

Our ref: PR149950-2/OLD/SD/L80789

Date: 12 October 2021

135 Abbott Street
Cairns QLD 4870
T +61 7 4031 1336

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

Attn: Mr Brian Millard

Dear Brian,

RE: Application for Development Permit for Reconfiguration of a Lot (1 lot into 2 Lots) over land located at 27 Barron Falls Road, Kuranda, more formally described as Lot 1 on RP726343

RPS Australia East Pty Ltd confirms that we act on behalf of Russell Napier (the 'applicant') in relation to the preparation and lodgement of the abovementioned development application.

This application seeks Development Approval for Reconfiguration of a Lot (1 Lot into 2 Lots) in order to subdivide Lot 1 on RP726343 in order to create a rear allotment.

In support of this application, please find attached the following:

- Completed DA Form 1, included as **Attachment 1**;
- Certificate of Title and Owner's Consent, included as **Attachment 2**;
- Proposal Plan PR149950-1, included as **Attachment 3**;
- DA Mapping, included as **Attachment 4**; and
- Assessment against applicable Planning Scheme Codes, included as **Attachment 5**.

Review of the schedule of fees or the Mareeba Shire Council indicates that the applicable application fee is \$1,092.00. The applicant kindly requests that Council issue an invoice for the application fee in the name of Russell Napier and forward to stacey.devaney@rpsgroup.com.au to arrange payment.

1 SITE INFORMATION

1.1 Site Details

The key site details are provided in Table 1.

Table 1 - Site Details

Address:	27 Barron Falls Road, Kuranda
Real Property Description:	Lot 1 on RP726343
Land Area:	2,352m ²
Landowner:	Lot 1 on RP726343 – Russell Paul Mellis Napier and Robyn Adele Scott
Easements / Encumbrances:	Nil

1.2 Site Characteristics

The site characteristics are provided in **Table 2**.

Table 2 - Site Characteristics

Topography:	Relatively Flat with some undulation
Vegetation:	The subject site contains non remnant vegetation, being a mix of both natives and exotics.
Road Frontage:	Barron Falls Road – approximately 37 metres
Existing Use:	Residential dwelling

1.3 Planning Context

The planning context of the site is detailed in **Table 3**.

Table 3 - Planning Context

Instrument	Designation
Mareeba Shire Council Planning Scheme 2016	
Zoning	Low Density Residential Zone
Overlays	<ul style="list-style-type: none">• Airport Environs Overlay<ul style="list-style-type: none">- Obstacle Limitation Surface -151.0m AHD• Residential Dwelling Overlay – Alignment Amendment 2017<ul style="list-style-type: none">- Residential Dwelling House and Outbuilding - Kuranda• Transport Infrastructure Overlay – Alignment Amendment 2017<ul style="list-style-type: none">- Collector Road
State Matters	
Referrals	Nil

1.4 Surrounding Land Use

The surrounding area is typified by predominantly existing urban development and contains a diverse range of residential allotments, from conventional (i.e. 1,000m²) lots through to larger rural residential lifestyle lots. Whilst it is noted that the subject site is located within the 'Low Density Residential' Zone, there are also a number of properties along Barron Falls Road that are zoned 'Rural Residential'. With regards to the immediate adjacent land uses, the site shares a boundary with the following:

North: Low Density Residential Development

South: Low Density Residential Development

East: Low Density Residential Development

West: Low Density Residential Development and Rural Residential Development

The zoning of the subject site and adjoining properties are depicted in **Figure 1** below.



Figure 1: Zoning

Source: Mareeba Shire Council Planning Scheme 2016

2 PROPOSED DEVELOPMENT

This application seeks development approval for the Reconfiguration of a Lot (1 Lot into 2 Lots) on land located at 27 Barron Falls Road, Kuranda, formally described as Lot 1 on RP726343. The proposal seeks to create two (2) residential allotments for the existing detached dwelling and a rear allotment, as per Proposal Plan, RPS Drawing No. PR149950-1, provided for reference at **Attachment 3**. A detailed survey of the site has been undertaken to identify and assess potential site constraints and influence the formulation of the Proposal Plan.

It is the applicant's intent to retain either Lot 1 or Lot 2 and potentially sell the remaining lot.

Proposed Lot 1 will comprise an area of 800m² with a road frontage of approximately 24 metres and Proposed Lot 2 will comprise an area of 1,552m² with a road frontage of approximately 13 metres, which are compliant with the minimum lot sizes and dimensions prescribed in the Reconfiguring a Lot Code. The proposed allotments are of sufficient size and appropriate dimensions to adequately accommodate both the existing and any future dwelling, including vehicle access from Barron Falls Road and provision of private open space, without compromising the high standard of amenity currently afforded by the site.

2.1 Servicing

The existing dwelling located within Proposed Lot 1 is connected to reticulated water and sewer and the dwelling is serviced by overhead electricity services as well as NBN / telecommunications services via the existing Fibre to the Node (FTTN) network. It is anticipated that sufficient capacity exists with the networks to adequately service Proposed Lot 2.

2.2 Access

The existing dwelling on Proposed Lot 1 will retain the existing access from Barron Falls Road and a new access and crossover will be required for Proposed Lot 2. The alignment of the proposed access leg is to adequately accommodate the proposed access based upon site constraints and to provide sufficient separation between the existing and proposed access.

2.3 Stormwater

Given that the proposal relates to one (1) existing dwelling and provision of a proposed allotment for a future dwelling, it is anticipated that stormwater will continue to be lawfully discharged.

2.4 Excavation and Filling

There are no operational works as part of this application. No excavation or filling will be undertaken as part of the proposed development, as such there is not expected to be any impacts associated with erosion or sediment control. The applicant or prospective purchaser will seek approval for buildings works at a later stage, should the application for Reconfiguration of a Lot be approved.

3 KEY PLANNING ISSUES

3.1 Alignment of the Proposed Development with the Intent of the Planning Scheme

The proposed development is located within the Low Density Residential Zone under the Mareeba Shire Council Planning Scheme 2016. It is our considered opinion that the proposed development is consistent with the purpose of the Low Density Residential Zone, on the basis that it seeks to maintain the existing character which is achieved through provision of larger residential lots. The proposed development complies with the minimum lot size as detailed in the Reconfiguring a Lot Code.

The proposal has addressed potential amenity issues through its proposed layout. Proposed Lot 1 enables provision of sufficient setbacks from the rear and side boundaries in order to minimise adverse visual and amenity impacts to the existing dwelling and any future dwelling on Proposed Lot 2. The proposed development complies with the Overall Outcomes of the Low Density Residential Zone Code, in that the dominant character of the area is single detached dwellings on large lots with a high standard of amenity, which the applicant suggests may be addressed through appropriate design.

Furthermore, the proposed development is in keeping with the Low Density Residential Zone Code given that both the proposed allotments exceed the minimum lot size and are in keeping with the Overall Outcomes of the Code that provides for a range of lot sizes. Whilst it is noted that Proposed Lot 2 does not adjoin or overlook a park or open space, the proposal should be supported as Proposed Lot 2 is of sufficient lot size to provide a high standard of amenity for both residents and adjoining properties and adequately responds to the natural features and constraints of the site.

4 STATUTORY PLANNING ASSESSMENT, REGIONAL & LOCAL ASSESSMENT BENCHMARKS

4.1 Legislative Requirements

4.1.1 Applicable Act/s

The *Planning Act 2016* and its subordinate legislation is the applicable act for the assessment of this development application.

4.1.2 Confirmation that Development is Not Prohibited

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibition under the *Planning Act 2016*.

4.1.3 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Mareeba Shire Council.

4.1.4 Level of Assessment

Table 4 below summarises the level of assessment under the provisions of Council's Planning Scheme.

Table 4: Level of Assessment

Aspect of development	Categorising instrument	Level of assessment
Reconfiguration of a Lot (1 Lot into 2 Lots)	Mareeba Shire Council Planning Scheme 2016	Code Assessable

4.1.5 State interests (referrals)

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the proposed development does not trigger referral to the State Assessment Referral Agency (SARA).

4.1.6 Public Notification

This application does not require public notification as it is subject to 'code' assessment.

4.2 State and Regional Assessment Benchmarks

4.2.1 Regional Plan

Section 2.2 of the Planning Scheme states that, "the minister has identified that the planning scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme areas". Therefore, assessment against the applicable Planning Scheme provisions will address any relevant Regional Plan matters.

4.2.2 State Planning Policy

As outlined in Part 2 of the Planning Scheme, all aspects of the State Planning Policy 2017 (SPP) and the relevant to the Mareeba Shire Council area have been integrated into Council's current Planning Scheme. Therefore, compliance with the relevant provisions of the Planning Scheme is understood to adequately address the assessment benchmarks stated in the SPP.

4.2.3 Temporary State Planning Policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires code assessment must be carried out against any temporary State Planning Policy applying to the premises.

In this instance no Temporary State Planning Policies apply.

4.2.4 State Development Assessment Provisions (SDAP)

The State Development Assessment Provisions (SDAP) nominate applicable State Codes based on the referral triggers. As the proposed development does not trigger referral, assessment against SDAP is not required.

4.3 Local Authority Assessment Benchmarks

4.3.1 Applicable Assessment Instrument

Mareeba Shire Council Planning Scheme 2016 v2.1 is the applicable Local Categorising Instrument for this development application.

4.3.2 Codes

The planning scheme codes applicable to the proposal, and the location of the relevant appended code response are identified below:

Table 5: Planning Scheme Code Responses

Planning Scheme Codes	Location of Response
Zone	
Low Density Residential Zone Code	Attachment 4 – prepared by RPS
Development Codes	
Landscaping Code	The proposed development is solely for reconfiguration of a Lot (1 Lot into 2 Lots). The established dwelling has adequate on-site landscaping and it is envisaged that Proposed Lot 2 may be adequately landscaped post construction of any future dwelling.
Parking and Access Code	The proposed development is solely for reconfiguration of a Lot (1 Lot into 2 Lots). The proposal will require provision of additional access and crossover to/from Barron falls Road. The applicant will make a further application for Operational Work for provision of a crossover, should Development Approval for the ROL component be granted. The proposal as depicted in Proposal Plan RPS PR149950-1 (Attachment 3), provides a sufficient access leg to proposed Lot 2.
Works, Services and Infrastructure Code	The proposed development is solely for reconfiguration of a Lot (1 Lot into 2 Lots). The proposal does not require any operational works as part of the ROL component. The subject site is adequately serviced by reticulated water and sewer, electricity and telecommunications. It is anticipated that stormwater drainage may be appropriately addressed at the Operational Works stage.
Reconfiguring a Lot Code	Attachment 4 – prepared by RPS
Overlay Codes	

Planning Scheme Codes	Location of Response
Airport Environs Overlay Code	The proposed development is solely for Reconfiguration of a Lot (1 Lot into 2 Lots). The proposed development will not impact the OLS of Cairns Airport.
Residential Dwelling Overlay	The proposed development is solely for Reconfiguration of a Lot (1 Lot into 2 Lots), no building works are proposed as part of this application. Any future dwelling on Proposed Lot 2 will require Building Approval and will address the Code requirements. The subject site is sufficiently serviced by reticulated water and sewer as well as electricity and telecommunications. The proposal accommodates the existing character of the area and provides for a high level of amenity, as depicted in Proposal Plan PR149950-1, provided for reference as Attachment 3 .
Transport Infrastructure Overlay	The proposed development is solely for reconfiguration of a Lot (1 Lot into 2 Lots). The proposal will not impact the Kuranda Railway rail corridor.

Our ref: PR149950-1/OLD/SD/L80789

5 CONCLUSION

This town planning report supports a development application made by RPS on behalf of Russell Napier, seeking a Development Permit for Reconfiguring a Lot (1 lot into 2 Lots)), over land located at 27 Barron Falls Road, Kuranda, more formally described as Lot 1 on RP726343.

In summary, we submit that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be addressed through the imposition of reasonable and relevant conditions. On this basis it has been determined that the proposal is compliant with relevant 'Acceptable Solution' and/or "Performance Criteria' provided in the Planning Scheme. On this basis, approval is sought subject to reasonable and relevant conditions.

We trust that the above information is sufficient for your purposes, however, should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours sincerely,
for RPS Australia East Pty Ltd



Stacey Devaney

Planner

stacey.devaney@rpsgroup.com.au

07 4276 1033

enc: **Attachment 1:** Completed DA Form 1
 Attachment 2: Certificate of Title and Owner's Consent
 Attachment 3: Proposal Plan – RPS Drawing No. PR149950-1
 Attachment 4: DA Mapping
 Attachment 5: Assessment against the Applicable Planning Scheme Codes

Our ref: PR149950-1/OLD/SD/L80789

Attachment 1

Completed DA Form 1

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 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) (individual or company full name)	Russell Napier - c/- RPS Australia East Pty Ltd
Contact name (only applicable for companies)	Stacey Devaney – RPS
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4276 1033
Email address (non-mandatory)	stacey.devaney@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR149950

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
		27	Barron Falls Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	1	RP726343	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):*

Reconfiguration of a Lot (1 Lot into 2 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

6.2) Provide details about the second development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

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

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

6.3) Additional aspects of development

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

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

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

Yes

No

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
1	

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

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	2			

10.2) Will the subdivision be staged?

Yes – provide additional details below

No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m 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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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	
<u>Environmentally relevant activities</u>	
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
<u>Hazardous chemical facilities</u>	
23.2) Is this development application for a hazardous chemical facility ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>	

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

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

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

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

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

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

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

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

Waterway barrier works

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

- Yes – the relevant template is completed and attached to this development application
- No

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

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
 No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - A certificate of title
- No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
 No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

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

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

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

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

Yes

Note: See the *Planning Regulation 2017* for referral requirements

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

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

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](#).

Yes

Relevant plans of the development are attached to this development application

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

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

Not applicable

25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

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 *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

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.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the *DA Rules* except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

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			

Our ref: PR149950-1/OLD/SD/L80789

Attachment 2

Certificate of Title and Owner's Consent

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20880001	Search Date: 08/10/2021 10:18
Date Title Created: 10/11/1972	Request No: 38826165
Previous Title: 20866119	

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 726343
Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 720872066 18/06/2021

RUSSELL PAUL MELLIS NAPIER
ROBYN ADELE SCOTT

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20824174 (POR 153)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

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

I, Russell Paul Mellis Napier

[Insert full name.]

And I, Robyn Adele Scott

[Insert full name.]

as owners of the premises identified as follows:

Lot 1 on RP726343

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

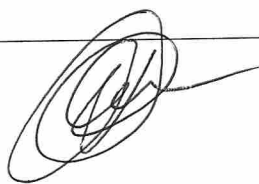
RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguration of a Lot (1 Lot into 2 Lots)



12-10-2021



12-10-2021

[signature of owners and
date signed]

Our ref: PR149950-1/OLD/SD/L80789

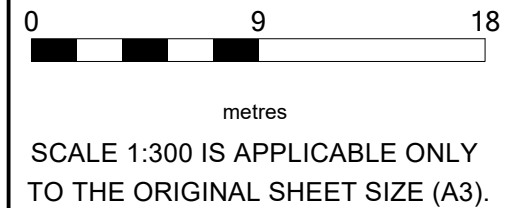
Attachment 3

Proposal Plan – RPS Drawing No. PR149950-1



- IMPORTANT NOTE**
- This plan was prepared for the sole purposes of the client for the specific purpose of producing a detail plan. This plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
 - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - Third Party publishing, using or relying on the plan;
 - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
 - any inaccuracies or other faults with information or data sourced from a Third Party;
 - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
 - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
 - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 - The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. If not able to be so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.
 - Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

<p>NOTES</p> <p>Origin of Coordinates: Arbitrary Meridian: IS99133</p>	AMENDMENTS	PROJECT MANAGER	<p>RUSSELL NAPIER</p> <p>Fenceline Location 27 Barron Falls Road Lot 1 on RP726343 KURANDA</p>	<p>RPS Australia East Pty Ltd ACN 140 292 762 135 Abbott St PO Box 1949 CAIRNS QLD 4870 T +61 7 4031 1336 F +61 7 4031 2942 W rpsgroup.com.au</p>
	CHECKED	DRAWN		
DRAFTING CHECKED	CAD REF	DKO June 2021	SHEET 1 OF SHEETS 1 SHEET SIZE	SCALE
	PR149950-1.DWG	AES	A3	1:300
			DATE	DRAWING NO.
			14/06/21	ISSUE
				PR149950-1



Our ref: PR149950-1/OLD/SD/L80789

Attachment 4

DA Mapping

State Assessment and Referral Agency

Date: 12/10/2021



Queensland Government

© The State of Queensland 2021.

Disclaimer:

This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.



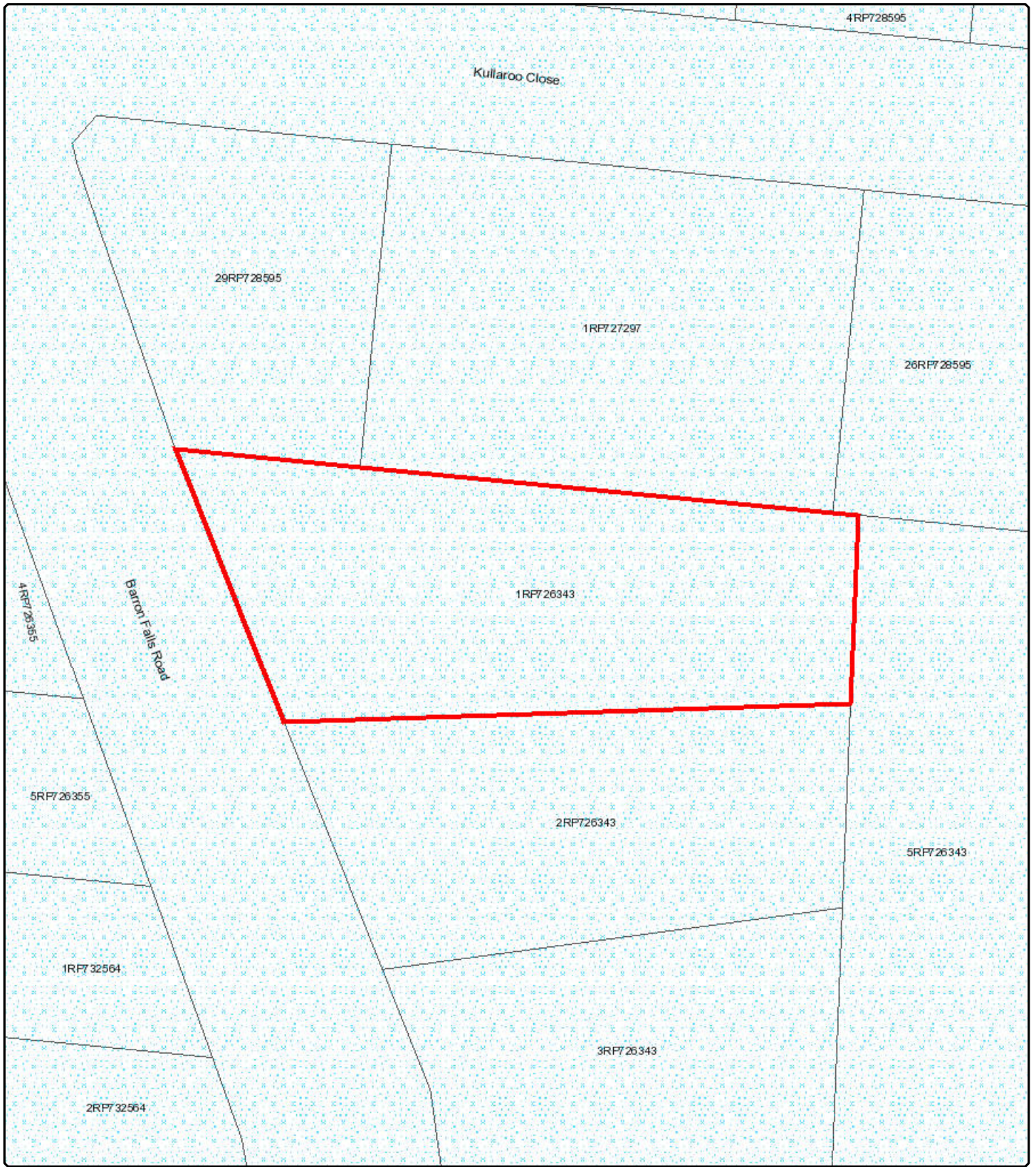
Matters of Interest for all selected Lot Plans

Water resource planning area boundaries

Matters of Interest by Lot Plan

Lot Plan: 1RP726343 (Area: 2352 m²)

Water resource planning area boundaries



State Assessment and Referral Agency

Date: 12/10/2021



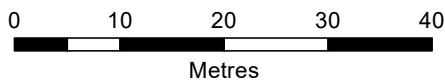
Queensland Government
© The State of Queensland 2021.

Legend

Water resource planning area boundaries



Water resource planning area boundaries



Disclaimer:

This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.

Our ref: PR149950-1/OLD/SD/L80789

Attachment 5

Assessment Against the Applicable Planning Scheme Codes

6.2.6 Low density residential zone code

6.2.6.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Complies	Comments
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. 	N/A	The proposal is simply for Reconfiguration of a Lot (1 Lot into 2 Lots), no building works are proposed as part of this application.
Outbuildings and residential scale			
<p>PO2 Domestic outbuildings:</p> <ul style="list-style-type: none"> (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Low-density residential zone. 	<p>AO2 Domestic outbuildings do not exceed:</p> <ul style="list-style-type: none"> (a) 100m² in gross floor area; and (b) 5.5 metres in height above natural ground level. 	N/A	
Siting			

Performance outcomes	Acceptable outcomes	Complies	Comments
<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; and (f) appearance of building bulk; and (g) relationship with road corridors. 	<p>AO3.1 Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 6 metres from the primary road frontage; and (b) 3 metres from any secondary road frontage. 	✓	The existing dwelling on Proposed Lot 1 is sufficiently setback from Barron Falls Road.
	<p>AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.</p>	✓	Refer to Proposal Plan PR149950-1 (Attachment 3).
Accommodation density			
<p>PO4 The density of Accommodation activities:</p> <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site. 	<p>AO4 Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.</p>	N/A	
Gross floor area			
PO5	AO5	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>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. 	Gross floor area does not exceed 600m ² .		
For assessable development			
Building design			
<p>PO6 Building facades are appropriately designed to:</p> <ul style="list-style-type: none"> (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space. 	<p>AO6 Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.</p>	N/A	
<p>PO7 Development complements and integrates with the established built character of the Low density residential zone, having regard to:</p> <ul style="list-style-type: none"> (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location. 	<p>AO7 No acceptable outcome is provided.</p>	✓	The proposed development provides for allotments of sufficient size and dimension to adequately accommodate both the proposed and existing dwelling, whilst maintaining existing character and a high standard of amenity through the provision of larger residential lots.

Performance outcomes	Acceptable outcomes	Complies	Comments
Non-residential development			
<p>PO8 Non-residential development is only located in new residential areas and:</p> <ul style="list-style-type: none"> (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) directly supports the day to day needs of the immediate residential community; and (d) does not impact on the orderly provision of non-residential development in other locations in the shire. 	<p>AO8 No acceptable outcome is provided.</p>	N/A	
Amenity			
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO9 No acceptable outcome is provided.</p>	✓	<p>The proposal provides for larger residential lots that will enable the existing dwelling and any future dwelling on Proposed Lot 2 to maintain a high standard of amenity, both for residents and adjoining properties. The proposal is simply to create a rear allotment that exceeds the minimum lot size prescribed by the Planning Scheme. Refer to Proposal Plan PR149950-1 (Attachment 3).</p>
<p>PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; 	<p>AO10 No acceptable outcome is provided.</p>	✓	<p>The proposal has been designed to accommodate the existing site constraints (i.e access leg to Proposed Lot 2) – Refer to Proposal Plan PR149950-1 (Attachment 3). Any</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
(c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.			future dwelling on Proposed Lot 2 may be designed to ensure no adverse visual amenity impacts to either residents or adjoining properties. Proposed Lot 2 is of sufficient size to appropriately accommodate a future dwelling that maintains a high standard of amenity.

Table 6.2.6.3B—Maximum densities for Accommodation activities

Use	Maximum density
Dual occupancy	1 dwelling per 400m ² of site area
Multiple dwelling	(a) 1 dwelling per 400m ² of site area; and (b) 1 bedroom per 200m ² of site area.
Residential care facility	1 dwelling or accommodation unit per 250m ² of site area.
Retirement facility	1 dwelling or accommodation unit per 400m ² of site area

9.4.4 Reconfiguring a lot code

9.4.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Complies	Comments
Area and frontage of lots			
<p>PO1 Lots include an area and frontage that:</p> <ul style="list-style-type: none"> (a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: <ul style="list-style-type: none"> (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints. 	<p>AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</p>	✓	Refer to Proposal Plan RPS PR149950-1 (Attachment 3).
Existing buildings and easements			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO2 Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <p>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</p> <p>(b) any continuing use is not compromised by the reconfiguration.</p>	<p>AO2.1 Each land use and associated infrastructure is contained within its individual lot.</p>	✓	The existing dwelling and services are fully contained within Proposed Lot 1. Proposed Lot 2, as depicted in Proposal Plan PR149950-1 (Attachment 3), provides sufficient area and dimension to adequately accommodate a future dwelling, without adverse impact upon the existing dwelling or adjoining properties.
	<p>AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	✓	The subject site is of sufficient area to achieve the prescribed setbacks for the Low density Residential Zone for both Proposed Lot 1 and Proposed Lot 2.
<p>PO3 Reconfiguring a lot which contains an existing easement ensures:</p> <p>(a) future buildings, structures and accessways are able to be sited to avoid the easement; and</p> <p>(b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</p>	<p>AO3 No acceptable outcome is provided.</p>	N/A	No easements are present on the subject site.
Boundary realignment			
<p>PO4 The boundary realignment retains all attendant and existing infrastructure connections and potential connections.</p>	<p>AO4 No acceptable outcome is provided.</p>	N/A	
Access and road network			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <ul style="list-style-type: none"> (a) safety; (b) drainage; (c) visual amenity; (d) privacy of adjoining premises; and (e) service provision. 	<p>AO5 No acceptable outcome is provided.</p>	✓	<p>Refer to Proposal Plan – RPS Drawing No. PR149950-1 (Attachment 3). Proposed Lot 2 will require an additional access and crossover to Barron Falls Road. However, the proposal has been designed to accommodate the access based upon site constraints, safety and efficiency and amenity.</p>
<p>PO6 Reconfiguring a lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> (a) is consistent with that provided in the surrounding area; (b) maximises efficiency and safety; and (c) is consistent with the nature of the intended use of the lot. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<p>AO6 Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	✓	<p>The proposed development is solely for Reconfiguration of a Lot. No operation works are proposed as part of the ROL component. The proposed access leg or Proposed Lot 2 has been designed to address existing site constraints and to enable efficiency and safety of access.</p>
<p>PO7 Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> (a) the intended use of the lots; (b) the existing use of surrounding land; (c) the vehicular servicing requirements of the intended use; (d) the movement and turning requirements of B-Double vehicles. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<p>AO7 No acceptable outcome is provided.</p>	N/A	
Rear lots			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO8 Rear lots are designed to:</p> <p>(a) provide a high standard of amenity for residents and other users of the site;</p> <p>(b) provide a high standard of amenity for adjoining properties; and</p> <p>(c) not adversely affect the safety and efficiency of the road from which access is gained.</p>	<p>AO8.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p>	A/S	<p>Whilst the proposed development does not adjoin or overlook a park or open space, Proposed Lot 2 is of sufficient area to adequately accommodate a future dwelling without compromising on amenity for residents or adjoining properties. Any future dwelling may be appropriately designed to ensure compliance with the Performance Outcomes and Acceptable Outcomes of the code and Residential Dwelling Overlay to provide and maintain a high standard of amenity.</p>
	<p>AO8.2 No more than two rear lots are created behind any lot with a road frontage.</p>	✓	<p>Only one rear lot is proposed.</p>
	<p>AO8.3 Access to lots is via an access strip with a minimum width of:</p> <p>(a) 4 metres where in the Low density residential zone or Medium density residential zone; or</p> <p>(b) 8 metres otherwise.</p>	✓	<p>Refer to Proposal Plan – RPS Drawing No. PR149950-1 (Attachment 3).</p>
	<p>AO8.4 A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note—Figure A provides further guidance in relation to the desired outcome.</p>	✓	<p>Refer to Proposal Plan – RPS Drawing No. PR149950-1 (Attachment 3).</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
	AO8.5 No more than 1 in 10 lots created in a new subdivision are rear lots.	N/A	
	AO8.6 Rear lots are not created in the Centre zone or the Industry zone.	N/A	
Crime prevention and community safety			
PO9 Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: (a) sightlines; (b) the existing and intended pedestrian movement network; (c) the existing and intended land use pattern; and (d) potential entrapment locations.	AO9 No acceptable outcome is provided.	✓	Any future dwelling on Proposed Lot 2 must be designed to accommodate crime prevention strategies as part of the building design.
Pedestrian and cycle movement network			
PO10 Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO10 No acceptable outcome is provided.	N/A	
Public transport network			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO11 Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <ul style="list-style-type: none"> (a) does not prejudice the future provision of the identified infrastructure; (b) appropriately treats the common boundary with the future corridor; and (c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement. 	<p>AO11 No acceptable outcome is provided.</p>	N/A	
Residential subdivision			
<p>PO12 Residential lots are:</p> <ul style="list-style-type: none"> (a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes. 	<p>AO12 No acceptable outcome is provided.</p>	✓	The proposed development seeks to provide diversity in lot sizes whilst maintaining the existing character of the Low Density Residential Zone and a high standard of amenity for residents and adjoining properties.
Rural residential zone			
<p>PO13 New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.</p>	<p>AO13 No acceptable outcome is provided.</p>	N/A	
Additional provisions for greenfield development only			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>PO14 The subdivision design provides the new community with a local identity by responding to:</p> <ul style="list-style-type: none"> (a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views. 	<p>AO14 No acceptable outcome provided.</p>	N/A	
<p>PO15 The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p>AO15 No acceptable outcome provided.</p>	N/A	
<p>PO16 The road network is designed to:</p> <ul style="list-style-type: none"> (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads. <p>Note—Figure B provides further guidance in relation to the desired outcome.</p>	<p>AO16 No acceptable outcome provided.</p>	N/A	
<p>PO17 Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p>AO17 The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	N/A	
<p>PO18 The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p>AO18 No acceptable outcome provided.</p>	N/A	
<p>PO19 Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> (a) meet the needs of the occupiers of the lots and 	<p>AO19.1 A minimum of 10% of the site area is dedicated as open space.</p>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>to ensure that the environmental and scenic values of the area are protected;</p> <p>(b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and</p> <p>(c) meet regional, district and neighbourhood open space requirements.</p>	<p>AO19.2 A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	N/A	
<p>PO20 A network of parks and community land is provided:</p> <p>(a) to support a full range of recreational and sporting activities;</p> <p>(b) to ensure adequate pedestrian, cycle and vehicle access;</p> <p>(c) which is supported by appropriate infrastructure and embellishments;</p> <p>(d) to facilitate links between public open spaces;</p> <p>(e) which is co-located with other existing or proposed community infrastructure;</p> <p>(f) which is consistent with the preferred open space network; and</p> <p>(g) which includes a diversity of settings;</p>	<p>AO20 No acceptable outcome is provided.</p>	N/A	

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

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m ²	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres

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

Figure A – Examples of access to rear lots

