade sails. Hence, this minor alteration is not considered to be inconsistent with the Rural residential zone; (c) Council can condition compliance if necessary; and (d) Please refer to the Design Plans provided in Attachment 2. Council can condition compliance if necessary.
NON-RESIDENTIAL DEVELOPMENT			
<p>PO8</p> <p>Non-residential development:</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) does not impact on the orderly provision of non-residential development in other locations in the shire; and (d) directly supports the day to day needs of the immediate residential community; or 	<p>AO8</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The Corporation Office will comply with the corresponding Performance Outcome as it is wholly contained within the existing dwelling house on-site. The proposed art centre will also comply as follows:</p> <ul style="list-style-type: none"> (a) The Art centre is proposed within an existing dwelling, of which is proposed to be converted with extended decking and shade sails to promote social interaction and natural breeze and ventilation. Hence, the increases in scale being proposed are very minor in nature and will not detrimentally impact upon

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(e) has a direct relationship to the land on which the use is proposed.</p>			<p>the existing scale of the existing development on site;</p> <p>(b) The site has been operating for a number of years with no complaints received by Council which leads us to believe that the separation distances and dense vegetation buffering minimises/avoids any potential amenity impacts that the development may present to nearby residential uses;</p> <p>(c) The development is considered to be minor in nature as the only real construction works involve the conversion of the existing dwelling house into an art centre. Hence we believe that the development would not impact on the orderly provision of non-residential development in other locations as the development is wholly contained on-site and is able to manage all potential impacts on-site;</p> <p>(d) See (e) below;</p> <p>(e) It is acknowledged that the proposed uses may not meet the day to day needs of the residential catchment. However, the site forms a significant holding of the Djabugay Tribal Aboriginal Corporation and the proposed Art Centre and ancillary facilities have a direct link to the land and the traditional owners. Hence, we are of the view that given the above, in addition to the fact that these uses are able to be suitably managed on-site, that the development is able to comply with this performance outcome.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
AMENITY			
<p>PO9</p> <p>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</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>See Section 7.2 of the Planning Report for commentary on this matter.</p>
<p>PO10</p> <p>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</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>See AO9.1 above.</p>

Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development is affected by a constraint category identified on the **Environmental significance Overlay Maps (OM-004a-z)**; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

Note: Biodiversity and Water Quality are appropriately reflected in Overlay Map 4 and are required to be mapped by State Government in response to Environment and Heritage State Interests.

Criteria for assessment

Table 8.2.4.3A – Environmental Significance Overlay Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
REGULATED VEGETATION			
<p>PO1</p> <p>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><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>AO1.1</p> <p>No clearing of native vegetation is undertaken within areas of ‘Regulated vegetation’ identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>N/A</p>	<p>The development will not involve any vegetation clearing.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p> <p>PO2</p> <p>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 quality, hydrology, geomorphology and biophysical processes; (b) does not negatively impact the movement of wildlife at a local or regional scale; and (c) avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified environmental values. <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p> <p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p>	<p>AO2.1</p> <p>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>YES</p>	<p>No development works or development areas will be located within 20m of mapped Regulated Vegetation.</p>
REGULATED VEGETATION INTERSECTING A WATERCOURSE			
<p>PO3</p> <p>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</p>	<p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO3.1</p> <p>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>YES</p>	<p>The development will be setback more than 100m from the identified waterway.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p> <p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p>	<p>AO3.2</p> <p>No clearing of native vegetation is undertaken within the minimum setback identified at AO3.1.</p>	<p>N/A</p>	<p>No vegetation removal is proposed as part of the development.</p>
WATERWAYS AND WETLANDS			
<p>PO4</p> <p>'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 	<p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO4.1</p> <p>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>N/A</p>	<p>The development is not located within a waterway buffer area.</p>
	<p>Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.2</p> <p>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>N/A</p>	<p>The site does not contain, nor is it within proximity to, a wetland.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></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) AO4.3</p> <p>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><i>Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a ‘Waterway’ or ‘High ecological significance wetland’ are mitigated in accordance with PO3 through appropriate stormwater management / treatment (where possible).</i></p>	<p>N/A</p>	<p>The development is not located within a waterway buffer area or a high ecological significance wetland buffer area.</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) AO4.4</p> <p>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><i>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).</i></p>	<p>N/A</p>	<p>See AO4.3 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
WILDLIFE HABITAT			
<p>PO5</p> <p>Development within a 'Wildlife habitat' area identified on the Environmental Significance Overlay Maps (OM-004a-o):</p> <ul style="list-style-type: none"> (a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance; (b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site; (c) maintains or enhances wildlife interconnectivity at a local and regional scale; and (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><i>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.</i></p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>AO5.1</p> <p>No acceptable outcome is provided</p>	<p>N/A</p>	<p>The site does not contain a wildlife habitat area.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
LEGALLY SECURED OFFSET AREAS			
<p>PO6</p> <p>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>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>A06.1</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The site does not contain any legally secured offset areas.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PROTECTED AREAS			
<p>PO7</p> <p>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><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>A07.1</p> <p>No acceptable outcome is provided</p>	<p>N/A</p>	<p>The site does not contain any Protected Areas.</p>
ECOLOGICAL CORRIDORS AND HABITAT LINKAGES			
<p>PO8</p> <p>Development located:</p> <ul style="list-style-type: none"> a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and b) within an 'Ecological corridor' or a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o) 	<p>A08</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The development proposes to generally utilise existing buildings on the site, of which are in already cleared areas. The development will also not involve any vegetation clearing and as a result, will not compromise the habitat connectivity or ecological corridors on the site.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <ul style="list-style-type: none"> a) the environmental values of the area of the site identified in the 'Ecological corridor' or 'Habitat linkage'; b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage'; c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography; 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 e) the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity. <p><i>Note – A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</i></p>			

Application

- (1) This code applies to assessing development where:
 - (a) Land the subject of development is affected by constraint category identified on the **Scenic amenity overlay maps (OM-010a-b)**; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

Criteria for assessment

Table 8.2.11.3 – Scenic amenity overlay code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
For accepted development subject to requirements and assessable development			
<p>Where adjoining a Local scenic route</p> <p>PO1 'Local scenic routes' identified on Scenic amenity overlay map (OM-011b) are maintained and enhanced to:</p> <ul style="list-style-type: none"> (a) achieve a high level of amenity when viewed from the street; (b) contribute to the development of natural features within the streetscape; and (c) compliment the character of the local area. 	<p>AO1.1 Development with frontage to a 'Local scenic route' identified on Scenic amenity overlay map (OM-011b) retains existing mature native vegetation within 3 metres of the site frontage</p>	YES	The existing vegetation on-site is proposed to remain and no vegetation removal works are proposed.
	<p>AO1.2 Development, other than for a Dwelling house, with frontage to a 'Local scenic route' identified on Scenic amenity overlay map (OM-011b):</p> <ul style="list-style-type: none"> (a) provides a landscaped strip that: <ul style="list-style-type: none"> (i) is a minimum of 3 metres; and (ii) contains species which comply with the relevant acceptable outcomes of the Landscaping code and any applicable local plan code; and (b) does not involve a freestanding permanent advertising device. 	ALTERNATIVE SOLUTION SOUGHT	The site is already heavily vegetated and this existing vegetation establishes a high level of amenity and attractive streetscape when viewed from the Kennedy Highway. The development will also only involve minor changes to the existing structures on the site, none of which are or will be visible from the Kennedy Highway. As a result, we would find it unreasonable to require the incorporation of additional landscaping in this instance.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
For assessable development			
<p>Iconic landscape features</p> <p>PO 2 The visibility of the 'Chillagoe Smelters iconic landscape feature' and the 'Mount Mulligan iconic landscape feature' identified on Scenic amenity overlay map (OM-011a) are not compromised by buildings or structures located within the:</p> <p>(a) 'Chillagoe Smelters iconic landscape feature'; or (b) 'Chillagoe Smelters 500 metre buffer'; or (c) 'Mount Mulligan iconic landscape feature'; or (d) 'Mount Mulligan 12 kilometre buffer'.</p>	<p>AO2 No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The site does not present visibility to any of these features.</p>
<p>Where within the Shire scenic route 500 metre buffer</p> <p>PO 3 'Shire scenic routes' identified on Scenic amenity overlay map (OM-011b) are maintained and enhanced:</p> <p>(a) to contribute to the rural landscape character of the shire; (b) to promote the appreciation of the natural environment; (c) through the sensitive location and design of land uses, buildings and structures; and (d) through the retention and enhancement of the attributes or values which give rise to the attractiveness of the subject site.</p>	<p>AO3 No acceptable outcome is provided.</p>	<p>YES</p>	<p>The site is heavily vegetated. The development will also only involve minor changes to the existing structures on the site, none of which are or will be visible from the Kennedy Highway. As a result, the development will not detract from the existing scenic amenity values present on the site which in turn, will ensure complicate with the Performance Outcome is achieved.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>If for Extractive industry or Telecommunications facility</p> <p>PO 4 The Extractive industry or Telecommunications facility is not visible from a 'Local scenic route' or a 'Shire scenic route' identified on Scenic amenity overlay map (OM-011b).</p>	<p>AO4 No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The development does not involve extractive industry or telecommunications facilities.</p>

Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development adjoins a rail corridor identified on the **Transport Infrastructure Overlay Maps (OM-012a-j)**; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note: State transport infrastructure is appropriately reflected in Overlay Map 12 and is required to be mapped by State Government in response to Infrastructure State Interests.

*Note: The Transport infrastructure overlay includes mapped Transport Noise Corridors in accordance with section 246ZA of the Building Act. These corridors are mapped on **Transport infrastructure overlay maps (OM-012i-s)** for information purposes only. Development on land within a mapped corridor is not subject to any specific provisions under this planning scheme. The Queensland Development Code should be consulted in this respect.*

Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
<p>PO1 Development does prejudice the:</p> <ul style="list-style-type: none"> (a) ongoing operation of an active 'Rail corridor' identified on the Transport infrastructure overlay maps (OM012a-j); or (b) the potential future use of an inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j). 	<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> <ul style="list-style-type: none"> (a) 40 metres where: <ul style="list-style-type: none"> (i) in the Rural zone; and (ii) on a site with an area of 2 hectares or greater; or (b) 5 metres otherwise. 	N/A	The site does not contain, nor is it within proximity to, an active or inactive 'rail corridor'.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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>N/A</p>	<p>See AO1.1 above.</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> <ul style="list-style-type: none"> (a) provide visual interest; (b) screen or enhance areas of limited visual interest; and (c) complement and enhance the character of the shire. 	<p>AO3 No acceptable outcome is provided</p>	<p>N/A</p>	<p>See AO1.1 above.</p>

Application

- (1) This code applies to assessing development where:
 - (a) Involving Commercial activities; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Criteria for assessment

Table 9.3.2.3A – Commercial activities code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
<p>PO1</p> <p>Buildings are finished with high quality materials, selected for their durability and contribution to the character of the area.</p>	<p>AO1.1</p> <p>Buildings design does not incorporate:</p> <ul style="list-style-type: none"> (a) Highly reflective materials such as high performance glass or untreated galvanised metals; or (b) Unrelieved, unpainted, or un-rendered finishes; or (c) Unarticulated concrete finishes; or (d) Unarticulated cladding systems; or (e) Fluorescent or iridescent paints; or (f) Use of a single colour or surface treatment 	N/A	The Commercial Activity (Corporation Office) is proposed within the existing dwelling house. And no changes to this existing structure are proposed.
IF FOR SALES OFFICE			
<p>PO2</p> <p>A Sales Office is compatible with the built form, character, and amenity of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) Duration of use; (b) Size and scale; (c) Intensity and nature of use; 	<p>AO2.1</p> <p>The Sales Office is limited in its duration to a period of not greater than:</p> <ul style="list-style-type: none"> (a) 2 years, where involving selling or displaying land or buildings (including a dwelling house, multiple dwelling, commercial or industrial buildings); or 	N/A	The development will not involve a Sales Office.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(d) Number of employees; and (e) Hours of operation.	(b) 6 months, where involving land or buildings that can be won as a prize.		
	AO2.2 The Sales Office does not exceed 100m2 gross floor area. <i>Note: The Sales Office may be located within part of a Dwelling House, Dual Occupancy, or Multiple Dwelling for sale or that can be won as a prize.</i>	N/A	See AO2.1 above.
	AO2.3 No more than 3 employees work within the Sales Office at any one time.	N/A	See AO2.1 above.
	AO2.4 The Sales Office does not operate outside of the hours of 8:00am to 6:00pm.	N/A	See AO2.1 above.
PO3 A Sales Office is located to be accessible to visitors.	AO3 The Sales Office is established at the entrance to: <ul style="list-style-type: none"> (a) The estate or stage of the estate where involving multiple properties or dwellings; or (b) The building or land where involving a single property or dwelling. 	N/A	See AO2.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
VISUAL AMENITY AND CHARACTER			
<p>PO4</p> <p>Commercial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of:</p> <ul style="list-style-type: none"> (a) Air conditioning; (b) Refrigeration plant; (c) Mechanical plant; and (d) Refuse bin storage areas. 	<p>AO4</p> <p>No acceptable outcome is provided.</p>	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>All plant and equipment for the Commercial Activity (Corporation Office) is existing and not proposed to be moved. Furthermore, the Corporation Office is not open to the general public and provides support to the three (3) Tribal Aboriginal Corporations as well as the Art Centre and does not service the public. Furthermore, the Corporation Office is setback approximately 120m from the front boundary and is not visible from the Kennedy Highway ensuring the entire building is screened from view.</p>
LOCATION AND SIZE			
<p>PO5</p> <p>Commercial activities are located and designed:</p> <ul style="list-style-type: none"> (a) To be commensurate to the scale and nature of the land uses located and intended to be located in the immediate vicinity; and (b) Consistent with the intent of the activity centre hierarchy for Mareeba Shire. 	<p>AO5</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The Commercial Activity (Corporation Office) being proposed will comply with the corresponding Performance Outcome as follows:</p> <ul style="list-style-type: none"> (a) The Corporation Office is located within an existing Dwelling House that was internally converted to accommodate an Office. Hence, the scale and nature of the use remains consistent with that similar of a dwelling house; and (b) Given the minor nature of the Corporation Office, being to manage and administer the three (3) Aboriginal Corporations while offering no public interaction, we are of the view that the Corporation Office would not

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			have any adverse impacts on the activity centre hierarchy for Mareeba Shire.
IF FOR SERVICE STATION OR CAR WASH			
<p>PO6</p> <p>The site is of a suitable size, shape, and configuration to accommodate all aspects of the use, such as:</p> <ul style="list-style-type: none"> (a) The building(s) and associated storage areas; (b) Any ancillary activities; (c) Fuel delivery and service vehicles; (d) Vehicle access and onsite manoeuvrability; and (e) Landscaping. 	<p>AO6.1</p> <p>The site has a:</p> <ul style="list-style-type: none"> (a) Minimum area of 1,500m²; and (b) Minimum frontage of: <ul style="list-style-type: none"> (i) 30 metres to each road where the site is a corner site; or (ii) 40 metres otherwise. 	N/A	The development will not involve a Service Station or Car Wash.
	<p>AO6.2</p> <p>Bulk fuel storage tanks are situated on the site no closer than 8 metres to any road frontage.</p>	N/A	See AO6.1 above.
	<p>AO6.3</p> <p>Bulk fuel storage tanks are situated on the site:</p> <ul style="list-style-type: none"> (a) So that delivery trucks are standing wholly within the site when discharging fuel into the tanks; and (b) Ensuring that the movements of other vehicles is not restricted when fuel delivery occurs. 	N/A	See AO6.1 above.
	<p>AO6.4</p> <p>Fuel pumps, car wash bays, and facilities including air and water points are:</p> <ul style="list-style-type: none"> (a) Orientated to minimise vehicle conflicts associated with manoeuvring on site; and 	N/A	See AO6.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(b) Located so that vehicles using or waiting to use the facilities are standing wholly within the site and in locations which do not restrict the movement of other vehicles on the site		
<p>PO7</p> <p>The use must provide for the collection, treatment, and disposal of all solid liquid wastes such that:</p> <ul style="list-style-type: none"> (a) The off-site release of contaminates does not occur; and (b) There are no significant adverse impacts on the quality of surface water or ground water resources. 	<p>AO7</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>See AO6.1 above.</p>

Application

- (1) This code applies to assessing development where:
 - (a) Involving Community activities; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Criteria for assessment

Table 9.3.3.3 – Community activities code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
AMENITY AND PRIVACY			
<p>PO1</p> <p>Community Activities are appropriately located and designed to avoid adverse impacts on sensitive uses related to:</p> <ul style="list-style-type: none"> (a) Noise; (b) Lighting; and (c) Overlooking. <p>Note: These provisions apply to any adjoining sensitive use, both on an adjoining site and on the same site as the Community activity.</p>	<p>AO1.1</p> <p>Along any common boundary with a sensitive land use, development incorporates:</p> <ul style="list-style-type: none"> (a) A 1.8 metre high solid screen fence; and (b) Screening to windows which: <ul style="list-style-type: none"> i. Face the boundary; ii. Have a sill height less than 1.5 metres; and iii. Are not wholly screened by the boundary fence. 	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>The site adjoins several rural residential allotments to the south and west. However, given the extensive, dense vegetation buffering provided along the southern and western boundaries, fencing would not provide any additional screening and hence, to require any new fencing for screening/privacy reasons would be an unreasonable imposition on the development.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE			
<p>PO2</p> <p>Development is located on a site that is capable of accommodating:</p> <ul style="list-style-type: none"> (a) All facilities necessary for the use; (b) Required landscaping and buffering; and (c) Appropriately designed access, manoeuvring and parking areas. 	<p>AO2.1</p> <p>The development is located on a site with a minimum:</p> <ul style="list-style-type: none"> (a) Site area of 800m²; (b) Road frontage of 20 metres; and (c) Road reserve width of 20 metres. 	YES	<p>The Educational Establishment is proposed within a room of the Art Centre and is located on a site that complies with the corresponding requirements.</p>
<p>PO3</p> <p>The design of the development does not result in any safety hazard for children or other users of the facility.</p>	<p>AO3</p> <p>A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:</p> <ul style="list-style-type: none"> (a) Vehicle manoeuvring and parking areas; (b) Refuse storage and servicing areas; and (c) Air conditioning, refrigeration plant and mechanical plant. 	ALTERNATIVE SOLUTION SOUGHT	<p>The Educational Establishment use is intended for adults who are partaking in the Ranger Base Program OR adult art students interested in learning the traditional aboriginal art techniques. Hence, we are of the view that there is no need to provide fencing around the corresponding identified areas.</p>
FOR ASSESSABLE DEVELOPMENT			
LOCATION			
<p>PO4</p> <p>Development is compatible with the amenity of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) The location and type of vehicular access and parking; (b) Hours of operation; 	<p>AO4</p> <p>No acceptable outcome is provided.</p>	YES	<p>See section 7.2 of the Planning Report for commentary addressing the developments compliance with the Performance Outcome.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> (c) Waste storage and collection; (d) Advertising devices and signage; (e) Visual amenity; (f) Privacy; and (g) Noise, odour and dust emissions. 			
<p>PO5</p> <p>Community activities are highly accessible to the community they serve and are located to encourage multi-purpose trips.</p>	<p>AO5.1</p> <p>Community activities are not located in a cul-de sac.</p>	YES	The site is not located in a cul-de-sac.
	<p>AO5.2</p> <p>Development is located:</p> <ul style="list-style-type: none"> (a) Within 800 metres walking distance of the Centre zone; or (b) Within 400 metres walking distance of a public transport stop; or (c) Provided with a connection to the pedestrian and cycle network. 	YES	The site is located directly adjacent to a bus stop which ensures compliance with acceptable outcome (b).
AMENITY AND PRIVACY			
<p>PO6</p> <p>Community activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening:</p> <ul style="list-style-type: none"> (a) Air conditioning; (b) Refrigeration plant; (c) Mechanical plant; and (d) Refuse bin storage areas. 	<p>AO6.1</p> <p>No acceptable outcome is provided.</p>	YES	All buildings/structures/plant/equipment associated with the Community Activity (Arts Centre and Educational Establishment) will be screened from view of the Kennedy Highway and adjacent premises. Compliance can also be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE			
<p>PO7 Educational Establishments and Child care centres:</p> <ul style="list-style-type: none"> (a) Do not detrimentally impact on the amenity or operations of surrounding land uses; and (b) Have suitable separation distances and buffering from sensitive uses. 	<p>A07 No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The Educational Establishment is proposed within one (1) single room of the Art Centre and will not create any further amenity impacts over and above what is anticipated as a result of the Art Centre. Significant separation distances are provided for all aspects of development included within this proposal.</p>

Application

This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the Planning Scheme.

Criteria for assessment

Table 9.4.3.3A – Parking and Access Code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
CAR PARKING SPACES			
<p>PO1</p> <p>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</p> <p>The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.</p> <p><i>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</i></p>	<p>YES & ALTERNATIVE SOLUTION</p>	<p>Please refer to Section 7.3 of the Planning Report for commentary on this matter.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
VEHICLE CROSSOVERS			
<p>PO2</p> <p>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</p> <p>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>	N/A	The site does not abut a Council road.
	<p>AO2.2</p> <p>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. 	N/A	The site does not front two (2) roads.
	<p>AO2.3</p> <p>Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E.</p>	N/A	See AO2.1 above (access will be provided in accordance with DTMR requirements).
<p>PO3</p> <p>Access, maneuvering 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>AO3.1</p> <p>Access, maneuvering and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C.</p>	YES AND ALTERNATIVE SOLUTION SOUGHT	<p>The development will ensure that access, manoeuvring and car parking areas for the Art Centre include one of the forms of materials outlined in Table 9.4.3.3.C of this code.</p> <p>As the Corporation Office and Educational Establishment are existing and are proposed to generally continue operating under the existing arrangements, combined with the significant separation distances between the development and adjoining rural residential allotments, it is proposed to</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			ensure that manoeuvring and car parking areas (overflow areas) meet the Rural standard requirements of the Code which include compacted gravel and/or other similar forms of material i.e., road base to ensure compliance with Table 9.4.3.3C
FOR ASSESSABLE DEVELOPMENT			
PARKING AREA LOCATION AND DESIGN			
<p>PO4</p> <p>Car parking areas are located and designed to:</p> <p>(a) ensure safety and efficiency in operation; and</p> <p>(b) be consistent with the character of the surrounding locality.</p>	<p>AO4.1</p> <p>Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.</p>	YES	All car parking spaces will comply with AS/NZS 2890:1 (compliance can also be conditioned if considered necessary).
	<p>AO4.2</p> <p>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>	YES	If required, one (1) disabled access car parking space will be provided to ensure compliance with AS/NZS 2890:6.
	<p>AO4.3</p> <p>The car parking area includes designated pedestrian routes that provide connections to building entrances.</p>	ALTERNATIVE SOLUTION SOUGHT	All formal car parking spaces will be located directly adjacent to the Art Centre. Due to the close proximity, no pedestrian routes are considered necessary in this instance.
	<p>AO4.4</p> <p>Parking and any set down areas are:</p> <p>(a) wholly contained within the site;</p> <p>(b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone;</p>	YES	<p>The development will comply with the corresponding Acceptable Outcomes as follows:</p> <p>(a) All proposed activities are able to be wholly contained on-site;</p> <p>(b) Given the topography of the land, it is impossible for the parking and set down</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>(c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and</p> <p>(d) provided at the side or rear of a building in all other instances.</p>		<p>areas to be visible from the street. These areas will however, be located towards the front boundary of the site;</p> <p>(c) The proposed formal car parking spaces will be provided slightly in front of the proposed Art Centre on the other side of the access driveway while the overflow parking areas will be located behind the Art Centre main building;</p> <p>(d) The car parking spaces will be generally provided to the side of the Art Centre and behind the Art Centre, although in front of the Corporation Office. Given the size of the site, in addition to the fact that the Office and Educational Establishment are existing, we are of the view that the proposed parking arrangements are suitable.</p>
SITE ACCESS AND MANOEUVRING			
<p>PO5</p> <p>Access to, and manoeuvring within, the site is designed and located to:</p> <p>(a) ensure the safety and efficiency of the external road network;</p> <p>(b) ensure the safety of pedestrians;</p> <p>(c) provide a functional and convenient layout; and</p> <p>(d) accommodate all vehicles intended to use the site.</p>	<p>AO5.1</p> <p>Access and manoeuvrability is in accordance with:</p> <p>(a) AS28901 – Car Parking Facilities (Off Street Parking); and</p> <p>(b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities.</p> <p><i>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</i></p>	<p>YES</p>	<p>Due to the size of the site, there will be more than ample room for manoeuvring and hence, compliance with the listed standards is not considered necessary in this instance. Compliance can, however, condition compliance if considered necessary.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO5.2</p> <p>Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTRROADS.</p>	YES	Vehicular sight distance will be assessed by the Department of Transport and Main Roads in their referral response.
	<p>AO5.3</p> <p>Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p>	YES	All vehicles will be able to enter and exit the site in a forward gear.
	<p>AO5.4</p> <p>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). 	N/A	Given the location of the site on a busy highway, it is not anticipated that people will be cycling to the site and will instead seek to utilise private vehicles and tour buses. Hence, we are of the view that this is not applicable in this instance.
<p>PO6</p> <p>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; 	<p>AO6.1</p> <p>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. 	N/A	The development will not involve a Tourist Park.
	<p>AO6.2</p> <p>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. 	N/A	See AO6.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(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.	AO6.3 Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.	YES	See AO3.1 above
	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.	N/A	Compliance can be conditioned if necessary.
	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.	YES	Internal road lighting will be provided as required (compliance can also be conditioned if considered necessary).
	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.	N/A	The development will 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.	N/A	The development does not involve either of the listed uses.
SERVICING			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO7</p> <p>Development provides access, maneuvering and servicing areas on site that:</p> <ul style="list-style-type: none"> (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. 	<p>AO7.1</p> <p>All unloading, loading, service and waste disposal areas are located:</p> <ul style="list-style-type: none"> (a) on the site; (b) to the side or rear of the building, behind the main building line; (c) not adjacent to a site boundary where the adjoining property is used for a sensitive use. 	<p>YES</p>	<p>The site provides ample room for unloading, loading service and waste disposal areas entirely on-site (compliance can also be conditioned if considered necessary).</p>
	<p>AO7.2</p> <p>Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.</p>	<p>YES</p>	<p>All vehicles will be able to enter and exit the site in a forward gear.</p>
	<p>AO7.3</p> <p>Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B.</p>	<p>YES</p>	<p>The site and development will be able to accommodate Mini-buses, of which will be the largest size vehicles entering and exiting the site. This ensures compliance with the Performance Outcome.</p>
MAINTENANCE			
<p>PO8</p> <p>Parking areas are used and maintained for their intended purpose.</p>	<p>AO8.1</p> <p>Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.</p>	<p>N/A</p>	<p>Compliance can be conditioned.</p>
	<p>AO8.2</p> <p>All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.</p>	<p>N/A</p>	<p>See AO8.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
END OF TRIP FACILITIES			
<p>PO9</p> <p>Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:</p> <ul style="list-style-type: none"> (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. 	<p>AO9.1</p> <p>The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D.</p> <hr/> <p>AO9.2</p> <p>End of trip facilities are provided in accordance with Table 9.4.3.3D.</p>	<p>N/A</p> <hr/> <p>N/A</p>	<p>As per AO5.4 above, it is not anticipated that people will be cycling to the site given it's location on a busy highway. It is more likely that people will utilise private vehicles or tour buses. Hence, no bicycle parking spaces are proposed in this instance. Regardless, there is ample room on-site to store bicycles in the event that people do cycle to the site.</p> <hr/> <p>The Corporation Office and Education Establishment have been operating for a number of years and it is not proposed to incorporate end of trip facilities for these uses. The Art Centre is not considered to be of a suitable nature that would require end of trip facilities to be provided.</p>
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.			
<p>P10</p> <p>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>AO10.1</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (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. 	<p>N/A</p>	<p>The Educational Establishment component will not involve more than 100 vehicle movements a day.</p>
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 MEASURES	COMPLIES	COMMENT
<p>PO11</p> <p>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>AO11.1</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (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. 	<p>N/A</p>	<p>See AO10.1 above.</p>

Application

This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the Planning Scheme.

Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
WATER SUPPLY			
<p>PO1</p> <p>Each lot has an adequate volume and supply of 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>AO1.1</p> <p>Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated water supply service area. 	<p>N/A</p>	<p>See AO1.2 below.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO1.2</p> <p>Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with:</p> <ul style="list-style-type: none"> (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. 	<p>YES & N/A</p>	<p>The Art Centre and Educational Establishment are proposed to connect to Council’s reticulated water infrastructure that traverses the site’s frontage while the existing Corporation Office will continue to utilise the on-site water tanks</p>
WASTEWATER DISPOSAL			
<p>PO2</p> <p>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</p> <p>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>N/A</p>	<p>See AO2.2 below.</p>
	<p>AO2.2</p> <p>An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater</p>	<p>YES</p>	<p>Each building and structure on-site is serviced by an on-site toilet block trench system. The development is proposed to connect to this existing system and investigations will be undertaken to determine whether or not upgrades to this existing system will</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>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. 		be required to facilitate the increased demand of the development.
STORMWATER INFRASTRUCTURE			
<p>PO3</p> <p>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</p> <p>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>	N/A	See AO3.2 below.
	<p>AO3.2</p> <p>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. 	YES	Stormwater from the development will continue to be collected and discharged to a lawful point of discharge under the existing on-site arrangements. Specifics will be provided within the Stormwater and Flood Report, post-approval as per DTMR's requirements.
ELECTRICITY SUPPLY			
<p>PO4</p> <p>Each lot is provided with an adequate supply of electricity</p>	<p>AO4</p> <p>The premises:</p> <ul style="list-style-type: none"> (a) is connected to the electricity supply network; or 	YES	The site is already connected to electricity and telecommunications infrastructure and the proposed development will continue to utilise these existing arrangements.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>(b) has arranged a connection to the transmission grid; or</p> <p>(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:</p> <p>(i) it is approved by the relevant regulatory authority; and</p> <p>(ii) it can be demonstrated that no air or noise emissions; and</p> <p>(iii) it can be demonstrated that no adverse impact on visual amenity will occur.</p>		
TELECOMMUNICATIONS INFRASTRUCTURE			
<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>	YES	See AO4.1 above.
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>	N/A	No public utility mains will need to be relocated, altered or repaired.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
EXCAVATION OR FILLING			
<p>PO7</p> <p>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</p> <p>Excavation or filling does not occur within 1.5 metres of any site boundary.</p>	N/A	The development will not involve any excavation or filling.
	<p>AO7.2</p> <p>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>	N/A	See AO7.1 above.
	<p>AO7.3</p> <p>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. 	N/A	See AO7.1 above.
	<p>AO7.4</p> <p>Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <ul style="list-style-type: none"> (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation. 	N/A	See AO7.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>A07.5</p> <p>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>	N/A	See AO7.1 above.
	<p>A07.6</p> <p>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>	N/A	See AO7.1 above.
	<p>A07.7</p> <p>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>	N/A	See AO7.1 above.
FOR ASSESSABLE DEVELOPMENT			
TRANSPORT NETWORK			
<p>PO8</p> <p>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>A08.1</p> <p>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</p>	N/A	The site fronts a State-controlled Road and any requirements will be assessed and conditioned by DTMR during their assessment.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	Scheme Policy 4 – FNQROC Regional Development manual.		
	<p>AO8.2</p> <p>Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.</p>	N/A	See AO8.1 above.
PUBLIC INFRASTRUCTURE			
<p>PO9</p> <p>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</p> <p>Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	N/A	The development will not involve public infrastructure.
STORMWATER QUALITY			
<p>PO10</p> <p>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; 	<p>AO10.1</p> <p>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 	YES	<p>No stormwater quality measures are proposed for the Operational phase of the development. Compliance can be conditioned for the construction/conversion of the existing dwelling into the Art Centre if required.</p> <p>An Erosion and Sediment Control Plan will be provided to Council prior to construction.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety.	Control Guidelines (Institute of Engineers Australia), including: (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes.		
	<p>AO10.2</p> <p>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> <p>(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;</p> <p>(b) is consistent with any local area stormwater water management planning;</p> <p>(c) accounts for development type, construction phase, local climatic conditions and design objectives; and</p> <p>(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>	<p>N/A</p>	<p>The development will not result in the creation of more than 5 lots or more than 5 dwellings or accommodation units.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO11</p> <p>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</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>No stormwater detention or retention basins are proposed.</p>
EXCAVATION OR FILLING			
<p>PO12</p> <p>Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p>AO12.1</p> <p>Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	<p>N/A</p>	<p>The development will not involve excavation or filling.</p>
	<p>AO12.2</p> <p>Transportation of fill to or from the site does not occur:</p> <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. 	<p>N/A</p>	<p>See AO12.1 above.</p>
<p>PO13</p>	<p>AO13.1</p> <p>Dust emissions do not extend beyond the boundary of the site.</p>	<p>N/A</p>	<p>See AO12.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	AO13.2 No other air pollutants, including odours, are detectable at the boundary of the site.	N/A	See AO12.1 above.
	AO13.3 A management plan for control of dust and air pollutants is prepared and implemented.	N/A	See AO12.1 above.
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.	N/A	See AO12.1 above.
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.	YES	Compliance can be conditioned.
CONTAMINATED LAND			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO16</p> <p>Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants</p>	<p>AO16</p> <p>Development is located where:</p> <ul style="list-style-type: none"> (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. 	<p>N/A</p>	<p>To the best of Urban Sync’s knowledge, the site is not located on the contaminated land register.</p>
<p>FIRE SERVICES IN DEVELOPMENTS ACCESSED BY COMMON PRIVATE TITLE</p>			
<p>PO17</p> <p>Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO17.1</p> <p>Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of:</p> <ul style="list-style-type: none"> (a) 120 metres for residential development; and (b) 90 metres for any other development. 	<p>N/A</p>	<p>The development will not involve common private title.</p>
	<p>AO17.2</p> <p>Fire hydrants are located at all intersections of accessways or private roads held in common private title.</p>	<p>N/A</p>	<p>See AO17.1 above.</p>