

8.2	J DILMETZ - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 73 & 74 ON N157410 - 33 QUERIN ROAD & BILWON ROAD, BIBOOHRA - RAL/21/0018
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Date Prepared: 22 November 2021

Author: Senior Planner

Attachments: 1. Proposal Plan

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J Dilmetz	ADDRESS	33 Querin Road and Bilwon Road, Biboohra
DATE LODGED	25 October 2021	RPD	Lots 73 & 74 on N157410
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		
FILE NO	RAL/21/0018	AREA	Lot 73 - 16.187 ha Lot 74 - 16.187 ha
LODGED BY	Kelly Reaston Development & Property Services	OWNER	E & M Querin
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application proposes to reconfigure the two (2) allotments, by way of a boundary realignment only (no additional lot created) whereby approximately 14.187 hectares of land will be transferred from Lot 73 to Lot 74. The section of land to be transferred contains large parts of an existing fruit tree orchard.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with certain purpose statements in the Rural zone code, as well as performance outcomes contained within the Reconfiguring a lot code which seeks to discourage the creation of any lot below 60 hectares within the Rural zone.

In their current configuration, both lots are less than 60 hectares with areas of 16.187 hectares and questionable stand-alone agricultural viability. The proposed boundary realignment will create a more viable proposed Lot 2 at 30.9 hectares. Proposed Lot 1 will be consistent in size with the

existing allotments fronting this section of Bilwon Road and more significantly contain one of the few parts of the subject land outside the mapped flood hazard areas.

The Mareeba Shire Council Planning Scheme 2016 contains a hierarchy of assessment benchmarks. The Strategic Framework is the highest order assessment benchmark in the Planning Scheme and holds greater weight than the Rural zone code and Reconfiguring a Lot code. An officer assessment has determined that despite the identified conflicts with the lower order Rural zone code and Reconfiguring a Lot code provisions mentioned above, the proposed boundary realignment meets the intent of the Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land, and will only help increase the agricultural viability of the farming activity on Lot 2.

It is recommended that the application be approved in full with conditions.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J Dilmetz	ADDRESS	33 Querin Road and Bilwon Road, Biboohra
DATE LODGED	25 October 2021	RPD	Lots 73 & 74 on N157410
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Boundary Realignment

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARO0115-SK02	Querin Road, Mareeba Proposed Allotment	ARO	12 October 2021

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access

Access must be constructed to proposed Lot 1 in accordance with the FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

4.3 On-site Wastewater Disposal

At the time of construction of a new dwelling on Lot 1, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.4 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.5 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(D) ASSESSMENT MANAGER'S ADVICE

(a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

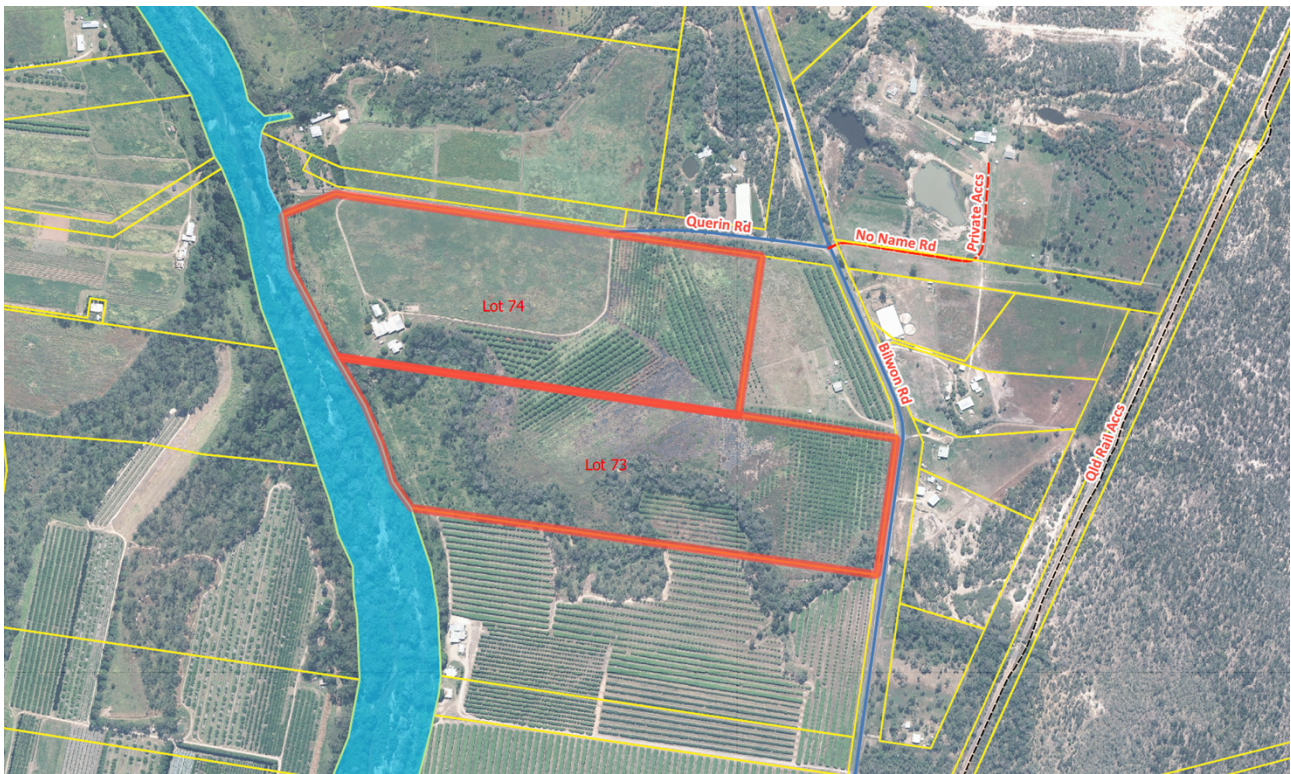
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

The subject site comprises of the following allotments:

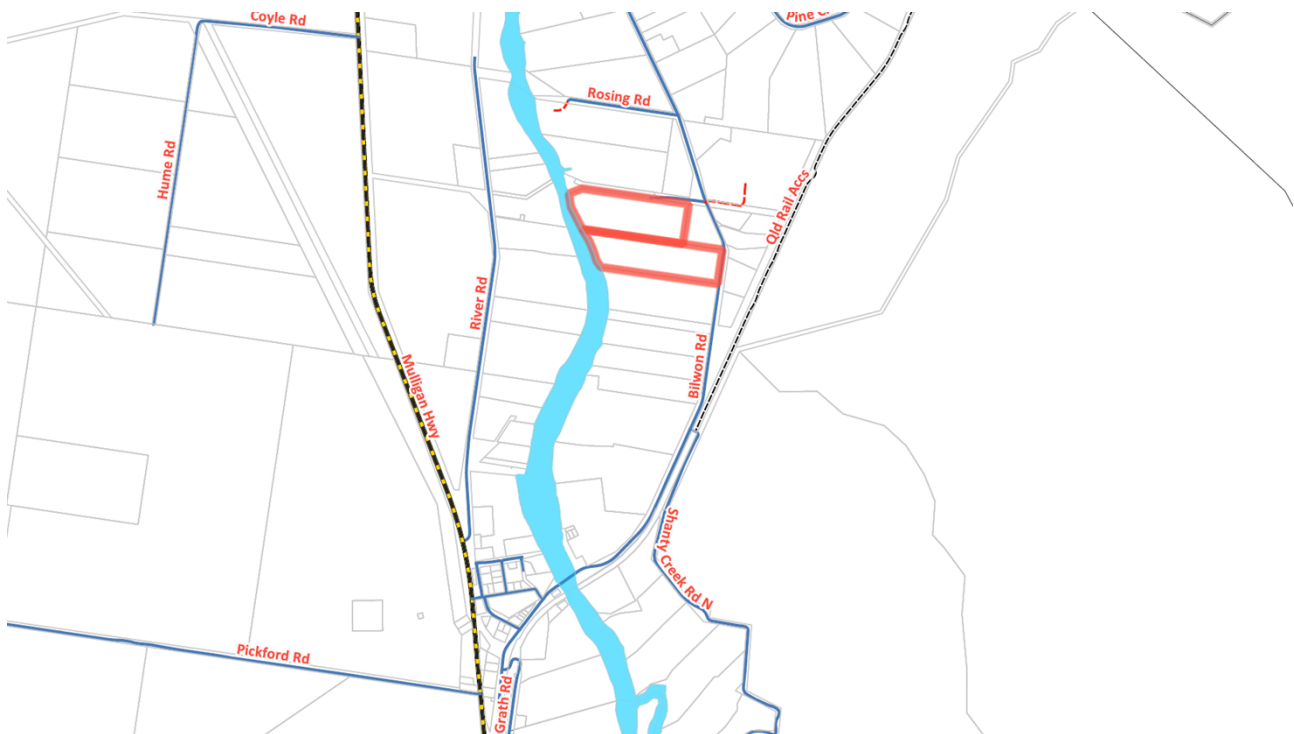
- Lot 73 on N157410, situated at Bilwon Road, Biboohra, having an area of 16.187 hectares and a frontage of approximately 208 metres to Bilwon Road; and
- Lot 74 on N157410, situated at 33 Querin Road, Biboohra, having an area of 16.187 hectares and a frontage of approximately 735 metres to Querin Road.

Querin Road is constructed to a rural road gravel standard up to the existing access into Lot 74. Bilwon Road is constructed to bitumen sealed standard for the full frontage of Lot 73. Access to Lot 73 is obtained internally through Lot 74 and the farm access onto Querin Road.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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A farm residence and farm sheds are established in the south-western corner of Lot 74 overlooking the Barron River, which forms the western boundary of both lots. A secondary watercourse traverses through Lot 73 and the south-western corner of Lot 74.

The land is relatively flat and cleared of native vegetation except for a narrow band along the banks of the secondary watercourse.

A fruit tree orchard is established over large parts of both allotments.

Surrounding lots are a mix of Rural and Rural residential zoned land and are used for a mix of intensive horticulture, animal husbandry and rural lifestyle purposes.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The application proposes to transfer approximately 14.187 hectares from existing Lot 73 to proposed Lot 2 to consolidate the majority of the fruit tree orchard into a single parcel. This will create a more viable rural holding in proposed Lot 2.

The realigned lots will be as follows:

- Lot 1 - area of 2 hectares, approximately 208 metres frontage to Bilwon Road;
- Lot 2 - area of 30.2 hectares, approximately 735 metres frontage to Querin Road.

Proposed Lot 2 will retain the established farm dwelling and outbuildings. All servicing arrangements for the existing dwelling will remain in place.

Proposed Lot 1 will be conditioned to require an appropriate level of servicing and access.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Local Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Category</p> <ul style="list-style-type: none"> • Rural Area (rural other) <p>Natural Environment Elements</p> <ul style="list-style-type: none"> • Biodiversity Areas • Habitat Linkage <p>Transport Elements</p> <ul style="list-style-type: none"> • Local Collector Road <p>Other Elements</p> <ul style="list-style-type: none"> • Major Watercourse (Barron River)
Zone:	Rural zone
Overlays:	<p>Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill & Slope Overlay Transport Infrastructure Overlay</p>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement Pattern and built environment

3.3.1 Strategic outcomes

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

Both existing lots are significantly less than 60 hectares in size with each having an area of 16.187 hectares.

Existing Lot 74 (proposed Lot 2) is improved by a dwelling house and ancillary outbuildings. Existing Lot 73 has existing accepted development rights to establish a dwelling house. Existing Lot 73 is heavily constrained by flood hazard meaning that a future dwelling house would likely be sited within the bounds of proposed Lot 1. The realignment does not create the opportunity for an additional dwelling house within the rural zone, nor will it alter the probable location of a future dwelling house on Lot 73 (proposed Lot 1).

Instead, the realignment will consolidate most of the agricultural (fruit tree orchard) land into a single parcel, creating a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

The development will not further fragment, compromise or alienate productive agricultural land, and will only increase the agricultural viability of a farming enterprise. Further, the development will result in an improved environmental outcome.

The proposed development is considered to comply with Strategic outcome 5.

(6) New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

Both existing lots are significantly less than 60 hectares in size, with each having an area of 16.187 hectares.

Existing Lot 74 (proposed Lot 2) is improved by a dwelling house and ancillary outbuildings. Existing Lot 73 has existing accepted development rights to establish a dwelling house. Existing Lot 73 is heavily constrained by flood hazard, meaning that a future dwelling house would likely be sited within the bounds of proposed Lot 1. The realignment does not create the opportunity for an additional dwelling house within the rural zone, nor will it alter the probable location of a future dwelling house on Lot 73 (proposed Lot 1).

Instead, the realignment will consolidate most of the agricultural (fruit tree orchard) land into a single parcel, creating a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

The development will not further fragment, compromise or alienate productive agricultural land, and will only increase the agricultural viability of a farming enterprise. Further, the development will result in an improved environmental outcome.

The proposed development does not conflict with Strategic Outcome 6.

3.3.11 Element - Rural areas

3.3.11.1 Specific outcomes

- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

Both existing lots are significantly less than 60 hectares in size, with each having an area of 16.187 hectares.

Existing Lot 74 (proposed Lot 2) is improved by a dwelling house and ancillary outbuildings. Existing Lot 73 has existing accepted development rights to establish a dwelling house. Existing Lot 73 is heavily constrained by flood hazard, meaning that a future dwelling house would likely be sited within the bounds of proposed Lot 1. The realignment does not create the opportunity for an additional dwelling house within the rural zone, nor will it alter the probable location of a future dwelling house on Lot 73 (proposed Lot 1).

Instead, the realignment will consolidate most of the agricultural (fruit tree orchard) land into a single parcel, creating a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

The development will not further fragment, compromise or alienate productive agricultural land and will only increase the agricultural viability of a farming enterprise. Further, the development will result in an improved environmental outcome.

Therefore, the proposed development will not compromise, fragment, or alienate agricultural land and is considered to satisfy Specific Outcome 2.

- (3) *Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

Both existing lots are significantly less than 60 hectares in size, with each having an area of 16.187 hectares.

Existing Lot 74 (proposed Lot 2) is improved by a dwelling house and ancillary outbuildings. Existing Lot 73 has existing accepted development rights to establish a dwelling house. Existing Lot 73 is heavily constrained by flood hazard, meaning that a future dwelling house would likely be sited within the bounds of proposed Lot 1. The realignment does not create the opportunity for an additional dwelling house within the rural zone, nor will it alter the probable location of a future dwelling house on Lot 73 (proposed Lot 1).

Instead, the realignment will consolidate most of the agricultural (fruit tree orchard) land into a single parcel, creating a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

The development will not further fragment, compromise or alienate productive agricultural land, and will only increase the agricultural viability of a farming enterprise. Further, the development will result in an improved environmental outcome.

Therefore, the proposed development will not compromise, fragment, or alienate agricultural land and is considered to satisfy Specific Outcome 3.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (6) *New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition. No additional title will be created, and no significant change to the service arrangement of each lot will occur as a result of the development.

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with assessment benchmarks contained in the Rural zone code and Reconfiguring a lot code as a result of Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone). Despite the identified conflicts, it is considered that the proposed development will comply with the higher order strategic/specific outcomes contained within the Planning Scheme Strategic Framework.

Relevant Codes	Comments
Rural zone code	<p>The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as proposed Lots 1 and 2 will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application conflicts with the following performance outcomes:

	<ul style="list-style-type: none"> • PO1.1 • PO1.2 <p>Despite conflicting with the abovementioned performance outcomes, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
<p>Works, services and infrastructure code</p>	<p>The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p>

(D) Planning Scheme Policies/Infrastructure Charges Plan

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC development manual standards.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 1 November 2021 to 22 November 2021. The applicant submitted the notice of compliance on 23 November 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural zone code and Reconfiguring a lot code are discussed below:

6.2.9 Rural zone code (as amended by the TLPI)

6.2.9.2 Purpose

- (3) (a) *Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.*

Comment

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone. Both existing lots are significantly less than 60 hectares in size with each having an area of 16.187 hectares.

The applicant states that the proposed development should be supported as it provides for the continued rural use of the site.

A fruit tree orchard is established across both lots with the existing common boundary cutting through the orchard.

The boundary realignment proposes to move the common boundary to consolidate the majority of the farm land into proposed Lot 2.

Proposed Lot 1 would be reduced to a 2 hectare area fronting Bilwon Road. This area contains one of the few potential building sites outside of the flood hazard area mapped under the Flood Hazard Overlay. Proposed Lot 1 is also surrounded by similarly sized lots.

The realignment will create a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

Despite not complying with this purpose statement, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land, and will only increase the agricultural viability of a farming enterprise.

Further, the development will result in an improved environmental outcome.

9.4.4 Reconfiguring a lot code (as amended by the TLPI)

Area and frontage of lots - Rural zone

PO1.1

No lots are created with an area of less than 60 ha

Note: This also applies to applications for boundary realignment

AO1.1

No acceptable outcome is provided.

Comment

Both existing lots are significantly less than 60 hectares in size with each having an area of 16.187 hectares.

The applicant states that the proposed development should be supported as it provides for the continued rural use of the site.

A fruit tree orchard is established across both lots with the existing common boundary cutting through the orchard.

The boundary realignment proposes to move the common boundary to consolidate the majority of the farm land into proposed Lot 2.

Proposed Lot 1 would be reduced to a 2 hectare area fronting Bilwon Road. This area contains one of the few potential building sites outside of the flood hazard area mapped under the Flood Hazard Overlay. Proposed Lot 1 is also surrounded by similarly sized lots.

The realignment will create a more viable rural holding with proposed Lot 2.

The realignment will reduce the length of property boundaries traversing through vegetated internal waterways, eliminating the requirement for fence line clearing in these areas. This is an improved environmental outcome.

Despite not complying with PO1.1, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land, and will only increase the agricultural viability of an existing farming enterprise.

PO1.2

No lots are created with a frontage less than 400m

Note: This also applies to applications for boundary realignment.

AO1.2

No acceptable outcome is provided.

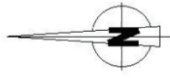
Comment

Proposed Lot 2 will comply.

Proposed Lot 1 would have a road frontage of approximately 208 metres to Bilwon Road. This frontage is adequate to provide for access, whilst maintaining a regular lot shape.

The frontage proposed for each lot is appropriate.

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QUERIN ROAD, MAREEBA

PROPOSED ALLOTMENT

ARO0115-SK02 1:2000 A1 Full Size

Drawn No. ARO00115-SK02011 15th October 2021