

16 May 2022

Our Ref: 21-739

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

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

Dear Brian,

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE
OVER LOT 142 ON SP200237 AT 5707 KENNEDY HIGHWAY, MAREEBA**

We refer to the above-described matter and confirm that Urban Sync Pty Ltd has been engaged by Meraki EC Pty Ltd to co-ordinate and prepare the required application material to Mareeba Shire Council with respect to the above described land. This development application will support Meraki EC Pty Ltd to establish a horse riding/equestrian school and operate horse agistment services for a maximum of twenty (20) horses on the site. In support of the assessment, we attach the following documents to assist Council officers:

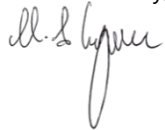
- DA Form 1 and Landowner's Consent as **Attachment 1**;
- Plans of Development prepared by Dimarco Designs as **Attachment 2**;
- Site Searches as **Attachment 3**;
- Pre-lodgement Correspondence from Mareeba Shire Council and the Department of Transport and Main Roads as **Attachment 4**; and
- Assessment of the applicable development codes under the *Mareeba Shire Council Planning Scheme 2016* as **Attachment 5**.

In accordance with Council's Fees and Charges, the application fee to the amount of **\$9,441.00** (detailed in section 4.3) will be paid to facilitate lodgement of this application upon receiving the invoice for payment from Council.

In accordance with s51(2) of the *Planning Act 2016*, landowners' consent has been provided for Lot 142 on SP200237 as the Applicant is NOT the owner of the land. Access is required across Lot 221 on SP129907 to lawfully enter the site and as such, this lot is required to be included in the application. As the Applicant is also NOT the land owner of this lot, the Applicant has obtained an Access Licence and land Owners Consent from The State of Queensland (Department of Transport and Main Roads) for Lot's 221 lawful inclusion in this development application.

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

Yours faithfully,



Matt Ingram
Senior Planner

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TOWN PLANNING REPORT

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE

AT 5707 KENNEDY HIGHWAY, MAREEBA

16 May 2022

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

Reference	Revision	Date	Prepared by	Checked by	Authorised by
21-739	1.0	12/05/2022	JRW	MDI	MDI

16/05/2022

FINAL Version 1.0

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I EXECUTIVE SUMMARY

Meraki EC Pty Ltd (the 'Applicant') is seeking the requisite statutory development approval from Mareeba Shire Council (Council) to establish a horse riding/equestrian school and offer horse agistment services at 5707 Kennedy Highway, Mareeba, more formally described as Lot 142 on SP200237 (the 'site').

Please note that access is required across Lot 221 on SP129907 to enter the site and the Applicant has obtained an Access Licence and Land Owners Consent from The State of Queensland (Department of Transport and Main Roads). As such, Lot 221 on SP129907 is also included in the application but will NOT form part of the assessment.

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

- **Development Permit for a Material Change of Use for Animal Keeping (Horse Agistment Services) & Educational Establishment (Horse Riding/Equestrian School).**

This development application has been undertaken to:

- Examine the physical characteristics of the site and the sites development history;
- Summarise the pre-lodgement phase of the development with Mareeba Shire Council, the State Assessment and Referral Agency and the Department of Transport and Main Roads;
- Accurately describe the proposed development as generally reflected in the plans of development prepared by Dimarco Designs;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulation 2017* (PR), *State Planning Policy 2017* and the Planning Scheme; and
- Address any 'key' planning issues and identify non-compliances with the Planning Scheme provisions and in doing so, demonstrate that the development can deal with the Assessment Benchmarks or can be conditioned to achieve reasonable compliance.

Under the Planning Scheme, the local government purpose of the Rural Zone is to '*recognise the importance of primary production to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy*'. Based on a reasonable assessment, the Planning Scheme supports the establishment of rural uses, including animal keeping, and non-rural uses that are compatible with the rural area, as is proposed as part of this development application. Moreover, there should be a reasonable community expectation that the site will accommodate rural associated activities and as such, in this instance, the proposed development is suitably located in a 'rural' area.

In this instance, the management of possible development impacts internally/externally and on the amenity of surrounding residential uses will be critical in the conditions and operational aspects of the proposed development. Accordingly, the project needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development and the design arrangements proposed before compliance with the applicable assessment benchmarks and other relevant State legislation can be suitably demonstrated.

This report establishes that the proposed development is generally compliant with the applicable assessment benchmarks for this site and in the context of the locality with only a handful of minor departures away from the 'deemed to comply' Acceptable Outcomes being identified. Where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved.

The key assessment matter in this instance, relates to the location of an 'educational establishment' land use in the rural zone. In this instance however, the educational establishment land use is for a horse riding/equestrian school which is



most suitably located in the Rural zone where large areas of land and separation from sensitive land uses is achievable. The report has identified that the proposed development and in particular, the educational establishment land use, does not result in any conflicts with the higher order sections of the Planning Scheme and will not result in any unacceptable, negative amenity or land use conflicts on adjoining allotments.

The report concludes that the development of 'Animal Keeping' and an Educational Establishment for a horse-riding/equestrian school on the site can be managed and conditioned to comply with all the applicable assessment benchmarks under the Planning Scheme and all other relevant State legislation and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval. With the above in mind, we now submit this application to Council for assessment.



2 APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought:	Development Permit for a Material Change of Use for Animal Keeping (Horse Agistment Services) & Educational Establishment (Horse Riding/Equestrian School).
Registered Landowner:	YVONNE VAN REEUWIJK
Applicant:	Meraki EC Pty Ltd C/- Urban Sync Pty Ltd PO Box 2970 CAIRNS, QLD, 4870
Project Description Details:	The lawful establishment of a horse riding/equestrian school and the provision of horse agistment services, which includes an outdoor arena, indoor arena and several paddocks.
ASSESSMENT DETAILS	
Assessment Manager:	Mareeba Shire Council
Development Category:	Assessable Development
Assessment Category:	Impact Assessable
Public Notification:	Yes
PRE-LODGEMENT CONSULTATION	
Council:	Yes
State Authority:	Yes
RELEVANT STATE PLANNING INSTRUMENTS	
Legislation:	<i>Planning Act 2016 (Qld)</i>
Planning Policy:	Queensland State Planning Policy (July 2017)
Planning Policy Assessment Benchmarks:	<ul style="list-style-type: none"> ▪ Agriculture; ▪ Natural Hazards Risk & Resilience; and ▪ Strategic Airports & Aviation Facilities
Regional Plan:	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use:	Regional Landscape and Rural Production Area
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Water Resources; and ▪ Native Vegetation Clearing



Referrals:	Yes
Other State Interests:	N/A
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	<i>Mareeba Shire Council Planning Scheme 2016</i>
Zone:	Rural
Overlays:	<ul style="list-style-type: none"> ▪ Agricultural Land; ▪ Airport Environs; ▪ Bushfire Hazards; ▪ Hill and Slope; ▪ Transport Infrastructure;

2.2 PLANS OF DEVELOPMENT

Document	Company	Drawn by	Revision	Sheet No.	Job. No.	Date
Cover Sheet	Dimarco Designs	CD	A	SK01	22038	24/02/2022
Site Plan	Dimarco Designs	CD	A	SK02	22038	24/02/2022
Plan and Elevations	Dimarco Designs	CD	A	SK03	22038	24/02/2022



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowners:	YVONNE VAN REEUWIJK
Site Location:	5707 Kennedy Highway, MAREEBA
Lot and Description:	Lot 142 on SP200237
Site Area:	14.03 Ha
Tenure:	Freehold
Easements/Encumbrances:	EASEMENT No 710198087 19/12/2006 at 12:32 burdening the land to LOT 141 ON SP200237 OVER EASEMENT A ON SP200237
Local Government Authority:	Mareeba Shire Council



Figure 1: Site location – 5707 Kennedy Highway, Mareeba (Source: Queensland Globe, State of Queensland, 2022).

3.2 SITE ANALYSIS

Current Use/s:	Rural (Animal Keeping) and Residential (Dwelling House);
Existing Improvements:	The site is currently improved with an existing outdoor arena, in addition to two buildings (a dwelling house and stables area), with ancillary structures (i.e. fencing, sheds, etc.)
Topography:	The site is generally flat, although the northern portion of the site does have a slight fall, generally from south to north.



Waterways:	No waterways traverse the site.
Vegetation:	The site is cleared, apart from some existing landscaping in the centre of the site near the existing dwellings
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, the site is NOT listed on the Environmental Management Register or the Contaminated Lands Register.
Heritage Places:	The site is not an identified State or local 'Heritage Place'. Whilst there is an identified Heritage Place located over 260m from the site, this will be unaffected by the proposed development.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	There is no direct road frontage to Kennedy Highway, as the site requires access through Lot 221 no SP129907. The Kennedy Highway is a single lane, undivided two-way, 10m wide sealed carriage way within a divided 241m road reserve. Kennedy Highway is identified as a State Controlled Road on Council's Road Hierarchy.
Water & Sewerage Supply:	This site is serviced by a bore and water tanks and is not connected to Council's reticulated water infrastructure. The site is also not connected to Council's reticulated sewerage infrastructure and utilizes an existing on-site effluent system.
Stormwater:	Stormwater from the site appears to be discharged via sheet flow towards the Barron River located east of the site.
Electricity & Telecommunications:	The site is connected to telecommunications (satellite) and electricity (overhead) infrastructure.



4 DEVELOPMENT BACKGROUND

4.1 RELEVANT APPROVALS

According to Mareeba Shire Council's Development Application website, there are no previous Development approvals on the site.

4.2 PRE-LODGE MENT CORRESPONDANCE

4.2.1 Mareeba Shire Council

Informal pre-lodgement discussions were held with Council providing preliminary pre-lodgement advice on 17 November 2021 (see **Attachment 4**) and where required, this advice has been considered and factored into account in the preparation of this application.

4.2.2 State Assessment and Referral Agency (SARA)

Formal pre-lodgement Advice was sought from the State Assessment and Referral Agency (SARA) in regard to mapped remnant vegetation identified on the site. Formal advice was received on the 7 March 2022 and is provided in **Attachment 4**. Further to the receipt of this advice, changes to the plans of development were made to ensure the proposed development would not trigger referral for vegetation clearing.

4.2.3 Department of Transport and Main Roads (DTMR)

Pre-lodgement advice was sought from the Department of Transport and Main Roads between 7 February 2022 and 28 February 2022, with regards to required access across Lot 221 on SP129907. Advice to obtain an access licence before landowners consent could be provided was provided and this licence and land owners consent has been obtained to support this application (see **Attachment 1** and **Attachment 4**).

4.3 BREAKDOWN OF APPLICATION FEES

The applicable application fee in this instance is **\$9,441.00** which has been broken down below for Council's information:

- Animal Keeping (MCU - Impact) = \$2,819 per application; and
- Educational Establishment (MCU – Impact) = \$6,622 per application



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This development application seeks the requisite statutory development approval from Council to establish a horse riding/equestrian school and offer horse agistment services over Lot 142 on SP200237 at 5707 Kennedy Highway, Mareeba. Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use for Animal Keeping (Horse Agistment Services) & Educational Establishment (Horse Riding/Equestrian School).**

5.2 PROPOSAL DETAILS

The Animal Keeping component of the proposed development will involve horse agistment services for a maximum of twenty (20) horses which will be evenly spaced throughout the seven (7) paddocks on the site. It is expected that one (1) to two (2) clients will visit their horses each day.

The Educational Establishment component of the proposed development will involve a horse-riding/equestrian school that will include the following elements:

- A new outdoor arena on the eastern side of the site, measuring approximately 1,750m² in area (50m x 35m); and
- A new indoor arena on the western side of the site, measuring approximately 2,320m² in area (80m x 29m) and which will have an approximate maximum height of eight (8) metres above ground level. The indoor arena will have an 'arena' area of 80m x 20m for horse riding with the additional width to be utilised for the arena kick walls, yards and horse stables.

The horse-riding/equestrian school will operate up to six (6) days a week and will involve a maximum of twenty (20) clients per day in a various number of classes, although generally, client numbers will vary from two (2) to ten (10) per day. Classes will be between 30 minutes and one (1) hour in duration and generally only involve one (1) client at a time. However, occasionally i.e., no more than one per day, group classes will be offered which will include a maximum of ten (10) clients at any one time. The proposed development will include one (1) full time staff member and two (2) part time staff members.

Please refer to the Plans of Development in **Attachment 2** for further information.

5.3 STAGING

The proposed development will not be staged.

5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

5.4.1 Water Supply

The proposed development will be serviced with water from the existing on-site bore. Additional rainwater storage tanks MAY be installed at a later date should it be found the bore is not providing enough water for the proposed development.

5.4.2 Sewerage Supply

The proposed development will include a toilet and new on-site effluent system. Investigations will be undertaken to determine what type of system will be required to service the anticipated demand generated by the development and the most suitable on-site location for this system.



5.4.3 Electricity and Telecommunications

The new indoor arena will be connected to the electricity in accordance with Ergon's requirements. No changes to the existing telecommunications connections are proposed as the proposed development is not required to be connected to telecommunications (satellite NBN is available).

5.4.4 Stormwater (Quantity)

Stormwater from the proposed development will be directed to existing flow paths and will be done so to ensure there is no nuisance caused on adjoining properties as a result of stormwater.

5.4.5 Stormwater (Quality)

Per the definition of 'urban purpose' in the *Planning Regulations 2017*, development in the Rural zone is not considered an Urban Purpose. Hence, in accordance with the *State Planning Policy 2017*, no stormwater quality measures are required, nor proposed for the operational phase.

5.4.6 Bulk Earthworks

No earthworks are required or proposed to facilitate the proposed development, with only minor smoothing and shaping required to establish the pad for the new indoor arena.

5.4.7 Erosion and Sediment Control

An Erosion and Sediment Control Plan will be prepared and implemented during the construction phase of the proposed development.

5.5 TRANSPORT AND ACCESSIBILITY

5.5.1 Access

The proposed development will utilise the existing site access arrangements.

5.5.2 Car parking

The proposed development will provide five (5) formal (line marked) and seven (7) informal car parking spaces adjacent to the new indoor arena for use by clients. The formal car parking areas and manoeuvring will be improved with 150mm thick compacted gravel suitable for all weather movements and be dust free. The informal car parking area will be unimproved with signage identifying this space for overflow car parking should it be required.

5.6 INFRASTRUCTURE CHARGES

As the site is not connected to any of Council's reticulated infrastructure, is located within the rural zone, and accessed directly off the Kennedy Highway (State-controlled Road), no infrastructure charges should be applicable in this instance.



6 LEGISLATIVE REQUIREMENTS

6.1 PLANNING ACT 2016

6.1.1 Confirmation that the Development is not Prohibited

The proposed development is not prohibited. This has been established by considering all the relevant State and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20 of the *Planning Regulation 2017* ('PR').

6.1.2 Assessment Manager

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

6.1.3 Assessable Development

The proposed development involves a Material Change of Use in respect of the 'start of a new use of the premises'. Section 44 (3) of the PA states that "Assessable Development is development for which a development approval is required." The proposed development activities are in this instance, both made assessable, thus requiring a development approval under the Planning Scheme. Therefore, in accordance with s44(3) of the PA, the proposed development is 'Assessable Development'.

6.1.4 Level of Assessment

A Material Change of Use for Animal Keeping within the Rural Zone is 'Accepted development subject to requirements'. In this instance, this aspect of the proposed development does not comply with all the applicable accepted development assessment benchmarks and therefore, triggers Code Assessment. That said, The Material Change of Use for an Educational Establishment in the Rural Zone is 'Impact Assessable'. Therefore, the proposed development triggers **Impact Assessment**.

6.1.5 Statutory Considerations for Assessable Development

The proposed development is Impact Assessable and as such, the assessment must be carried out against the entire Planning Scheme for those components that trigger or require consideration against the strategic frameworks and all other relevant assessment benchmarks.

Section 45(5) of the PA States that an Impact Assessment:

a) "must be carried out—

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise."

When assessing the application, the relevant considerations of the Assessment Manager are in accordance with Sections 59, 60(3), and 62 of the PA and Sections 29-31 of the PR. Section 30 of the PR establishes the Assessment Benchmarks while section 31 of the PR list the matters Impact Assessment must have regard to. Specifically, section 60(3) of the PA states for an Impact Assessable application, the Assessment Manager must decide:

a) "To approve all or part of the application;

b) To approve all or part of the application, but impose development conditions on the approval;

c) To refuse the application."



6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

The site is located within the 'Regional Landscape and Rural Production' Regional Land Use Category of the Far North Queensland 2009-2031 (see **Attachment 3**). The Minister has identified that the Planning Scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009-2031. Hence, compliance with the FNQRP is demonstrated through compliance with the Strategic Framework elements of the Planning Scheme, of which have been addressed in Section 6.6.1 of this Planning Report.

6.3 STATE PLANNING POLICY

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

- Agriculture (Important Agricultural Areas; Agricultural Land Classification – Class A and B);
- Natural Hazards Risk and Resilience (Bushfire Prone Area); and
- Strategic Airports and Aviation Facilities (ANEF 20-25 contour; Obstacle Limitation Surface Area; Obstacle Limitation Surface Contours; Light Restriction Zone; Lighting Area Buffer 6km; Wildlife Hazard Buffer Zone)

In accordance with Section 2.1 of the Planning Scheme, the Minister has identified that the Planning Scheme appropriately advances the SPP; however, it is unclear if this is the 2017 SPP or an earlier version. As a result, we are of the view that the 2017 SPP MAY not have been integrated into the Planning Scheme. Despite this, upon review of the '*Understanding the State Planning Policy – July 2017*', there were no changes made to any of the above listed State interests in the 2017 SPP that would result in these State interests being substantially different from earlier versions of the SPP that is integrated into the Planning Scheme. Accordingly, all applicable State interests have been appropriately reflected in the Planning Scheme and in turn, compliance with the SPP is demonstrated through compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

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

- Water Resources (Water Resource Planning Area Boundaries);
- Native Vegetation Clearing (Regulated Vegetation Management Map – Category A & B Extract)

In consultation with the *Planning Regulation 2017*, the above identified matters of State interest do not trigger any referrals. However, Lot 221 on SP129907 is located within 25m of a State-controlled Road in consultation with the PR, the proposed development therefor, triggers the following referral:

- State Assessment Referral Agency – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use of Premises near a State Transport Corridor.

As a result, the following module of the State Development Assessment Provisions (version 2.6) are applicable:

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

The proposed development involves a minor increase in traffic utilising the site and will not adversely impact the safe and efficient operation of the Kennedy Highway and for this reason will not conflict with and/or can be conditioned to comply with State Code 1. Accordingly, in this instance, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

6.5 PLANNING SCHEME (MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016)

6.5.1 Land Use Definition

The proposed development is defined under the Planning Scheme as:

'Animal Keeping':

"Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery".

'Educational Establishment':

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

6.5.2 Applicable Overlays

The site is affected by the following Planning Scheme overlays:

- Agricultural Land (Class A Agricultural Land; Class B Agricultural Land);
- Airport Environs (Bird and Bat Strike Zones – Distance from airport 3km; Obstacle Limitation Surfaces – Approach and Take-off Surface; Obstacle Limitation Surfaces – Transitional Surface; Obstacle Limitation Surfaces – Conical Surface; Light Intensity Buffer);
- Bushfire Hazard (High Potential Bushfire Intensity; Medium Potential Bushfire Intensity; Potential Impact Buffer 100m);
- Hill and Slope (Hill and Slope Area); and
- Transport Infrastructure (Rail Corridor; Road Hierarchy – State Controlled Road).

6.5.3 Applicable Codes

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

Table 1: Relevant Codes

Scheme Component	Comment
Zone Code	
Rural Zone Code	Refer to Attachment 5 and Section 6.6.2
Overlay Codes	
Agricultural Land Overlay Code; Airport Environs Overlay Code; Bushfire Hazard Overlay Code; Hill and Slope Overlay Code; and Transport Infrastructure Overlay Code.	Refer to Attachment 5 and Section 6.6.3



Development Codes	
Community Activities Code; Rural Activities Code; Landscaping Code; Parking and Access Code; Works, Services and Infrastructure Code	Refer to Attachment 5 and Section 6.6.4.

6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme encourages Animal Keeping and does not prohibit Horse-riding/Equestrian Schools in the Rural Zone. However, assessment needs to consider and ensure that all site features, constraints and development impacts can be suitably managed. Accordingly, the proposed development needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development, and the design arrangements proposed. Based on this understanding, Urban Sync undertook a full assessment of the proposed development against the applicable codes of the Planning Scheme and this assessment is included in **Attachment 5** and summarised below.

Our assessment determined that the proposed development complies with the vast majority of the 'deemed to comply' Acceptable Outcomes. Where a non-compliance has occurred, a performance-based assessment has been provided to consider and demonstrate, based on sound planning grounds, that compliance with the corresponding performance outcome and where warranted, compliance with the higher order sections of the Planning Scheme can still be achieved. With this in mind, we have confidence that a complete performance-based assessment by Council against the higher order section of the Planning Scheme will consider the project in its context and accept the alternative solutions.

6.6.1 Strategic Framework

The Strategic Framework of the *Mareeba Shire Planning Scheme 2016* sets out a broad policy direction for the Mareeba Shire Council Local Government Area. It offers a series theme to guide appropriate development outcomes for the life of the Planning Scheme, including settlement pattern and built environment, natural resources and natural environment, community identity and diversity, transport and infrastructure and economic development. In respect to the provisions of the PR, particularly s31(1)(b), the Assessment Manager must have regard to the whole Planning Scheme, including its Strategic Framework, when deciding an Impact Assessable Development Application. Therefore, this section of the report includes planning commentary addressing the elements of the strategic framework that are **applicable** to the site and proposed development (emphasis added).

Settlement Pattern and Built Environment

3.3.1 Strategic Outcomes:

The proposed development involves rural style land uses on rural land which will not compromise any existing rural activities on adjoining land. As such, the proposed development will be consistent with the intended settlement pattern for the shire and will not compromise the Strategic Outcomes of the Settlement Pattern and Built Environment Theme of the Strategic Framework.

3.3.11 Element – Rural Areas:

The proposed development involves rural style land uses on rural land which will not compromise any existing rural activities on adjoining land. The activities being proposed are consistent with the community's reasonable expectation of that which should reasonably occur on rural zoned land and will therefore, not be inconsistent with surrounding land uses or the character of the locality. The proposed development does not involve subdivision nor does it occur on areas mapped as important agricultural land. Finally, the proposed development has addressed site constraints and will not have long term impact on the use of the land for future rural land uses. As such, the proposed development will not compromise the Specific Outcomes of the Rural Areas Element of the Settlement Pattern and Built Environment Theme of the Strategic Framework.

3.4 Natural Resources and Environment

3.4.1 Strategic Outcomes:

The site does not contain any natural resources, areas/matters of high environmental significance and the proposed development has addressed all site constraints. The proposed development also avoids areas mapped as important agricultural land. As a result, the proposed development will not compromise the Strategic Outcomes of the Natural Resources and Environment Theme of the Strategic Framework.

3.5 Community Identity and Diversity

3.5.1 Strategic Outcomes:

The proposed development will not compromise any of the Strategic Outcomes of the Community Identity and Diversity Theme of the Strategic Framework from being achieved at a shire wide level.

3.6 Transport and Infrastructure

3.6.1 Strategic Outcomes:

The site is accessed via the Kennedy Highway and will therefore, not compromise any of the Strategic Outcomes of the Transport and Infrastructure Theme of the Strategic Framework from being achieved at a shire wide level.

3.6.7 Element – Water Supply and Wastewater Services:

The proposed development will include on-site potable water provision, effluent services and provision for firefighting. As such, the proposed development will not compromise the Specific Outcomes of the Water supply and Wastewater Services Element of the Transport and Infrastructure Theme of the Strategic Framework.

3.7 Economic Development

3.7.1 Strategic Outcomes:

The proposed development will not compromise any of the Strategic Outcomes of the Economic Development Theme of the Strategic Framework from being achieved at a shire wide level.

3.7.2 Element – Rural and Agricultural Land:

The proposed development involves rural style land uses on rural land which will not compromise any existing rural activities on adjoining land. The activities being proposed are consistent with the community's reasonable expectation of that which should reasonably occur on rural zoned land and will therefore, not be inconsistent with surrounding land uses or the character of the locality. The proposed development does not involve subdivision nor does it occur on areas mapped as important agricultural land. Finally, the proposed development has addressed site constraints and will not have long term impact on the use of the land for future rural land uses. As such, the proposed development will not compromise the Specific Outcomes of the Rural and Agricultural Land Element of the Economic Development Theme of the Strategic Framework.

6.6.2 Rural Zone Code

The proposed development complies or can be conditioned to comply with the Rural Zone Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

6.6.3 Overlay Codes

Agricultural Land Overlay Code

The proposed development will not be located on any of the mapped areas of Class A or Class B Agricultural Land and as such, the proposed development will not conflict with the Agricultural Land Overlay Code. Accordingly, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.



Airport Environs Overlay Code

The proposed development complies or can be conditioned to comply with the Airport Environs Overlay Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

Bushfire Hazard Overlay Code

The proposed development complies or can be conditioned to comply with the Bushfire Hazard Overlay Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

Hill and Slope Overlay Code

No works are proposed within the area of the site affected by the Hill and Slope Overlay Area. Therefore, the proposed development will not conflict with Hill and Slope Overlay Code. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

Transport Infrastructure Overlay Code

The site does not contain nor is within 40m of the nearby inactive rail corridor and therefore does not conflict with the Transport Infrastructure Overlay Code. As such the proposed development complies with the Transport Infrastructure Overlay Code. Hence, no assessment against this code is warranted and for this reason, has not been undertaken.

6.6.4 Development Codes

Community Activities Code

The proposed development complies with or can be conditioned to comply with the Community Activities Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

Rural Activities Code

The proposed development complies with, or can be conditioned to comply with, the Rural Activities Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

Landscaping Code

The site contains existing trees near the proposed parking areas and is setback over 200m from the Kennedy Highway and as such, the proposed development will have no impacts on the streetscape. The existing on-site landscaping is also consistent with the rural landscape character of the area. As such, the proposed development can be conditioned to comply with the Landscaping Code were deemed reasonable, and relevant. Therefore, a full assessment against this code is not deemed necessary and for this reason has not been undertaken.

Parking and Access Code

The proposed development complies with or can be conditioned to comply with the Parking and Access Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

Works, Services and Infrastructure Code

The proposed development complies with or can be conditioned to comply with the Works, Services and Infrastructure Code. A full assessment demonstrating this compliance has been provided in **Attachment 5**.

7 CONCLUSION

This report supports a development application made by Meraki EC Pty Ltd who seek the requisite statutory development approvals from Mareeba Shire Council to support the establishment of a horse riding/equestrian school and offer horse agistment services at 5707 Kennedy Highway, Mareeba, more formally described as Lot 142 on SP200237. Accordingly, this development application has sought the following development approvals from Council:

- **Development Permit for a Material Change of Use for Animal Keeping (Horse Agistment Services) & Educational Establishment (Horse Riding/Equestrian School).**

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

The report has established that based on a reasonable assessment, the Planning Scheme supports the establishment of rural uses, including animal keeping, and non-rural uses that are compatible with the rural area, as is proposed as part of this development application. Moreover, there should be a reasonable community expectation that the site will accommodate rural associated activities and as such, in this instance, the proposed development is suitably located in a 'rural' area.

In terms of assessment of the proposed development, this report has established that the proposed development is generally compliant with the applicable assessment benchmarks for this site and in the context of the locality with only a handful of minor departures away from the 'deemed to comply' Acceptable Outcomes being identified. Where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved.

The key assessment matter has been the location of an 'educational establishment' land use in the rural zone. In this instance however, the educational establishment land use is for a horse riding/equestrian school which is most suitably located in the Rural zone where large areas of land and separation from sensitive land uses is achievable. The report has identified that the proposed development and in particular, the educational establishment land use, does not result in any conflicts with the higher order sections of the Planning Scheme and will not result in any unacceptable, negative amenity or land use conflicts on adjoining allotments.

With the above in mind, we have confidence that a complete performance-based assessment by Council will consider the proposed development in its context, and in doing so, accept the alternative solutions being proposed and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval.





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)	Meraki EC Pty Ltd
Contact name (only applicable for companies)	C/- Matt Ingram of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4051 6946
Email address (non-mandatory)	admin@urbansync.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	21-739

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
		5707	Kennedy Highway	MAREEBA
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	142	SP200237	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	MAREEBA
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	221	SP129907	Mareeba Shire Council

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):*

The lawful establishment of an equestrian school and the provision of horse agistment services, which includes an outdoor arena, indoor arena and several paddocks.

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

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

6.2) Provide details about the second development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

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

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

6.3) Additional aspects of development

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

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>
Equestrian School and Agistment Services	Animal Keeping and Educational Establishment	N/A	See Report

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?

9.2) What is the nature of the lot reconfiguration? *(tick all applicable boxes)*

<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

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

10.2) Will the subdivision be staged?

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

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

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

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

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Mareeba Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

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

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

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

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

Clearing native vegetation

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

Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

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

Environmental offsets

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

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

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

Koala habitat in SEQ Region

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

Yes – the development application involves premises in the koala habitat area in the koala priority area

Yes – the development application involves premises in the koala habitat area outside the koala priority area

No

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

Water resources

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

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

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

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

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

Waterway barrier works

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

Yes – the relevant template is completed and attached to this development application

No

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

Marine activities

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

Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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			

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

I,
YVONNE VAN REEUWIJK

as owner of the premises identified as follows:

5707 Kennedy Highway, Mareeba (LOT 142 SP200237)

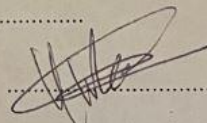
consent to the making of a development application under the *Planning Act 2016* by:

Urban Sync Pty Ltd on behalf of Meraki EC Pty Ltd

on the premises described above for:

Development Permit for a Material Change of Use (Animal Keeping & Educational Establishment)

Name: Yvonne van Reeuwijk



Signature

9/2/22

Date

Company owner's consent to the making of a development application under the *Planning Act 2016*

I,
Craig England
Manager (Rail Corridor Management)
Authorised delegate of the Chief Executive.

Of
The State of Queensland (Represented by the Department of Transport and Main Roads)

the company being the owner of the premises identified as follows:

Lot 221 on SP129907

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

Urban Sync Pty Ltd on behalf of MERAKEI EC Pty Ltd

on the premises described above for:

A Development Permit for a Material Change of Use (Animal Keeping and Educational Establishment – Horse Riding School) over Lot 142 on SP200237 at 5707 Kennedy Highway, Mareeba to which access is provided through Lot 221 on SP129907.

Company seal *[if used]*

Company Name and ACN:
The State of Queensland (Represented by the Department of Transport and Main Roads)

.....


.....
Signature of Manager (Rail Corridor Management)

30 March 2022
.....
Date

ACCESS LICENCE

DATE

28 March 2022

CONTRACT DETAILS

1a	Licensor: Details for Notices:	The State of Queensland (represented by Department of Transport and Main Roads) Postal Address: Director (Development Projects & Rail Corridor Management), Department of Transport and Main Roads, GPO Box 1412, Brisbane QLD 4001 Telephone: 07 3066 7443
1b	Licensee: Details for Notices:	Name: Meraki EC Pty Ltd Postal Address: PO Box 179, MALANDA QLD 4885 Telephone: 0411 412 748 or 0497 227 966 Email: neyvaro9@hotmail.com
2	Land:	That part of Lot 221 on SP129907 as indicated in Appendix A
3	Commencement Date:	The date of this Licence.
4	Expiry Date:	The date which is ten (10) years after the Commencement Date of this Licence.
5	Insurance Amount:	\$20 million per event or any higher amount as notified in writing by the Licensor to the Licensee
6	Licence Fee:	\$1.00 per annum, payable on demand.
7	Administrative Fee:	\$1.00 payable on demand.
8	Permitted Use:	All forms of access (pedestrian and vehicular) across Lot 221 on SP129907 in order to access Lot 142 on SP200237 at 5707 Kennedy Highway, Mareeba for the purposes of residential access, agistment services and a horse-riding school.

AGREED TERMS:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Licence:

“**Administrative Fee**” means the amount described in item 7 of the Contract Details;

“**Business Day**” means a day which is not a Saturday, Sunday or public holiday in Brisbane;

“**Chief Executive**” means the Chief Executive for the time being of the department administering the *Transport Infrastructure Act 1994*, who represents the State of Queensland;

“**Commencement Date**” means the date described in item 3 of the Contract Details;

“**Contamination**” means contamination as defined in the *Environmental Protection Act 1994*;

“**Existing Contamination**” means any Contamination of the Land that exists as at the Commencement Date;

“**Expiry Date**” means the date described in item 4 of the Contract Details;

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

“**GST**” has the meaning given to that expression in the GST Law and includes any substitute or similar tax;

“**Head Lease**” means the Perpetual Lease 208003 as amended from time to time leased to the Licensor and which includes the Land referred to in item 2 of the Contract Details. A reference to the Head Lease will include any Mandatory Standard Terms document issued in relation to the Head Lease pursuant to the *Land Act 1994*;

“**Insurance Amount**” means the amount described in item 5 of the Contract Details;

“**Land**” means the land described in item 2 of the Contract Details;

“**Licence**” means this document including the Schedule;

“**Licence Fee**” means the amount described in item 6 of the Contract Details;

“**Licensee**” means the party described in item 1b of the Contract Details;

“Licensee’s Associates” means the Licensee’s employees, agents, contractors, customers, clients, visitors (with or without invitation), invitees and any other person claiming through or under the Licensee who may at any time be on the Land;

“Licensee’s Property” means all domestic animals and livestock, vehicles, machinery, equipment, structures, fixtures or fittings or other property erected, installed, placed on, brought on to or permitted on the Land by the Licensee whether or not owned by the Licensee;

“Licensor” means the party described in item 1a of the Contract Details;

“Permitted Use” means the use described in item 8 of the Contract Details; and

“Term” has the meaning given in clause 3.

1.2 In this Licence:

1.2.1 the expressions **“supply”**, **“tax invoice”**, **“recipient”** and **“taxable supply”** have the meanings given to those expressions in the GST Law;

1.2.2 a reference to any legislation includes any regulation or instrument made under it and that legislation (including any regulation or instrument made under it) as modified or replaced;

1.2.3 where a party to this Licence is constituted by more than one person, the obligations of that party bind the persons comprising that party separately and together;

1.2.4 a reference to a person includes:

(a) the legal personal representatives, successors, permitted assigns and persons substituted by novation of that person; and

(b) a partnership, unincorporated joint venture, unincorporated association, corporation and a government or statutory body or authority; and

1.2.5 a reference to **“includes”** means includes without limitation and **“including”** has a corresponding meaning.

2. GRANT OF LICENCE

Subject to the terms of this Licence, the Licensor grants the Licensee a non-exclusive licence for the Term:

- (a) to use the Land for the Permitted Use only (unless the Licensor consents otherwise in writing); and
- (b) to enter upon, pass and re-pass over the Land from time to time with all of the Licensee’s Property as is reasonably required for the Permitted Use.

3. TERM OF LICENCE

This Licence commences on the Commencement Date and terminates when terminated in accordance with clause 13 (**“Term”**)

4. LICENCE FEE

The Licensee must pay the Licensor the Licence Fee on demand.

5. COSTS

The Licensee must:

- (a) bear its own costs of and incidental to the negotiation and execution of this Licence;
- (b) if demanded by the Licensor, pay the Licensor the Administrative Fee on account of the Licensor’s costs of and incidental to the negotiation, execution and administration of this Licence;
- (c) pay any stamp duty which may be payable on this Licence;
- (d) pay all statutory and other charges relating to the Land, and all charges for gas, electricity, water and telephone whether incurred by the Licensor or the Licensee, as a result of the Licensee’s use of the Land;
- (e) pay for anything it must do under this deed (unless expressly stated otherwise); and
- (f) reimburse the Licensor on demand for, and indemnify the Licensor against, all expenses incurred by the Licensor in connection with exercising, enforcing or preserving, or attempting to exercise, enforce or preserve rights under this deed including, arising from any breach by the Licensee of its obligations under this deed.

6. DEPARTMENT’S RIGHTS

6.1 This Licence is not exclusive. The Licensor reserves the right to enter and use the Land, and to license others to use the Land (at its absolute discretion).

- 6.2 The Licensee acknowledges that:
- 6.2.1 the Land may be subject to Contamination; and
 - 6.2.2 the Licensor has given no representation or warranty that the Land is suitable for use by the Licensee for the Permitted Use or is safe for entry or use by the Licensee or the Licensee's Property.

7. LICENSEE'S OBLIGATIONS ABOUT THE LAND

- 7.1 The Licensee has a duty of care in respect of the Land.
- 7.2 The Licensee must:
- 7.2.1 not use the Land for any purpose except for the Permitted Use;
 - 7.2.2 obtain any licences and consents required for its Permitted Use of the Land;
 - 7.2.3 refrain from carrying on, or permitting on the Land, any annoying or offensive activities;
 - 7.2.4 comply with all relevant laws, including the *Environmental Protection Act 1994*, and all lawful requirements of any government or governmental entity;
 - 7.2.5 promptly give information to the Licensor in respect of this Licence or the Land if requested by the Licensor;
 - 7.2.6 keep the Land and all of the Licensee's Property on the Land in good repair and condition and in accordance with all applicable industry standards, statutes, regulations, by-laws, sub-ordinate legislation and other legislative requirements so that the Land and all Licensee's Property on the Land are, at all times, safe and clean, free of rubbish and the Land is free from Contamination caused during the Permitted Use;
 - 7.2.7 keep the Land free of noxious plants and weeds;
 - 7.2.8 refrain from causing or permitting damage to the Land or to any property of the Licensor on the Land, including any fences, gates or signs, and immediately remedy any such damage caused by the Licensee;
 - 7.2.9 use all reasonable endeavours to minimise interference with land that adjoins the Land;
 - 7.2.10 notify the Licensor promptly of any hazard or damage to or on the Land (including soil erosion) or any property or structures on the Land belonging to the Licensor, which is caused by, or is reasonably apparent to the Licensee;
 - 7.2.11 keep fences, gates or other barriers on the Land closed or, if lockable, locked when not using them;
 - 7.2.12 comply with all reasonable directions of the Licensor; and
 - 7.2.13 not make any alterations to the Land except as permitted under this Licence.

8. ALTERATIONS AND IMPROVEMENTS

- 8.1 The Licensee may, at its cost, construct fences on the Land at any time without obtaining the prior consent of the Licensor, provided such fences are constructed in a proper and workmanlike manner and do not prevent access to the Land by the Licensor or other persons lawfully using the Land.
- 8.2 If there is more than one licensee of the Land from the Licensor, prior to the Licensee constructing any fences pursuant to clause 8.1, the Licensee must ensure that it has reached a mutually acceptable arrangement with any other licensee with respect to the proposed fences.
- 8.3 Subject to clause 8.1, the Licensee must not undertake works, erect or affix any Licensee's Property, paint or place signs on, or otherwise alter the Land in any way, without obtaining the prior consent of the Licensor, who may impose conditions or refuse to grant consent at its absolute discretion.
- 8.4 The Licensee will be responsible for all maintenance and insurance of all of the Licensee's Property.

9. RISK

- 9.1 The Licensee shall occupy and use the Land at the risk of the Licensee. Any matter or thing (including persons, livestock or domestic animals) including the Licensee's Property, that is brought or wanders onto the Land, during the Term, is at the risk of the Licensee.
- 9.2 The Licensor will not be liable to the Licensee for any damage to any property of or in the possession of the Licensee or any other person, on or about the Land, or to the Licensee's Property.

10. RELEASE AND INDEMNITIES

- 10.1 To the full extent permitted by law, the Licensee releases the Licensor from all claims of every kind resulting from any damage, loss, death or injury to any person or property occurring on the Land, or outside the Land, arising from, in connection with or contributed to by, the condition of the Land, the Licensee's exercise of rights under this Licence, or the Licensee's use or occupation of the Land, except to the extent that the damage, loss, death or injury is solely caused by the negligence or wilful act or omission of the Licensor.
- 10.2 The Licensee indemnifies the Licensor, the Chief Executive and their agents, employees and contractors (each an "**Indemnified Party**"), against all actions, claims, demands or losses of every kind incurred by an Indemnified Party, or for which an Indemnified Party may become liable in respect of or arising out of:
- 10.2.1 any act, omission or breach of this Licence by the Licensee or the Licensee's Associates; and
- 10.2.2 any loss, theft or damage to property, loss of life or injury to any person on or near the Land or to any adjacent land, caused, or contributed to, by the Licensee's use of the Land or by any act or omission by the Licensee or the Licensee's Associates or by any trespasser while on the Land,
- except to the extent that any action, claim, demand or loss is caused solely by a negligent act or omission of that Indemnified Party. It is not necessary for an Indemnified Party to incur expense or make a payment before enforcing any indemnity conferred by this clause 10.2.

11. INSURANCE

- 11.1 The Licensee must insure with an insurance company approved by the Licensor, for the Insurance Amount, against public risk in the form of a standard public risk policy.
- 11.2 The Licensee must ensure that the policy taken out in accordance with clause 11.1:
- 11.2.1 notes the interests of the Licensor; and
- 11.2.2 is extended to cover the risks of an insurable nature in respect of which the Licensee is obliged to indemnify the Licensor under this Licence.
- 11.3 The Licensee must:
- 11.3.1 produce to the Licensor the insurance policy taken out in accordance with this clause 11, if required by the Licensor; and
- 11.3.2 obtain from the insurance company and provide to the Licensor a certificate of currency for that policy (which includes a statement that the policy notes the interests of the Licensor).

12. DEFAULT

- 12.1 The Licensee is in default under this Licence if:
- 12.1.1 the Licensee breaches any term of this Licence and that breach continues after the Licensor has given the Licensee notice of the breach and a reasonable time in which to remedy the breach;
- 12.1.2 where the Licensee is an individual, the Licensee becomes bankrupt;
- 12.1.3 where the Licensee is a company:
- (a) a court order is made or a resolution passed for the winding up of the Licensee other than for the purposes of reconstruction;
- (b) an administrator, receiver, receiver and manager or controller is appointed to any of Licensee's assets or undertakings; or
- 12.1.4 where the Licensee is comprised of persons in a partnership, the partnership is dissolved, ceased or wound up.
- 12.2 If the Licensee is in breach of any provision of this Licence, the Licensor may, without prejudice to its rights and remedies under this Licence, remedy the default and recover the costs of remedying the default from the Licensee.

13. TERMINATION

- 13.1 This Licence will terminate on the earlier of:
- 13.1.1 the Expiry Date;

- 13.1.2 registration of a sublease in the Titles Office over the Land in favour of the Licensee;
 - 13.1.3 if the Head Lease pursuant to which the Licensor holds the Land terminates for any reason, the date of termination of the Head Lease;
 - 13.1.4 if either party gives prior notice in writing to the other party terminating this Licence, the later of:
 - (a) the date which is 3 months from the date that notice is given; and
 - (b) the date (if any) specified in that notice;
 - 13.1.5 if the Licensee is in default as set out in clause 12 and the Licensor gives the Licensee a notice terminating this Licence, the later of:
 - (a) the date which is 14 days from the date that notice is given; and
 - (b) the date (if any) specified in that notice; or
 - 13.1.6 if the Land is subleased by the Licensor to any person, the date of commencement of that sublease (the Licensor having first given the Licensee 1 month's prior notice in writing of such termination).
- 13.2 Termination of this Licence under clause 13.1.5 is in addition to any other remedy which may have accrued with respect to that default.
- 13.3 Each party's obligations under this Licence are at an end from the date of termination except for:
- 13.3.1 any obligations or rights which have arisen prior to the date of termination; and
 - 13.3.2 any obligations arising under clauses 5, 9, 10, 14, 15 and 17.

14. REMOVAL OF LICENSEE'S PROPERTY AND DELIVERY UP OF LAND

- 14.1 On or before the date of termination, the Licensee must:
- 14.1.1 remove any Licensee's Property from the Land and repair any damage caused to the Land by the removal of the Licensee's Property at the Licensee's cost;
 - 14.1.2 substantially restore the Land to its state prior to the commencement of this Licence unless:
 - (a) the Licensee has obtained the Licensor's written consent that all or part of the Land is not to be restored (which may be withheld or given subject to conditions in the Licensor's absolute discretion); or
 - (b) the Licensor has notified the Licensee in writing that all or part of the Land is not to be restored;
 - 14.1.3 deliver up the Land in a condition which is safe, stable, clean and tidy and free from Contamination, if caused or contributed to by the Licensee during the Term (for the avoidance of doubt, the Licensee will not be responsible for Existing Contamination unless it was caused by or contributed to by the Licensee's use of the Land); and
 - 14.1.4 deliver to the Licensor all keys, combinations or other equipment for locks on any gates or other structures on the Land.
- 14.2 Property not removed in accordance with this clause will be deemed abandoned and may be dealt with as determined by the Licensor, with costs recoverable from the Licensee.
- 14.3 If this Licence is terminated pursuant to clause 13.1.2, the Licensee will not be required to comply with clause 14.1.

15. GST

- 15.1 If GST is levied or imposed on any taxable supply made (or deemed to have been made) under or in accordance with this Licence, the amount payable for that taxable supply (or deemed taxable supply) ("**Payment**") shall be increased by such amount as is necessary to ensure that the amount of the Payment net of GST is the same as it would have been without the levy or imposition of the GST, or such lesser amount as may be required by any law.
- 15.2 The party receiving a Payment for a taxable supply must, as and when required by the GST Law, provide a tax invoice for that taxable supply to the payor of that Payment.
- 15.3 If this Licence requires a party to reimburse or indemnify any other party for any expense, loss or outgoing ("**reimbursable expense**") incurred by another party, the amount required to be reimbursed or indemnified by the first party will be the sum of:

- 15.3.1 the amount of the reimbursable expense net of input tax credits (if any) to which the other party is entitled in respect of the reimbursable expense; and
- 15.3.2 if the other party's recovery from the first party is a taxable supply, any GST payable in respect of that supply.
- 15.4 If the amount of GST paid or payable by the supplier on any supply made under this Licence differs from the amount on account of GST paid by the recipient, because the Commissioner of Taxation lawfully adjusts the value of the taxable supply for the purpose of calculating GST, then the amount of GST paid by the recipient will be adjusted accordingly by a further payment by the recipient to the supplier or the supplier to the recipient, as the case requires.

16. NOTICES

- 16.1 Any notice given under this Licence must be in writing and may be given by personal delivery, prepaid post or by facsimile to the address for service of the addressee specified in Item 1a or Item 1b of the Contract Details, as applicable (or as otherwise notified to the other party).
- 16.2 Any notice sent by mail will be taken to be received on the third Business Day after posting.
- 16.3 Any notice sent by facsimile transmission will be taken to be received on production of a facsimile transmission confirmation slip by the machine from which the facsimile was sent showing that the facsimile was sent in full to the correct number. If the facsimile is received after 5pm or on a day which is not a Business Day, it is taken to be received on the next Business Day.
- 16.4 Any notice may be signed by an authorised officer or representative of the party giving the notice.

17. WORKPLACE HEALTH AND SAFETY

- 17.1 For the purpose of this clause 17:
- 17.1.1 the words "**construction work**", "**person with management or control**" of a workplace or fixtures, fittings or plant at a workplace, "**notifiable incident**" and "**workplace**" have the meanings assigned to them by the WH&S Act;
- 17.1.2 "**Incident**" means any notifiable incident which occurs in relation to or in connection with the Land or the Licensee's Activities;
- 17.1.3 "**Licensee's Activities**" means:
- (a) the Licensee's activities on the Land (including the Permitted Use); and
 - (b) the Licensee's exercise of its rights, and compliance with its obligations, under this Licence, and
- 17.1.4 "**WH&S Act**" means the *Work Health and Safety Act 2011* (Qld), the *Work Health and Safety Regulation 2011* (Qld) and any subordinate legislation, codes or standards applying under them.
- 17.2 The Licensor and the Licensee acknowledge and agree that the Licensee's Activities:
- 17.2.1 are solely part of the conduct of the Licensee's business or undertaking; and
- 17.2.2 do not form any part of a business or undertaking conducted by or with the Licensor.
- 17.3 As between the parties, the Licensee is responsible for and controls all health and safety matters in connection with the Licensee's Activities and must comply with the WH&S Act.
- 17.4 For clarity, to the extent that the WH&S Act provides for the appointment of a principal contractor (or any other person) in relation to the Licensee's Activities, then the Licensee is, or is responsible for the appointment of, and will appoint, that principal contractor (or other person).
- 17.5 The Licensee agrees and acknowledges that notwithstanding any other provision in this Licence, the Licensee must not undertake or permit construction work on the Land without obtaining the prior written consent of the Licensor (which may be withheld or given subject to conditions in the Licensor's absolute discretion).
- 17.6 The Licensee will:
- 17.6.1 comply with the Licensor's reasonable directions in relation to any health or safety related matters in relation to or in connection with the Land, including requiring, to the extent possible, the Licensee's Associates to assist the Licensor;
- 17.6.2 notify the Licensor immediately of every Incident in relation to or in connection with the Land and provide the Licensor with a copy of any notification under the WH&S Act promptly upon request; and

- 17.6.3 indemnify and keep indemnified the Licensor and the Chief Executive from and against all liabilities, actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made on the Licensor and the Chief Executive or which the Licensor or the Chief Executive may pay, sustain or be put to arising by reason of or in connection with the Licensor or the Chief Executive being deemed under the WH&S Act to be the owner of any workplace or the person in control of any workplace or any fixtures, fittings and plant, in relation to or in connection with a workplace.

18. HEAD LEASE

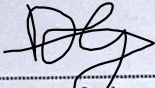
- 18.1 To the extent of any inconsistency between the Head Lease and this Licence which means that this Licence and the Head Lease cannot be complied with, the terms and conditions of the Head Lease will prevail.
- 18.2 The Licensee must, at all times, comply with the terms of the Head Lease to the extent that they are applicable to this Licence.
- 18.3 The Licensee must not do, or omit to do, or permit to be done or omitted, anything which:
- 18.3.1 renders, or may render the Head Lease liable to forfeiture or termination; or
 - 18.3.2 may result in the Licensor being in breach of the Head Lease; or
 - 18.3.3 prejudice the Licensor's interests in the Head Lease or the Land; or
 - 18.3.4 may result in an increase in the cost to the Licensor in complying with the Head Lease.

19. GENERAL

- 19.1 The rights under this Licence do not create or confer upon the Licensee any estate or interest in the Land. The rights of the Licensee are those of a licensee only.
- 19.2 The Licensee may not assign or transfer its rights under this Licence or grant any sub-licences, unless it has the written consent of the Licensor (which may be withheld in its absolute discretion).
- 19.3 This Licence may not be varied except in writing signed by the parties.
- 19.4 If any provision or part of a provision is unenforceable for any reason, that provision or part will be removed from this Licence and the enforceability of the remaining provisions will not be affected, except to the extent that removing a provision or part of alter the scope and nature of this Licence or the relative commercial or financial positions of the parties or would be contrary to public policy.
- 19.5 Failure by a party to require strict compliance with a provision of this Licence will not constitute a waiver of that party's right to later enforce that provision. No waiver of a breach of any express or implied provisions of this Licence will constitute a waiver of any other breach of those provisions or any other express or implied provision.
- 19.6 This Licence contains all the terms which have been agreed by the parties in relation to the transactions provided for by this Licence. None of the parties has been induced to enter into this Licence by a statement or promise which is not set out in this Licence.
- 19.7 The Chief Executive may authorise any person or persons to exercise any power exercisable by him or her under this Licence on behalf of the State of Queensland.

EXECUTED as a DEED:

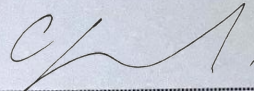
EXECUTED by an authorised delegate of the Chief)
Executive of **THE DEPARTMENT OF**)
TRANSPORT AND MAIN ROADS for and on)
behalf of **THE STATE OF QUEENSLAND** in the)
presence of:)



Signature of witness

David Gleadow
Senior Advisor (Rail Corridor Management)

Print name of witness



Signature of authorised delegate
Craig England
Manger (Rail Corridor Management)
28 March 2022

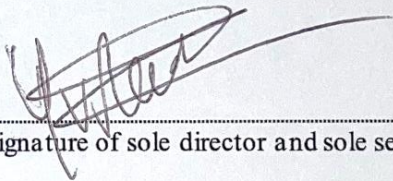
Print name of authorised delegate

[TO BE USED FOR COMPANIES WITH SOLE DIRECTOR/SECRETARY]

EXECUTED by Meraki EC Pty Ltd in accordance)
with section 127 of the Corporations Act 2001 (Cth):)
)
)

YVONNE VAN REEUWIJK

Full name of sole director and sole secretary



Signature of sole director and sole secretary

Appendix A



Affinity Insurance Brokers

ABN 15 091 944 580

Authorised Representative Number 1288354

Level 1/1265 Nepean Highway
CHELTENHAM VIC 3192

PO Box 601
MOORABBIN VIC 3189

Ph: (03) 8587 7777
Fax: (03) 8587 7700
Email: info@affinityib.com.au

As per your request, the policy described below has been endorsed in accordance with your instructions. Please pay, within fourteen (14) days any applicable extra premium to ensure continuity of cover.

Page 1 of 3

TAX INVOICE

This document will be a tax invoice for GST when you make payment

Invoice Date: 18/03/2022
Invoice No: 43451
Our Reference: MEEAKI EQ

Should you have any queries in relation to this account, please contact your Account Manager
Amanda Mac Isaac 03 8587 7777

Yvonne Van Reeuwijk
T/as Meraki Equestrian Centre
PO Box 2989
MAREEBA QLD 4880

Class of Policy: Combined General Liability - Equine Industry
Insurer: Liberty Specialty Markets
Level 1 145 Eagle Street, Brisbane
ABN: 61 086 083 605
The Insured: Yvonne Van Reeuwijk
T/as Meraki Equestrian Centre

ENDORSEMENT

Policy No: 491604
Period of Cover:
From **7/03/2022**
to **5/07/2022** at 4:00 pm

Details: See attached schedule for a description of the risk(s) insured

Endorsement - Add new property Lot 221, Kennedy Highway, Mareeba, 4880

Your policy has been placed pursuant to our Binding Authority with the Insurer. We therefore act as agent of the Insurer, and not the Insured.

Your Premium:

Premium	UW Levy	Fire Levy	GST	Stamp Duty	Policy Fee	Broker Fee
\$164.38	\$0.00	\$0.00	\$19.44	\$0.00	\$0.00	\$30.00
TOTAL						\$213.82

(A processing fee applies for Credit Card payments)



Please turn over for further payment methods and instructions



Biller Code: 20362
Ref: 40346981911468791



Pay by credit card (Visa, Mastercard, Amex or Diners) at www.deft.com.au or Call 1300 78 11 45. A surcharge may apply.
DEFT Reference Number: 40346981911468791



*498 403469 81911468791

Affinity Risk Partners (Brokers)

Our Reference: MEEAKI EQ
Invoice No: 43451
Due Date: 7/03/2022

Premium	\$164.38
U'writer Levy	\$0.00
Fire Levy	\$0.00
GST	\$19.44
Stamp Duty	\$0.00
Broker Fee	\$30.00
Policy Fee	\$0.00

AMOUNT DUE \$213.82

+403469

81911468791<

000021382<3+

Class of Policy: Combined General Liability - Equine Industry	Policy No: 491604
The Insured: Yvonne Van Reeuwijk T/as Meraki Equestrian Centre	Invoice No: 43451
	Our Ref: MEEAKI EQ

Other Insurable Risks And Services

The preceding Coverage Summary has listed out the covers in place for you. It is important to note there are a number of other types of insurance you can purchase, which may not currently be included.

The list below shows the types of insurance that can be purchased through Affinity Insurance Broker or parent company, Aon. This list doesn't include every type of insurance available, rather, it is intended to give you a summary of covers available in helping you decide what type of protection you require. Please contact us if you require any additional information (please note this list does include the covers you have already purchased):

Property and Financial

Accounts Receivable	Glass
Active Assailant	Industrial Special Risk
Advance Business Interruption	Kidnap, Ransom and Extortion
Asset Residual Value	Legal Expenses
Aviation	Livestock or Bloodstock
Boiler and Pressure Vessels	Loss of Licence
Burglary / Theft	Marine – Hull and Liability
Business Interruption (Loss of Profits, Consequential Loss)	Marine – Inland Transit
Computers (Electronic Equipment/Data Processing)	Marine – Overseas Transit
Computer Crime	Money
Contract Works	Motor Vehicle
Credit Insurance	Patent Infringement
Crime	Political Risks
Defamation (Libel and Slander)	Property ~ Buildings
Engineering (Machinery Breakdown)	Valuation ~ Plant
Fidelity Guarantee (Dishonesty of Employees)	Services ~ Other Content
Fire ~ Building	Special Contingencies (<i>Special Risks, General Property</i>)
~ Contents	
~ Stock	

Employee Benefits

Health Care Plans	Salary Continuance
Keyman Cover	Trauma
Life and Benefits	Travel Accident Benefits, Baggage & Medical
Personal Accident/Disability	

Class of Policy:	Combined General Liability - Equine Industry	Policy No:	491604
The Insured:	Yvonne Van Reeuwijk T/as Meraki Equestrian Centre	Invoice No:	43451
		Our Ref:	MEEAKI EQ

Liability

Charterers' Legal Liability	Professional Indemnity
Cyber Liability	Protection and Indemnity
Directors' & Officers' Liability	Public & Products Liability
Employment Practices Liability	Statutory Liability
Environmental Impairment	Takeover
Forged Share Transfer	Taxation Audit
Legal Defence Costs	Trustees Liability
Product Tampering	Umbrella Liability
Management Liability	Workers Compensation
Product Guarantee	Workers Compensation – Extra Territorial
Product Recall	Workers Compensation – Make Up Pay

Accident & Health

Business Travel	Voluntary Workers
Group Personal Accident	Expatriate Medical
Journey Accident	Inpatriate Medical

Rural Insurance

Business Interruption	Flood
Business Liability	Hay, Grain, Fencing, Livestock & Farm Trees
Domestic Building & Contents	Machinery Breakdown
Farm Machinery & Working Dogs	Personal Income
Farm Motor	Road Transit
Farm Property	Theft

Personal Insurance

Flood	Private Caravan
Home and Contents	Private Motor Vehicle
Landlords – Rental/Investment Property	Residential Strata Property
Private Boat	

Not all these covers may apply to your particular circumstances. However, we suggest this list be reviewed regularly to ensure your current insurance is still satisfactory in meeting your needs. Additionally, should a particular exposure exist, which is neither included in your current insurance program, nor listed above, we would be pleased to investigate availability of the product on your behalf.

Business Description (Change Of) Endorsement

Endorsement attaching to and forming part
of Policy Number: 491604
Insured: Yvonne Van Reeuwijk T/as Meraki Equestrian Centre

Endorsement effective from: 7/03/2022

The Insured's Business as shown in the Schedule is deleted and replaced by the following:

4. **Insured's Business:** Equine Trainer & Coach, Agistment, Riding Lessons, Equine Assisted Therapy, Property Owners of 5707 & Lot 221 Kennedy Highway, Mareeba, 4880

Nothing contained in this endorsement shall in any way serve to increase the Limit of Indemnity stated in the Schedule.

Other than as amended above, the terms of this Policy shall continue to apply.



Greg Shallard
Client Manager

18 March 2022

Date:

CERTIFICATE OF CURRENCY

This Certificate:

- Is issued as a matter of information only and confers no rights upon the holder.
- Does not amend, extend or alter the coverage afforded by the Policy(ies) listed.
- Is only a summary of the cover provided.
- Reference must be made to the current Policy wording for full details.
- Is current at the date of issue only.

This Certificate confirms that the undermentioned Policy is effective in accordance with the details shown:

Policy Number:	491604
Insured:	Meeaki Equestrian Centre
Period of Insurance:	From: 5/07/2021 at 4.00pm local standard time To: 5/07/2022 at 4.00pm local standard time
Insured's Business:	Equine Trainer & Coach, Agistment, Riding Lessons, Equine Assisted Therapy, Property Owners
Limit of Indemnity:	AUD 20,000,000 any one Occurrence in respect of Public liability and in the aggregate during the Period of Insurance in respect of Product Liability
Remarks:	The indemnity granted by this Policy extends to Department of Transport and Main Roads as principal, in respect of that principal's vicarious liability for the negligent acts or omissions of the Insured pursuant to Definition 2.5 and arising out of the Insured's Business, but this policy does not extend to the liability of the principal howsoever arising out of the negligence, breach of contract, or breach of duty of such principal.

We trust you find the above in order, however, should you have any questions, please do not hesitate to contact the undersigned.

Yours faithfully,



Greg Shallard
Client Manager

24 March 2022

Date:



DRAWING LIST			
NUMBER	DESCRIPTION	ISSUE DATE	REVISION No.
SK01	COVER SHEET	24/02/2022	A
SK02	SITE PLAN	24/02/2022	A
SK03	PLAN AND ELEVATIONS	24/02/2022	A

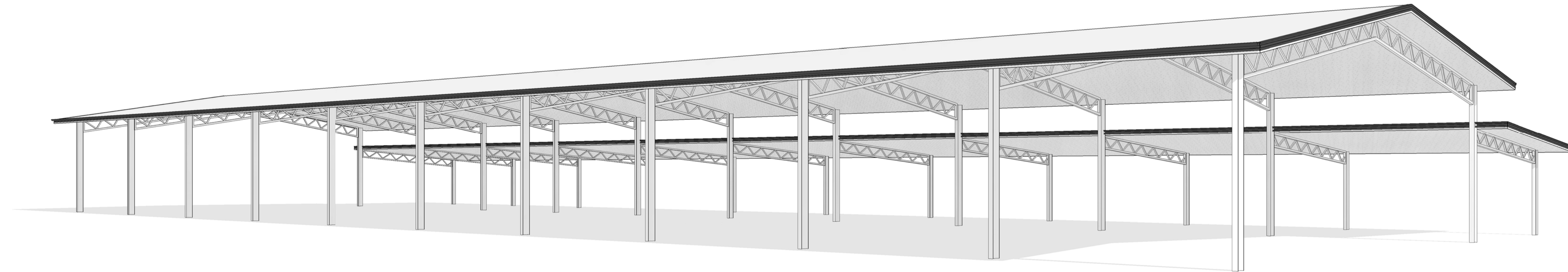
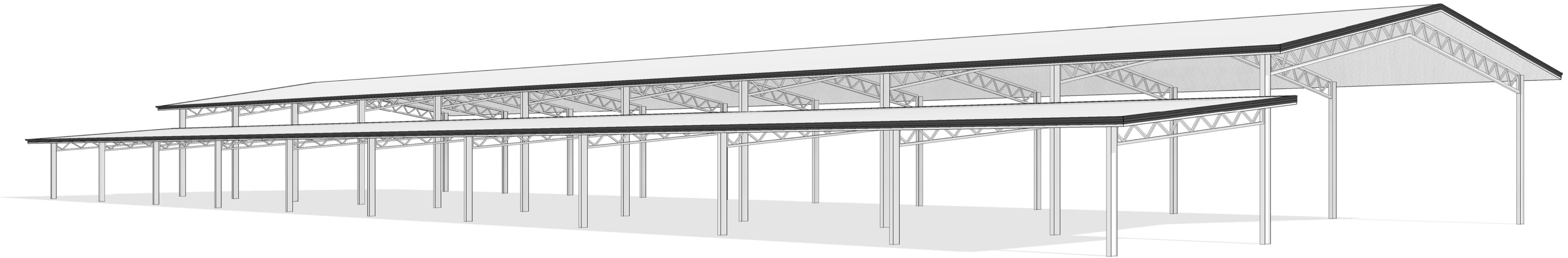
PLEASE NOTE: SUBSTITUTION OF ANY STRUCTURAL MEMBERS, & OR VARIATIONS TO ANY PART OF THE DESIGN, WILL VOID ANY RESPONSIBILITIES OF THE BUILDER DESIGNER FOR THE STRUCTURAL INTEGRITY AND PERFORMANCE OF THE BUILDING



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 W www.dmarcodesigns.com.au | P 0410 633 159

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 - DO NOT SCALE FROM DRAWINGS.
 - CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION OF ANY SHOP DRAWINGS.

PROJECT REVISIONS		
No.	DATE	DETAILS
A	24/02/2022	ASSESSMENT ISSUE A



PROPOSED ARENA AND PADDOCK SUBDIVISION

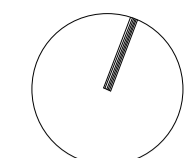
5705 KENNEDY HWY, MAREEBA

MERAKI EC PTY. LTD.

DRAWN BY:	CD
SCALE:	N.T.S.
START DATE:	FEBRUARY 2022
REVISION DATE:	24/02/2022
JOB No:	22038
SHEET No:	SK01
REV No:	A

ASSESSMENT ISSUE A

GENERAL NOTES
ALL PLANS ARE TO BE READ IN CONJUNCTION WITH THE CONSTRUCTION NOTES.



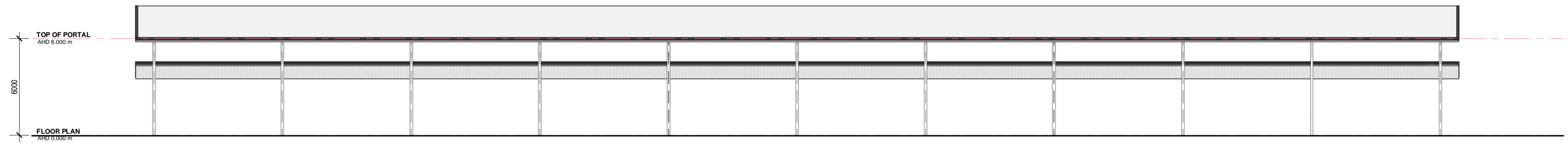
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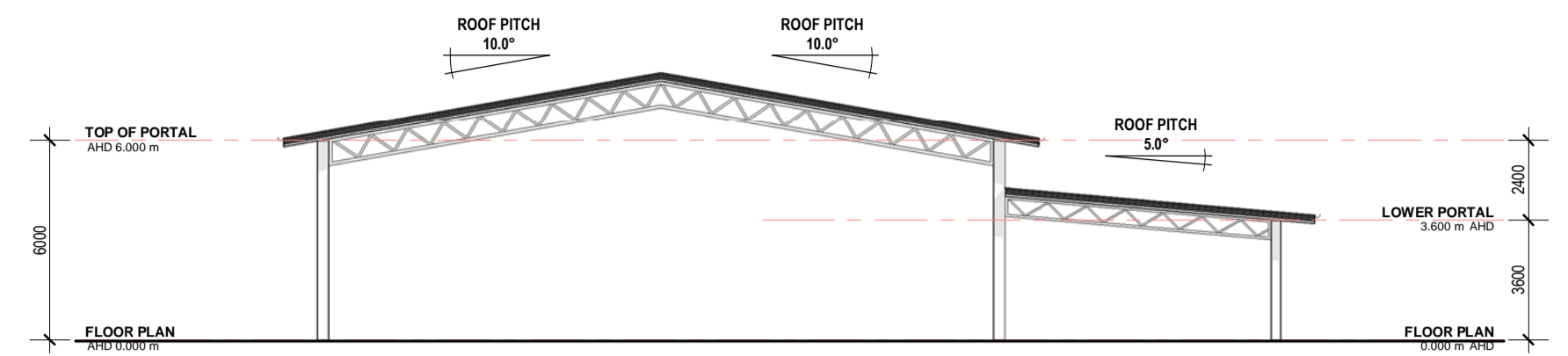
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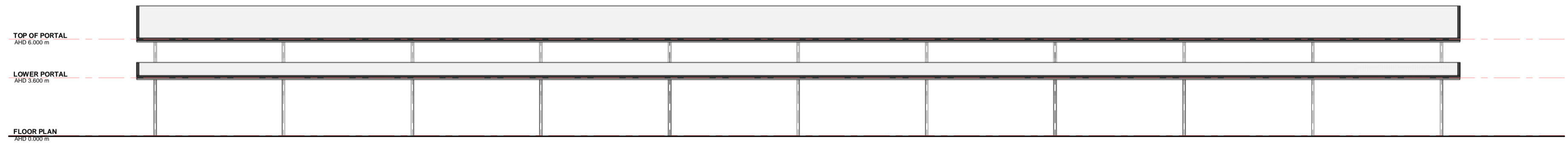
PROJECT DETAILS
No. DATE DETAILS
A. 24/02/2022 ASSESSMENT ISSUE A



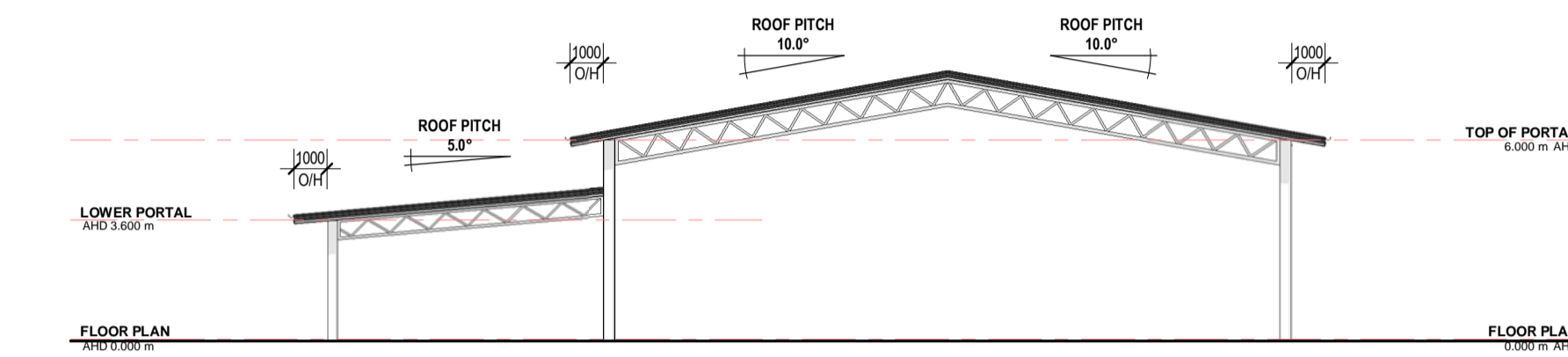
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SCALE 1 : 200



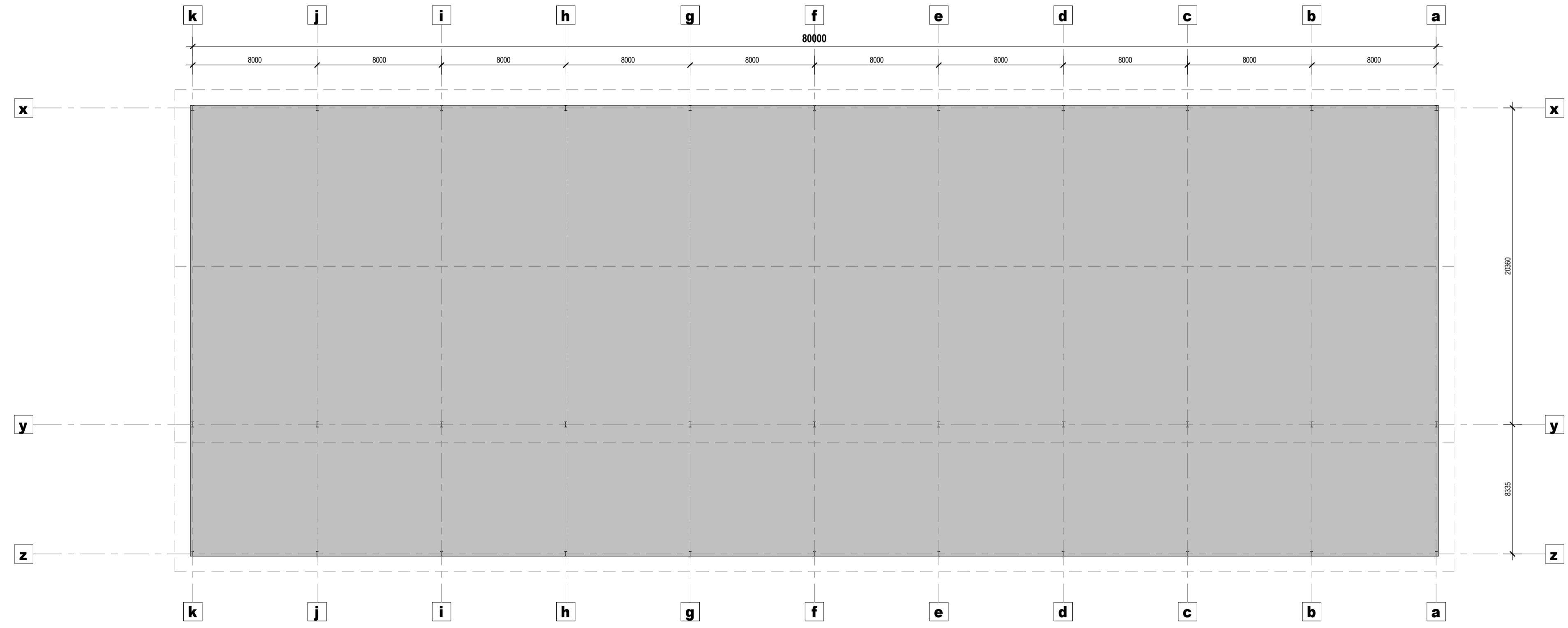
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SCALE 1 : 200



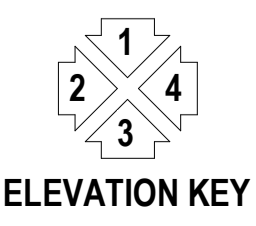
ELEVATION 3
SCALE 1 : 200



ELEVATION 4
SCALE 1 : 200



FLOOR PLAN
SCALE 1 : 200



ELEVATION KEY

PROPOSED ARENA AND PADDOCK SUBDIVISION

5705 KENNEDY HWY, MAREEBA

MERAKI EC PTY. LTD.

DRAWN BY:	CD
SCALE:	1 : 200
START DATE:	FEBRUARY 2022
REVISION DATE:	24/02/2022
JOB No:	22038
SHEET No:	SK03
REV No:	A

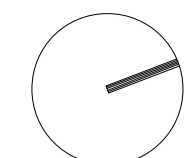
ASSESSMENT ISSUE A

GENERAL NOTES

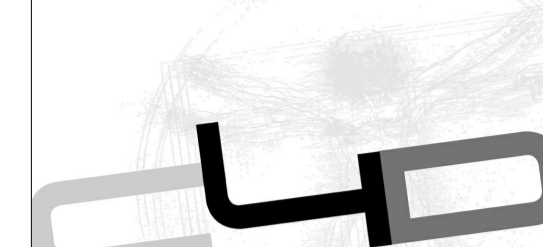
ALL PLANS ARE TO BE READ IN CONJUNCTION WITH THE CONSTRUCTION NOTES.

PROPERTY INFORMATION

LOT NUMBER LOT 142
PLAN NUMBER SP200237
PARISH
COUNTY
SITE AREA 14.03 Ha



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PROJECT REVISIONS
No DATE DETAILS
A 24/02/2022 ASSESSMENT ISSUE A



PROPOSED ARENA AND PADDOCK SUBDIVISION

5705 KENNEDY HWY, MAREEBA

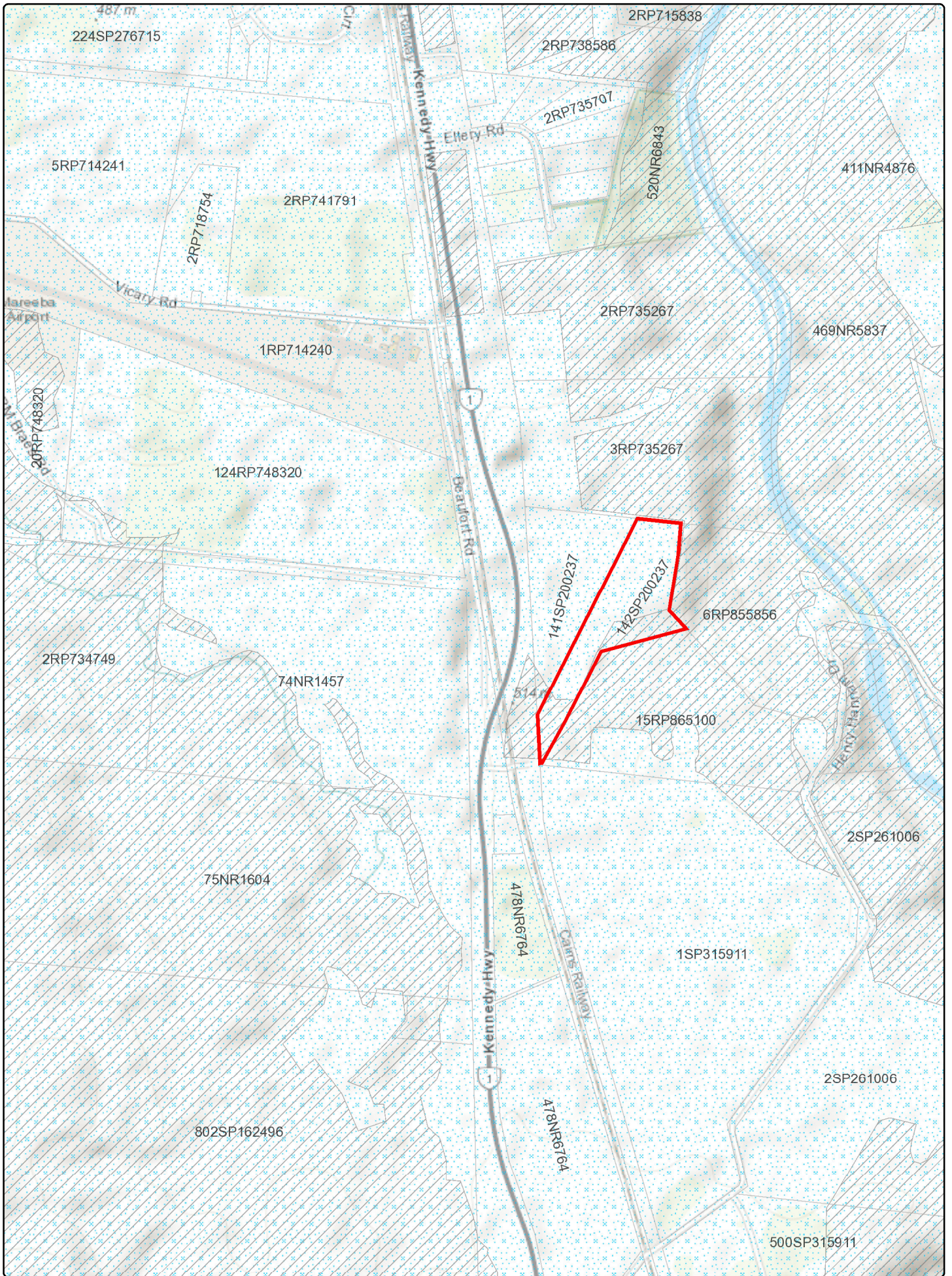
MERAKI EC PTY. LTD.

DRAWN BY:	CD
SCALE:	1 : 1250
START DATE:	FEBRUARY 2022
REVISION DATE:	24/02/2022
JOB No:	22038
SHEET No:	SK02
REV No:	A

ASSESSMENT ISSUE A

**ATTACHMENT 3:
SITE SEARCHES**





DA Mapping System – Print Screen

Date: 08/02/2022

0 290 580 870 1,160

Metres



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Legend


Drawn Polygon Layer


Override 1

Cadastral (25k)


 Cadastral (25k)

Regulated vegetation management map (Category A and B extract)

 Category A on the regulated vegetation management map

 Category B on the regulated vegetation management map

Water resource planning area boundaries

 Water resource planning area boundaries

DA Mapping System – Print Screen

Date: 08/02/2022

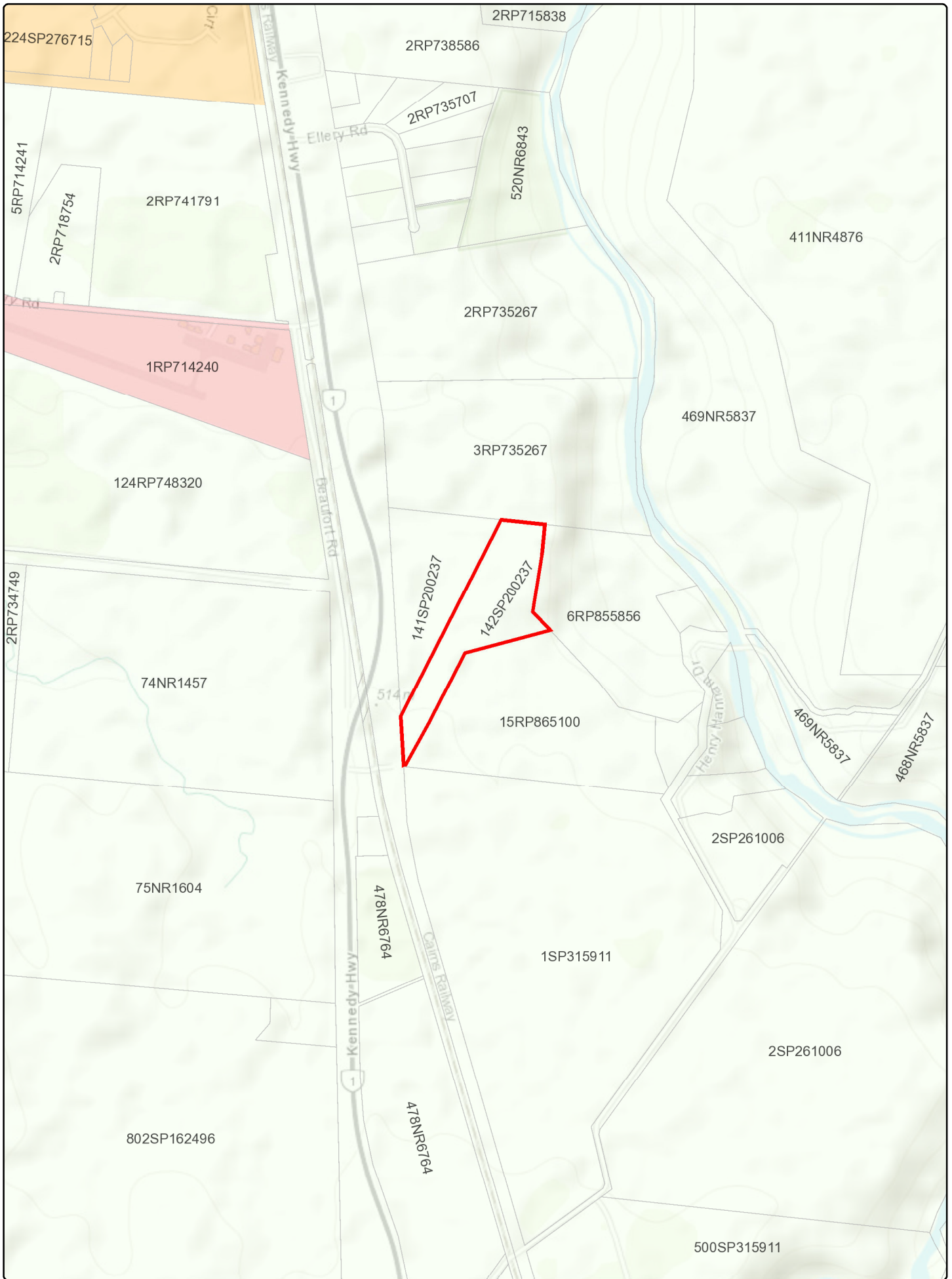
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DA Mapping System – Print Screen

Date: 08/02/2022

0 290 580 870 1,160

Metres



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Legend

Drawn Polygon Layer

Override 1

Cadastre (25k)

 Cadastre (25k)

SEQRP 2009-2031 development area (superseded)


 Local Development Area

 Regional Development Area

Regional biodiversity corridor (SEQ, NQ)

 Regional biodiversity corridor (SEQ, NQ)


Regional greenspace network (SEQ)

 Regional greenspace network (SEQ)


Regionally significant scenic amenity (SEQ)

 Regionally significant scenic amenity (SEQ)


Townsville Urban Area (NQ)

 Townsville Urban Area (NQ)

Renewable Energy Investigation Area (Planning - NQ)

 Renewable Energy Investigation Area (Planning - NQ)

Strategic Environmental Area (Planning - NQ)


 Strategic Environmental Area

 Strategic Environmental Area - Designated Precinct


Priority Agricultural Area (Planning -


 Priority Agricultural Area (Planning -


Regional Biodiversity Value (SEQ, NQ)

 Regional Biodiversity Value (SEQ, NQ)

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

 Urban Footprint

 Rural Living Area

 Regional Landscape and Rural Production Area

DA Mapping System – Print Screen

Date: 08/02/2022

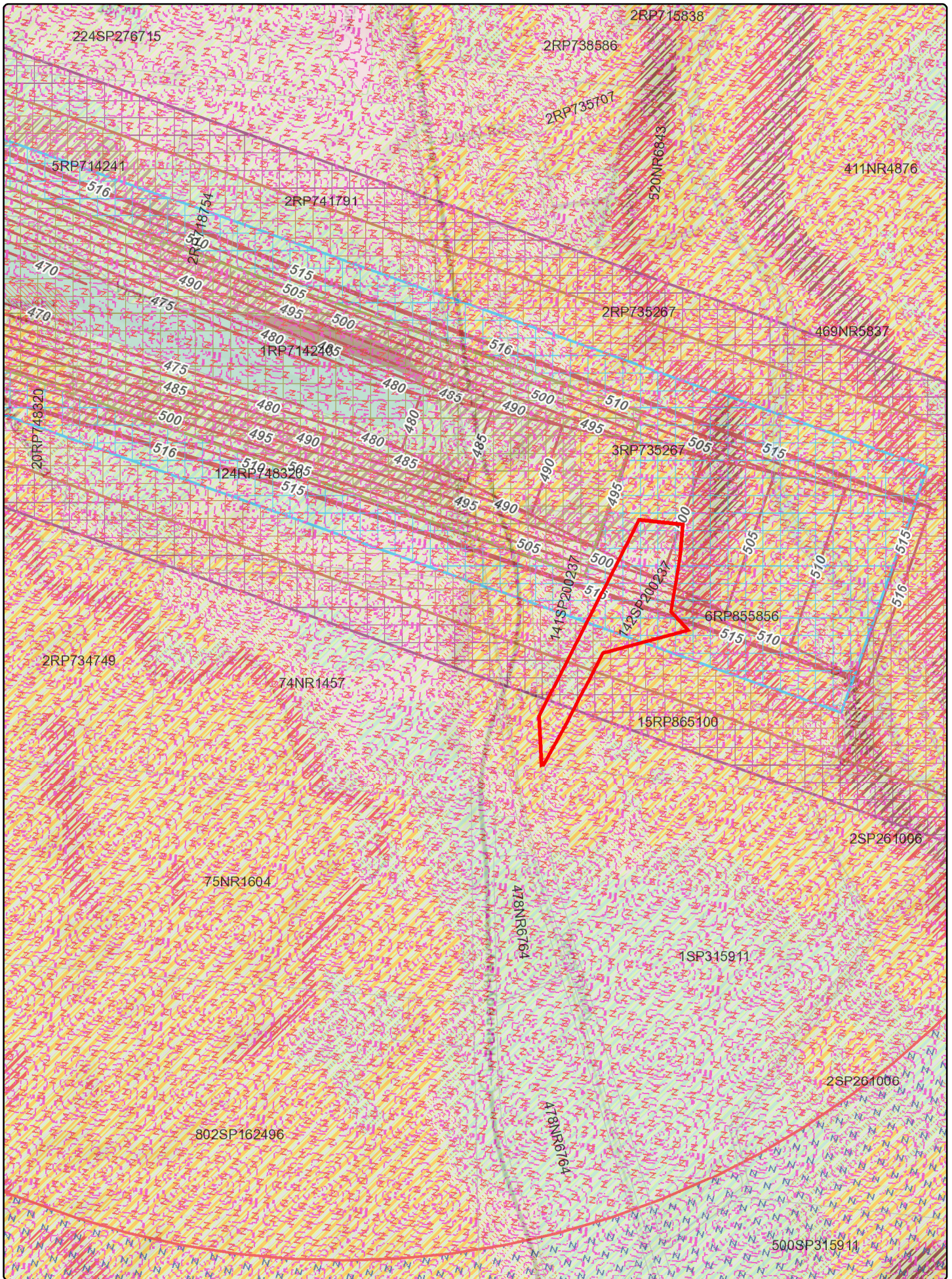
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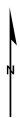
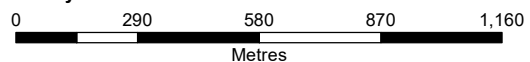
Date: 08/02/2022

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



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Legend

Drawn Polygon Layer

Override 1

Cadastre (25k)

 Cadastre (25k)


Wildlife hazard buffer zone

 3km


 8km


 13km


Lighting area buffer 6km


 Lighting area buffer 6km

Light restriction zone

 Zone A

 Zone B


 Zone C

 Zone D

Obstacle limitation surface contours


 Obstacle limitation surface contours


Important agricultural areas

 Important agricultural areas

Bushfire prone area


 Very High Potential Bushfire Intensity

 High Potential Bushfire Intensity


 Medium Potential Bushfire Intensity

 Potential Impact Buffer

ANEF 20 - 25 contour

 ANEF 20 - 25 contour

Agricultural land classification - class A and B

 Agricultural land classification - class A and B

Obstacle limitation surface area

 Obstacle limitation surface area



Queensland Government

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Date: 08/02/2022

State Planning Policy

Making or amending a local planning instrument
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SARA reference: 2202-27300 SPL
Applicant reference: 21-739

7 March 2022

MERAKI EC Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
jamie@urbansync.com.au

Attention: Jamie Wyatt

Dear Sir/Madam

SARA Pre-lodgement advice - 5707 Kennedy Highway, Mareeba

I refer to your pre-lodgement request received on 11 February 2022 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

The development proposal is for a material change of use (animal keeping and educational establishment) for the agistment of approximately 20 horses and a horse-riding school on Lot 142 on SP200237. Access to the subject site is provided via adjacent Lot 221 on SP129907. The site is zoned Rural in the Mareeba Shire Council planning scheme.

The subject site has an area of 14ha, has an existing residential dwelling and an existing outdoor horse-riding arena. The horse-riding school aims to use the existing outdoor arena and establish a new indoor/enclosed arena, approximately 60m x 30m in size. The school aims to operate between 5-6 days a week and involve approximately 20 persons per day.

The proposed new indoor arena is to be partly located in an area that is mapped as containing Category B area regulated vegetation (on the regulated vegetation management map). The application material states that there is no vegetation present on the mapped areas. Therefore, advice is sought to clarify if the development application will require referral to SARA for native vegetation clearing.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
Pre-lodgement cover letter	Urban Sync	11 February 2022

Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	<p>The application will require referral to SARA under the following provisions of the Planning Regulation 2017:</p> <ul style="list-style-type: none"> • Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing native vegetation <p>This will require a fee of \$3,430.00 to be paid in accordance with Schedule 10, Part 3, Division 4, Table 3, Item 8 (a) (if applicable).</p> <p>SARA would be a referral agency for the proposed application</p>
Clearing native vegetation	
2.	<ul style="list-style-type: none"> • The regulated vegetation management map indicates the impact areas are mapped as containing the following: <ul style="list-style-type: none"> o Category B area o Category X area (Note: Native vegetation in category X areas on State land tenures e.g., Lands lease and road, is assessable vegetation). • The vegetation management supporting map indicates the Category B areas are mapped as containing the following relevant features: <ul style="list-style-type: none"> o Least concern regional ecosystem (RE) 9.8.2a (structure: very sparse) • All clearing as a result of a material change of use (MCU) is assessed, whether or not the clearing is part of the application including, but not limited to, clearing to establish built structure/infrastructure, including buildings, stormwater management systems, roads, utilities, excavation and filling, and clearing that will become exempt as a result of the development approval such as essential management including necessary firebreaks and fire management lines. • With respect to necessary firebreaks: <ul style="list-style-type: none"> o All built infrastructure other than underground services, roads and fences, will be assessed as requiring clearing for firebreaks and safety buffers with a width of 20 metres or 1.5 times the height of the tallest adjacent tree to the infrastructure, whichever is the greater. The extent of the clearing assessed will include any vegetation that may be cleared for fire breaks distances and safety buffers on adjoining land. o Reference data from the Queensland Herbarium indicates the maximum height of least concern RE9.8.2a is 23m. This equates to a required setback distance of 34.5m for buildings from the nearest Category B areas, including those Category B areas that do not contain vegetation. o As an alternative, provide site specific height data for the vegetation adjacent to the proposed infrastructure as evidence to support a reduced firebreak width. Evidence must include tree height measurements and photographs of the tallest vegetation adjacent to the any proposed infrastructure. Each photograph should include a survey staff or object of known height and be accompanied by a record of its GPS location.

<ul style="list-style-type: none"> • Aerial imagery overlaid with vegetation mapping and the plan of proposed development indicate the following: <ul style="list-style-type: none"> ○ Areas mapped as a Category B area do not contain on ground vegetation. Historical imagery indicates the vegetation in these areas was disturbed between 1992 and 1996, and again between 2002-2003. The clearing between 1992 and 1996 occurred prior to the Vegetation Management Act (VMA) coming into effect (Dec 1999) but did not remove all the vegetation. The circumstance for the clearing that occurred between 2002-2003 is currently unknown, however it did result in all vegetation being removed. It is also unknown whether vegetation was removed prior to the area becoming mapped as a remnant RE, however the VMA was in effect at that time. ○ Both an indoor and outdoor arena is proposed to be located along the eastern boundary of the property. Locating buildings or structures in this area may result in clearing of a Category B area on the lot as well as a Category B area on adjacent lands for essential management for necessary firebreaks to protect building/structures. ○ Informal vehicular tracks are present on adjacent Lands Lease Lot 221 on SP129907 and provide access to three lots including the subject lot. The application documents do not indicate whether the access needs upgrading or whether vegetation needs to be cleared for any upgrade. ○ The informal access also traverses the Kennedy Highway and Beaufort Road. It is unknown if clearing of vegetation is required for any road upgrades as a result of the MCU. • Based on the current vegetation mapping, the MCU application requires referral under Schedule 10 of the Planning Regulation 2017 for clearing native vegetation given the application may involve clearing of native vegetation, other than regulated regrowth vegetation (Category C and/or Category R areas), that is assessable development under the <i>Planning Act 2016</i>, or clearing of native vegetation, other than regulated regrowth vegetation (category C and/or R areas), that will become exempt clearing work under Schedule 21 of the Planning Regulation 2017 if the development application is approved. <ul style="list-style-type: none"> ○ The MCU may need to include Lands Lease Lot 221 on SP129907 if clearing of vegetation is required for access purposes. There are no exemptions or acceptable vegetation clearing codes under which the potential clearing could be undertaken. ○ If clearing of vegetation on a road is required, clearing may be able to be done under the acceptable development vegetation clearing code (ADVCC) for infrastructure, if the requirements of the code can be complied with. • Although there is no on ground vegetation in the areas on the subject lot mapped as a Category B area, the MCU application would still require referral because those areas are mapped as a Category B area. <ul style="list-style-type: none"> ○ If the mapping of native vegetation as shown on the regulated vegetation management map (RVMM) is considered incorrect, it is recommended you apply to have the mapping assessed and amended via a property map of assessable vegetation (PMAV). If a PMAV is certified to correct any mapping errors, the RVMM will be updated to reflect this amendment. ○ It is important to correct any mapping errors by way of a PMAV process prior to lodging the development application to avoid any delays in the assessment of the

	<p>development application and ensure any statutory timeframes are met.</p> <ul style="list-style-type: none"> o Further information on how to apply for a PMAV, the required supporting information, and any fee, is available online at Property reports and vegetation mapping. o If the Category B areas on Lot 142 on SP200237 are formerly remapped as Category X, the MCU application would not require referral with respect to that lot however, it may still require referral if clearing of vegetation will occur on Lands Lease Lot 221 on SP129907.
State Development Assessment Provisions (SDAP), State code 16: Native vegetation clearing	
3.	<ul style="list-style-type: none"> • If a development application is referred for clearing vegetation under Schedule 10 of the Planning Regulation, the development application would need to address and meet the requirements of the SDAP, State code 16: Native vegetation clearing. All relevant performance outcomes (PO) of State code 16 for must be addressed. • SARA recently released SDAP version 3.0 which took effect on 18 February 2022. SDAP 3.0 and the SDAP response templates are available on Queensland Government's Planning website. • General guidance on how to comply with State code 16 is provided at SDAP guidance material, State code 16: Native vegetation clearing, Department of Resources, 2020. Appendix 2 of the guideline provides details on the standard application information for all development applications involving the clearing of native vegetation.
Vegetation Management Act 1999 (outside of SARAs jurisdiction)	
4.	<ul style="list-style-type: none"> • Prior to submitting a development application to clear native vegetation, you must first obtain written confirmation from the Department of Resources that the proposed development is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i> (VMA). • No fee is required for a Section 22A VMA relevant purpose confirmation, but the application must provide evidence to support the clearing is for a relevant purpose including, but not limited to the following: <ul style="list-style-type: none"> o A completed Relevant purpose determination application form o A map or GIS shapefile, the latter being more preferred for accuracy, which identifies the extent and location of the development and clearing areas. o Evidence the clearing is for relevant infrastructure. o Evidence why the clearing is necessary, including evidence there is no suitable alternative site for the development. o Evidence the application has avoided and/or minimised clearing and the adverse im-pacts of clearing. The impacts of clearing are considered in the context of loss of vegetation, loss of biodiversity, land degradation, loss of connectivity, altered ecological processes, and introduction and/or exacerbation of threatening processes. • Email the 22A VMA confirmation request to the Department of Resources Vegetation at vegetation@resources.qld.gov.au. • For further information or assistance applying for a section 22A determination, please contact the Department of Resources on 135 VEG (135 834). Assistance to apply for a section 22A determination is also available online at Development approvals for clearing native vegetation. • Further information regarding ADVCCs can be viewed at Clearing codes.
Owner's consent	
	In accordance with section 51 of the <i>Planning Act 2016</i> , owner's consent is required (from the Department of Resources) when submitting development applications for some state land for

	a material change of use. Further information is available at: Owner's consent .
Lodgement material	
6.	It is recommended that the following information is submitted when referring the application to SARA: <ul style="list-style-type: none"> • DA Form 1 and supporting planning report • Confirmation notice issued by local government • A full response to the relevant sections of the latest version of SDAP Code 16: Native vegetation clearing • Relevant plans as per the DA Forms guide. • Owner's consent

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA. This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

This advice does not constitute an approval or an endorsement that SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal when a formal application has been lodged.

If you require further information please contact Sue Lockwood, Senior Planning Officer, on 40373222 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

Development details	
Proposal:	Material change of use (animal keeping and educational establishment)
Street address:	5707 Kennedy Highway, Mareeba
Real property description:	Lot 142 on SP200237
SARA role:	Referral agency
Assessment Manager:	Mareeba Shire Council
Assessment criteria:	State Development Assessment Provisions, State code 16: Native vegetation clearing
Existing use:	Dwelling house and outdoor arena
Relevant site history:	Rural

Matt Ingram

From: Carl Ewin <CarlE@msc.qld.gov.au>
Sent: Wednesday, 17 November 2021 9:40 AM
To: Matt Ingram
Cc: Brian Millard
Subject: RE: 5707 Kennedy Highway, Mareeba (Lot 142 on SP200237)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Matt,

As you mentioned, I see no real concern with the proposed development. If the proposed enclosed sand arena will replace or is in close proximity to the existing outdoor arena then it will be effectively screened from view from nearby dwellings by existing mature vegetation. Also, there is no dwelling on adjacent Lot 141 on SP200237.

With the agistment side of things, there'd likely be conditions set regarding the maintaining a pasture on-ground and the removal of animal waste, so the applicants should be cautious of their proposed horse density to make sure its sustainable given our drier climate.

The site is only 700 metres to the south-east of the Mareeba Airport. It is certainly anticipated that larger turbo prop aircraft will be using the Airport in future, considering the State and Council have recently invested millions into the refurbishment of the airstrip to accommodate this. On top of this, aerial spraying is carried out on banana and avocado farms surrounding the site, so there is a good chance aircraft will be flying low over the property. Check out the Airport environs overlay code which will need addressing.

In terms of Council officer support, myself and Brian have no real concerns with the proposal. As you mentioned, a location in the rural zone provides the best opportunity for this type of development to exist without issue.

I've spoke to our land and lease dept, and Council actually have no tenure over Lot 221 on SP129907. I'd check with DTMR or Railways to see if they have any concerns. In our opinion, the need for tenure or consent for this development is questionable considering it is the only lawful access to the site and the lots on either side.

Cheers,

Carl Ewin
Planning Officer



Mareeba
SHIRE COUNCIL

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

Mate

Further to the below, to ensure lawful access is provided from the Kennedy Highway to the property, could you please see if you could track down if Council would have any issues with us applying for an access easement over Lot 221?

Kind Regards

Matt Ingram | Senior Planner
T 07 4051 6946 | M 0488 200 229



Town Planning Feasibility | Development Applications | Approvals Management

From: Matt Ingram <matt@urbansync.com.au>
Sent: Tuesday, 16 November 2021 11:05 AM
To: Carl Ewin <carle@msc.qld.gov.au>
Subject: 5707 Kennedy Highway, Mareeba (Lot 142 on SP200237)

Hi Carl

Thanks for the quick chat on this one last week.

As discussed, my client is looking at operating a horse riding school from the premisses which would accommodate between 10-20 customers per day (depending on how popular group classes might be). I understand this will involve the construction of a new enclosed arena which would be in addition to the existing open arena. They will also offer agistment for approx. 20 horses and the paddocks would be created throughout the site to accommodate this.

I agree with you that unfortunately, the horse riding school cannot be defined as anything else other than educational establishment (possibly an undefined land use, although this does not solve the Impact Assessment issue). Due to the number of horses, I expect we will also need to seek approval for the agistment (Animal Keeping) as we will not be able to comply with the accepted requirements and this component with therefore, trigger Code Assessment.

Despite the fact an Impact Assessable DA is required, the rural zone would appear to be the most appropriate place for the proposed development to locate. I have undertaken a brief assessment and can't find any major non-compliances/issues, although amenity will need to be protected/maintained. On this, as there

are no nearby residential premises and all such premises are screened from view of the site, I'm of the view that the proposed development will be able to operate without any negative amenity impacts and as such, subject to the imposition of a suitable set of conditions, should be able to be supported by Council.

With the above in mind, can Council please provide their in principle support for the proposed development.

Note: Please let me know if there are other assessment matters that I may have missed and/or that Council would want addressed/considered in the application.

Give me a buzz back to discuss if you have any further Q's or need some more information.

Kind Regards

Matt Ingram | Senior Planner

T 07 4051 6946 | M 0488 200 229

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



Town Planning Feasibility | Development Applications | Approvals Management



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Jamie Wyatt

From: David G Gleadow <David.G.Gleadow@tmr.qld.gov.au>
Sent: Monday, 28 February 2022 3:18 PM
To: Jamie Wyatt
Cc: Matt Ingram; Rail Corridor Management
Subject: RE: Attn: Craig England re. LOC for Lot 221 on SP129907
Attachments: Access Licence - Meraki EC Pty Ltd Feb 22.doc

Hi Jamie

Thanks – below are the answers to your questions.

- ➔ The interested party will be **The State of Queensland (represented by Department of Transport and Main Roads)**; **With reference to the public liability insurance, TMR needs to be listed as an interested party on the certificate of currency as you have written.**
- ➔ Expiry date – is it possible to have this extended to a 10 year lease? **Yes 10 years is fine.**
- ➔ The description of the permitted use we have provided is appropriate. **Yes, that's ok.**

Let me know if you need anything further.

Kind Regards

David Gleadow

Senior Advisor (Rail Corridor Management) | Development Projects and Rail Corridor Management
Portfolio Investment and Programming Branch | Policy, Planning and Investment Division | Department of Transport and Main Roads

Floor 17 | 61 Mary Street | Brisbane Qld 4001
GPO Box 1412 | Brisbane Qld 4001
(07) 3066 7443 | **M:** 0439 581 852
david.g.gleadow@tmr.qld.gov.au
www.tmr.qld.gov.au

From: Jamie Wyatt <jamie@urbansync.com.au>
Sent: Monday, 28 February 2022 3:00 PM
To: David G Gleadow <David.G.Gleadow@tmr.qld.gov.au>
Cc: Matt Ingram <matt@urbansync.com.au>; Rail Corridor Management <Rail_Corridor_Management@tmr.qld.gov.au>
Subject: RE: Attn: Craig England re. LOC for Lot 221 on SP129907

Hi David,

Thank you for sending this through. I've attached a draft of the Access Licence and would like to confirm a couple of details provided, specifically:

- ➔ The interested party will be The State of Queensland (represented by Department of Transport and Main Roads);
- ➔ Expiry date – is it possible to have this extended to a 10 year lease?
- ➔ The description of the permitted use we have provided is appropriate.

We'd just like to confirm these details before we have the client sign off & sent back to DTMR for approval.

Thanks again, and really appreciate your assistance on this.

Kind Regards,

Jamie Wyatt | Town Planner

T 07 4051 6946

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

W www.urbansync.com.au



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From: Rail Corridor Management <Rail_Corridor_Management@tmr.qld.gov.au>

Sent: Friday, 25 February 2022 2:46 PM

To: Jamie Wyatt <jamie@urbansync.com.au>

Cc: Matt Ingram <matt@urbansync.com.au>

Subject: RE: Attn: Craig England re. LOC for Lot 221 on SP129907

Hi Jamie

Apologies about the delayed response.

We would require your client to have an access licence to cross the corridor, I've attached a draft licence.

Happy to discuss further.

Kind Regards

David Gleadow

Senior Advisor (Rail Corridor Management) | Development Projects and Rail Corridor Management

Portfolio Investment and Programming Branch | Policy, Planning and Investment Division | Department of Transport and Main Roads

Floor 17 | 61 Mary Street | Brisbane Qld 4001

GPO Box 1412 | Brisbane Qld 4001

(07) 3066 7443 | M: 0439 581 852

david.g.gleadow@tmr.qld.gov.au

www.tmr.qld.gov.au

From: Jamie Wyatt <jamie@urbansync.com.au>

Sent: Friday, 25 February 2022 8:34 AM

To: Rail Corridor Management <Rail_Corridor_Management@tmr.qld.gov.au>

Cc: Matt Ingram <matt@urbansync.com.au>

Subject: RE: Attn: Craig England re. LOC for Lot 221 on SP129907

Hi Craig,

Hope you're going well! I'm hoping to possibly obtain an ETA on the LOC for Lot 221 on SP129907 in association with an application for the property 5707 Kennedy Highway, Mareeba detailed below. Thanks for your help on this.

Kind Regards,

Jamie Wyatt | Town Planner

T 07 4051 6946

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

W www.urbansync.com.au



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From: Jamie Wyatt

Sent: Tuesday, 15 February 2022 3:36 PM

To: Rail_Corridor_Management@tmr.qld.gov.au

Cc: Matt Ingram <matt@urbansync.com.au>

Subject: Attn: Craig England re. LOC for Lot 221 on SP129907

Dear Craig,

I'm sending this email to you in regards to obtaining land ownership consent for Lot 221 on SP129907 to which DTMR is the lessee. A client, who we are submitting a Development Application for a Material Change of Use on behalf of, requires access across Lot 221 to gain access to their site (Lot 142 on SP200237 – 5707 Kennedy Highway, Mareeba). We have had previous correspondence with DTMR who have referred us onto you. For further information, please see the Cover Letter and Land Owners Consent form attached. If you have any queries please don't hesitate to contact me. Thanks again!

Kind Regards,

Jamie Wyatt | Town Planner

T 07 4051 6946

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

W www.urbansync.com.au





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From: Steven Z Zelenika <Steven.Z.Zelenika@tmr.qld.gov.au>
Sent: Monday, 7 February 2022 12:41 PM
To: Matt Ingram <matt@urbansync.com.au>
Subject: RE: Access Over DTMR leased Land

Good afternoon Matt

Yes, land owners consent is required. The land in question is rial corridor land and owners consent is required from Rail Corridor Management. Their email address is [Rail Corridor Management@tmr.qld.gov.au](mailto:Rail_Corridor_Management@tmr.qld.gov.au) and attention the request to Craig England (Manager).

Regards

Steven Zelenika
Senior Town Planner | North Queensland Region | Far North District | Cairns
Program Delivery & Operations | Infrastructure Management & Delivery Division | Department of Transport and Main Roads

From: Matt Ingram <matt@urbansync.com.au>
Sent: Monday, 7 February 2022 12:06 PM
To: Steven Z Zelenika <Steven.Z.Zelenika@tmr.qld.gov.au>
Cc: Jamie Wyatt <jamie@urbansync.com.au>
Subject: Access Over DTMR leased Land

Hi Steve

Client of ours owns Lot 142 on SP200237 at 5707 Kennedy Highway, Mareeba.

Its currently used as a residential dwelling. To access the site (and adjacent properties), you need to pass over Lot 221 on SP129907 which it looks like DTMR is the lessee – see attached.

We are in the process of preparing a DA for our client to operate a horse riding school over Lot 142 and as we need to cross Lot 221 to access Lot 142, Lot 221 needs to be included in the application.

Would appear as though using Lot 221 or access purpose is consistent with the purpose/terms of the lease – see attached, although prior to preparing a formal land owners consent request, are you able to please advise if Im missing anything here i.e., are there any concerns from DTMR's end with what is being proposed/the use of Lot 221 for access?

If yes, I'm all ears. If not, Ill jimmy up the land owners consent form and shoot it through.

Kind Regards

Matt Ingram | Senior Planner
T 07 4051 6946 | M 0488 200 229





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Application

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

Criteria for assessment

Table Error! No text of specified style in document. – Rural Zone Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
HEIGHT			
PO1 Building height takes into consideration and respects the following: <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. 	AO1.1 Development, other than buildings used for rural activities, has a maximum building height of: <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	YES	All buildings and structures associated with the proposed development are a maximum height of approximately 8m above ground level.
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	YES	See AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>SITING</p> <p><i>NOTE: WHERE FOR DWELLING HOUSE, THE SETBACKS OF THE QUEENSLAND DEVELOPMENT CODE APPLY</i></p>			
<p>PO2</p> <p>Development is sited in a manner that considers and respects:</p> <ul style="list-style-type: none"> (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors. 	<p>AO2.1</p> <p>Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State-controlled road; and (b) 10 metres from a boundary to an adjoining lot. 	<p>YES</p>	<p>The proposed development will be setback over 100m from the Kennedy Highway and only the new outdoor arena will be setback less than 10m from the side boundary to an adjoining allotment (Lot 15 on RP865100). That said, the outdoor arena is improved only with fencing and therefore, has no tangible bulk or scale. In addition, Lot 15 is heavily vegetated and the proposed development will be located over 270m from the closest buildings or structures on Lot 15. As such, the proposed development will not generate any privacy, overlooking, circulation, lighting, or other associated impacts on Lot 15 and for this reason, complies with the Performance Outcome.</p>
	<p>AO2.2</p> <p>Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.</p>	<p>N/A</p>	<p>The proposed development does not involve a Roadside stall.</p>
	<p>AO2.3</p> <p>Buildings and structures, except where a Roadside stall, include a minimum setback of:</p> <ul style="list-style-type: none"> (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road. 	<p>YES</p>	<p>The proposed development will be setback over 100m from the Kennedy Highway.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
ACCOMMODATION DENSITY			
<p>PO3</p> <p>The density of Accommodation activities:</p> <ul style="list-style-type: none"> (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and (c) is commensurate to the scale and frontage of the site. 	<p>AO3.1</p> <p>Residential density does not exceed one dwelling house per lot.</p>	N/A	The proposed development does not include accommodation activities.
	<p>AO3.2</p> <p>Residential density does not exceed two dwellings per lot and development is for:</p> <ul style="list-style-type: none"> (a) a secondary dwelling; or (b) Caretaker’s accommodation and includes building work or minor building work with a maximum gross floor area of 100m²; or (c) Rural worker’s accommodation. 	N/A	See AO3.1 above.
FOR ASSESSABLE DEVELOPMENT			
SITE COVER			
<p>PO4</p> <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 buildings in the surrounding area; and (c) appropriately balances built and natural features. 	<p>AO4.1</p> <p>No acceptable outcome is provided.</p>	YES	The proposed development will include a site cover of approximately 2.9% which is consistent with adjacent properties and that which should reasonably be expected in the Rural zone. The proposed development has also been suitably located on-site so that it is able to provide an appropriate balance between the built form and natural features (namely vegetation and hill and slope areas etc.) while ensuring the potential visual impacts can be suitably managed without compromising the ability of the rural zone to achieve

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO5</p> <p>Development complements and integrates with the established built character of the Rural 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>AO5.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>its purpose. As such, the proposed development complies with the Performance Outcome.</p> <p>All buildings and structures associated with the proposed development will be akin to those that would be expected in the rural zone and are in existence on adjacent allotments i.e., large sheds of similar materials and colours, gable roofing, etc. As such, the proposed development complies with the Performance Outcome.</p>
AMENITY			
<p>PO6</p> <p>Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO6.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The proposed development will not have an adverse impact on amenity over and above that which can be reasonably expected to occur within the rural zone i.e., the proposed development includes horse agistment (animal keeping) which is a consistent use in the rural zone and can be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties. Whilst not 'consistent' in the rural zone, a horse-riding/equestrian school is most suitably located in the rural zone and due to the fact the nearest residential premises is over approximately 400m away, the horse-riding/equestrian school can also be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties and for these reasons, the proposed development complies with the Performance Outcome.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO7</p> <p>Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO7.1</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>There are no existing negative environmental impacts on-site and hence, this Performance Outcome is not considered applicable in this instance.</p>

Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development is affected by a constraint category identified on the **Airport Environs Overlay Maps (OM-002a-f)**; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note: Strategic airports and aviation facilities are appropriately reflected in Overlay Map 2 and is required to be mapped by State Government in response to Infrastructure State Interests.

Criteria for assessment

Table 8.2.2.3 – Airport Environs Overlay Code – for Acceptable Development Subject to Requirements and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
<p>PO1</p> <p>Development does not interfere with movement of aircraft or the safe operation of an airport or aerodrome where within the:</p> <ul style="list-style-type: none"> (a) Airport environs: OLS area of Mareeba Airport identified on Airport environs overlay map (OM-002c); or (b) Airport environs: OLS area of Cairns Airport identified on Airport environs overlay map (OM-002c.1); or (c) 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f); or (d) 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f). 	<p>AO1.1</p> <p>Development does not exceed the height of the Obstacle Limitation Surface (OLS) where located within the Airport environs:</p> <p>OLS area of:</p> <ul style="list-style-type: none"> (a) Mareeba Airport identified on Airport environs overlay map (OM-002c); or (b) Cairns Airport identified on Airport environs overlay map (OM-002c.1). 	YES	The new indoor arena will be located within the Inner Horizontal Surface Area where the maximum building height is 516m AHD. The ground level at the location of the new indoor arena will be slightly under 500m AHD and as such, the new indoor arena with a maximum height of approximately eight (8) meters above ground level will not encroach into the OLS of the airport.
	<p>AO1.2</p> <p>Development has a maximum height of 10 metres where within the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f).</p>	YES	The new indoor arena will have a maximum height of approximately eight (8) metres above ground level.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO1.3</p> <p>Development has a maximum height of 15 metres where within the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f).</p>	N/A	See AO1.2 above.
LIGHTING			
<p>PO2</p> <p>Development does not include lighting that:</p> <p>(a) has the potential to impact on the efficient and safe operation of Mareeba Airport or an aerodrome; or</p> <p>(b) could distract or confuse pilots.</p>	<p>AO2.1</p> <p>Development within the 'Airport environs: Distance from airport - 6 kilometres' area for Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) does not:</p> <p>(a) involve external lighting, including street lighting, that creates straight parallel lines of lighting that are more than 500 metres long; and</p> <p>(b) does not contain reflective cladding upwards shining lights, flashing lights or sodium lights.</p>	YES	The proposed development does not include any of the mentioned lighting and compliance can also be conditioned.
NOISE EXPOSURE			
<p>PO3</p> <p>Development not directly associated with Mareeba Airport is protected from aircraft noise levels that may cause harm or undue interference.</p>	<p>AO3.1</p> <p>Sensitive land uses are acoustically insulated to at least the minimum standards specified by AS2021 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction where located within the 'Airport environs: 20-25 ANEF' area identified on Airport environs overlay map (OM-002d).</p>	YES	Despite the proposed development including a sensitive land use (Educational Establishment), in this instance, the educational establishment is not sensitive to noise and does not require any protection from aircraft noise. For this reason, the proposed development complies with the Performance Outcome.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PUBLIC SAFETY			
<p>PO4</p> <p>Development does not compromise public safety or risk to property.</p>	<p>A04.1</p> <p>Development is not located within the 'Airport environs: Mareeba Airport public safety area' identified on Airport environs overlay map (OM-002e).</p>	N/A	The site is not located within the airport safety area.
STATE SIGNIFICANT AVIATION FACILITIES ASSOCIATED WITH MAREEBA AIRPORT			
<p>PO5</p> <p>Development does not impair the function of state significant aviation facilities by creating:</p> <p>(a) physical obstructions; or</p> <p>(b) electrical or electro-magnetic interference; or</p> <p>(c) deflection of signals.</p>	<p>A05.1</p> <p>Development within 'Airport environs: Zone B (600 metre buffer)' for the 'Saddle Mountain VHF' facility identified on Airport environs overlay map (OM-002a.1) does not exceed a height of 640 metres AHD.</p>	N/A	The site is not located within the Airport environs: Zone B (600 metre buffer).
	<p>A05.2</p> <p>Development within 'Airport environs: Zone B (4,000 metre buffer)' for the 'Hahn Tableland Radar (RSR)' facility identified on Airport environs overlay map (OM-002a) does not exceed a height of 950 metres AHD, unless associated with Hann Tableland Radar facility.</p>	N/A	The site is not located within the Airport environs: Zone B (4,000 metre buffer).
	<p>A05.3</p> <p>Building work does not occur within 'Airport environs: Zone A (200 metre buffer)' of the 'Biboohra CVOR' facility identified on Airport environs overlay map (OM-002a) unless associated with the Biboohra CVOR facility.</p>	N/A	The site is not located within the Airport environs: Zone A (200 metre buffer).
	<p>A05.4</p> <p>Development within 'Airport environs: Zone B (1,500 metre buffer)' of the 'Biboohra CVOR' facility identified on Airport</p>	N/A	The site is not located within the Airport environs: Zone B (1,500 metre buffer).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>environs overlay map (OM-002a), but outside 'Zone A (200 metre buffer)' identified on Airport environs overlay map (OM-002a), does not include:</p> <ul style="list-style-type: none"> (a) the creation of a permanent or temporary physical line of sight obstruction above 13 metres in height; or (b) overhead power lines exceeding 5 metres in height; or (c) metallic structures exceeding 7.5 metres in height; or (d) trees and open lattice towers exceeding 10 metres in height; or (e) wooden structures exceeding 13 metres in height. 		
FOR ASSESSABLE DEVELOPMENT			
MAREEBA AIRPORT			
PROTECTION OF OPERATIONAL AIRSPACE			
<p>PO6</p> <p>Development within the vicinity of Mareeba Airport or an aerodrome does not interfere with the:</p> <ul style="list-style-type: none"> (a) movement of aircraft; or (b) safe operation of the airport or facility 	<p>AO6.1</p> <p>Development involving sporting and recreational aviation activities such as parachuting, hot air ballooning or hang gliding, does not occur within the Airport environs: OLS area of:</p> <ul style="list-style-type: none"> (a) Mareeba Airport identified on Airport environs overlay map (OM-002c); or (b) Cairns Airport identified on Airport environs overlay map (OM-002c.1). 	N/A	The proposed development does not involve any of the activities listed in the Acceptable Outcome.
	<p>AO6.2</p> <p>Development involving temporary or permanent aviation activities does not occur within the 'Airport environs: Airport</p>	N/A	See AO6.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) .		
<p>PO7</p> <p>Development does not affect air turbulence, visibility or engine operation in the operational airspace of Mareeba Airport or regional aerodromes.</p>	<p>A07.1</p> <p>Development does not result in the emission of a gaseous plume, at a velocity exceeding 4.3 metres per second, or smoke, dust, ash or steam within:</p> <ul style="list-style-type: none"> (a) the Airport environs: OLS area of Mareeba Airport identified on Airport environs overlay map (OM-002c); or (b) the Airport environs: OLS area of Cairns Airport identified on Airport environs overlay map (OM-002c.1); or (c) the 'Airport environs: Airport buffer - 1 kilometre' of a regional aerodrome identified on Airport environs overlay map (OM-002f). 	N/A	<p>The proposed development does not involve any activities that would generate a gaseous plume.</p>
MANAGING BIRD AND BAT STRIKE HAZARD TO AIRCRAFT			
<p>PO8</p> <p>Development in the environs of Mareeba Airport or an aerodrome does not contribute to the potentially serious hazard from wildlife (bird or bat) strike.</p>	<p>A08.1</p> <p>Development within the 'Airport environs: Distance from airport - 8 kilometres' Bird and bat strike zone of Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) provides that potential food and waste sources are covered and collected so that they are not accessible to wildlife.</p>	YES	<p>Compliance with the Acceptable Outcome can be conditioned if deemed reasonable and relevant.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO8.2</p> <p>Development within the 'Airport environs: Distance from airport - 3 kilometres' Bird and bat strike zone of Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f) does not include:</p> <ul style="list-style-type: none"> (a) food processing; or (b) abattoir; or (c) intensive horticulture; or (d) intensive animal husbandry; or (e) garden centre; or (f) aquaculture. 	N/A	The proposed development does not involve any of the land uses listed in the Acceptable Outcome.
	<p>AO8.3</p> <p>Putrescible waste disposal sites do not occur within the 'Airport environs: Distance from airport - 13 kilometres' Bird and bat strike zone of:</p> <ul style="list-style-type: none"> (a) Mareeba Airport identified on Airport environs overlay map (OM-002b); or (b) Cairns Airport identified on Airport environs overlay map (OM-002b.1). 	N/A	The proposed development does not involve a putrescible waste site.

Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development is located within a Bushfire Hazard Area and Potential Impact Buffer (100 metres) identified on the **Bushfire Hazard Overlay Maps (OM-003a-o)**; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

Note: Natural hazards are appropriately reflected in Overlay Map 3, 6, and 8 and are required to be mapped by State Government in response to Hazard and Safety State Interests.

Criteria for assessment

Table 8.2.3.3 – Bushfire Hazard Overlay Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
<p>PO1</p> <p>Development where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) maintains the safety of people and property by providing an adequate, accessible and reliable water supply for fire-fighting purposes which is safely located and has sufficient flow and pressure characteristics.</p> <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome. 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f).</i></p>	<p>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</p> <p>AO1.1</p> <p>Where in a reticulated water service area, the on-site water supply has flow and pressure characteristics of 10 litres a second at 200 kPa.</p> <p>OR</p>	N/A	See AO1.2 below.
	<p>AO1.2</p> <p>Where access to the reticulated water network is not available, a minimum on site water storage of 5,000 litres is provided that must comprise:</p> <ul style="list-style-type: none"> (a) a separate tank; or (b) a reserve section in the bottom part of the main water supply tank; or (c) a dam; or 	YES	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>(d) a swimming pool.</p> <p><i>Note—Where a water tank is provided for fire-fighting purposes it is fitted with standard rural fire brigade fittings and the tank is provided with a hardstand area for heavy vehicles.</i></p>		

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
LAND USE			
<p>PO2</p> <p>Development within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) is appropriate to the bushfire hazard risk having regard to the:</p> <ul style="list-style-type: none"> (a) the bushfire risk compatibility of development; (b) the vulnerability of and safety risk to persons associated with the use; and (c) consequences of bushfire in regard to impacts on essential infrastructure, buildings and structures. <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>AO2.1</p> <p>All buildings, structures, infrastructure and facilities associated with the following uses are located outside any area of the site located within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o):</p> <ul style="list-style-type: none"> (a) child care centre; or (b) community care centre; or (c) correctional facility; or (d) educational establishment; or (e) emergency services; or (f) hospital; or (g) hostel; or (h) residential care facility; or (i) retirement facility; (j) rooming accommodation; or (k) shopping centre; or (l) tourist park; or (m) tourist attraction. 	YES	<p>The proposed development includes an Educational Establishment land use, although in this instance, the educational establishment land use is not a 'typical' educational establishment and is more akin to a rural land use. The proposed development will not operate during a bushfire event, is separated from nearby hazardous vegetation and the new indoor arena will be protected via a dedicated rainwater tank to fight bushfire and as such, the proposed development will comply with the Performance Outcome.</p>
LOT DESIGN			
<p>PO3</p> <p>Reconfiguring a lot within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) minimises the potential adverse impacts of bushfire on the safety of</p>	<p>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</p> <p>AO3.1</p> <p>No new lots are created. OR</p>	YES	<p>The proposed development will not involve the creation of any new lots.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>people, property and the environment through lot design that:</p> <ul style="list-style-type: none"> (a) is responsive to the nature and extent of bushfire risk; and (b) allows efficient emergency access to buildings for fire-fighting appliances. <p><i>Note—A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>AO3.2</p> <p>All lots include a building envelope that achieves a radiant heat flux level of 29kW/m² at the perimeter of the building envelope.</p> <p><i>Note—Where a radiant heat flux of 29kW/m² is achieved and this relies on cleared or maintained land external to the land the subject of the development application it must be demonstrated that land external to the site will be maintained to a standard that does not exceed the level of bushfire hazard identified in a Bushfire hazard management plan.</i></p>	<p>N/A</p>	<p>See AO3.1 above.</p>
FIREBREAKS AND ACCESS			
<p>PO4</p> <p>In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), vehicular access is designed to mitigate against bushfire hazard by:</p> <ul style="list-style-type: none"> (a) ensuring adequate access for fire-fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an 	<p>AO4.1</p> <p>In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), roads are designed and constructed:</p> <ul style="list-style-type: none"> (a) with a maximum gradient of 12.5%; (b) to not use cul-de-sacs; and (c) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. 	<p>N/A</p>	<p>The proposed development will not involve the construction of any new road.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; and</p> <p>(c) providing for the separation of developed areas and adjacent bushland.</p> <p><i>Note—Where it is not practicable to provide firebreaks in accordance with A04.2 Fire Maintenance Trails are provided in accordance with the following:</i></p> <ul style="list-style-type: none"> i. located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; ii. the minimum cleared width not less than 6 metres; iii. the formed width is not less than 2.5 metres; iv. the formed gradient is not greater than 15%; v. vehicular access is provided at both ends; vi. passing bays and turning areas are provided for fire-fighting appliances located on public land. <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>A04.2</p> <p>In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), firebreaks are provided:</p> <ul style="list-style-type: none"> (a) consisting of a perimeter road that separates lots from areas of bushfire hazard; (b) a minimum cleared width of 20 metre; (c) a maximum gradient of 12.5%; and (d) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. 	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>The vegetation on the site is separated by a cleared area of in excess of 50m from the hazardous vegetation on Lot 15 on RP865100. This cleared area is flat and provides a suitable firebreak from the hazardous vegetation on Lot 15.</p>
HAZARDOUS MATERIALS			
<p>PO5</p> <p>Public safety and the environment are not adversely affected by the detrimental impacts of bushfire of hazardous materials manufactured or stored in bulk.</p> <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>A05.1</p> <p>The processing or storage of dangerous goods or hazardous materials is not undertaken in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o).</p>	<p>N/A</p>	<p>The proposed development will not involve the processing or storage of dangerous goods or hazardous materials.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
LANDSCAPING			
<p>PO6</p> <p>Landscaping within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) does not result in a material increase in the extent, duration or severity of bushfire hazard having regard to:</p> <ul style="list-style-type: none"> (a) fire ecology; (b) slope of site; and (c) height and mix of plant species. <p><i>Note—Frost hollows and the associated grass kill facilitates a rapid curing of fuel and exacerbates bushfire hazard.</i></p> <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>AO6.1</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The proposed development does not involve any landscaping.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
INFRASTRUCTURE			
<p>PO7</p> <p>Infrastructure services located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are protected from damage or destruction in the event of a bushfire.</p> <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>A07.1</p> <p>The following infrastructure services are located below ground:</p> <ul style="list-style-type: none"> (a) water supply; (b) sewer; (c) electricity; (d) gas; and (e) telecommunications 	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>Where infrastructure cannot be located underground, it will be located on areas of the site that is free of vegetation with sufficient buffering to ensure protection during a bushfire event.</p>
PRIVATE DRIVEWAYS			
<p>PO8</p> <p>All premises located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are provided with vehicular access that enables safe evacuation for occupants and easy access by fire-fighting appliances.</p> <p><i>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</i></p>	<p>A08.1</p> <p>Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60 metres from the street frontage; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5 metres; (d) have a minimum vertical clearance of 4.8 metres; (e) accommodate turning areas for fire-fighting appliances in accordance with the Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than three dwellings or buildings. 	<p>N/A</p>	<p>The proposed development does not involve any new private driveways.</p>

Application

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

Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
AMENITY AND PRIVACY			
<p>PO1</p> <p>Community activities are appropriately located and designed to avoid adverse impacts on sensitive uses related to:</p> <ul style="list-style-type: none"> (a) Noise; (b) Lighting; and (c) Overlooking. <p>Note – these provisions apply to any adjoining sensitive use, both on an adjoining site and on the same site as the Community activity.</p>	<p>AO1</p> <p>Along any common boundary with a sensitive land use, development incorporates:</p> <ul style="list-style-type: none"> (a) A 1.8 metre high solid screen fence; and (b) Screening to windows which: <ul style="list-style-type: none"> (i) Face the boundary; (ii) Have a sill height less than 1.5 metres; and (iii) Are not wholly screened by the boundary fence. 	<p>N/A</p>	<p>The site does not abut any sensitive land uses.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILDCARE CENTRE			
<p>PO2</p> <p>Development is located on a site that is capable of accommodating:</p> <ul style="list-style-type: none"> (a) All facilities necessary for the use; (b) Required landscaping and buffering; and (c) Appropriately designed access, manoeuvring and parking areas. 	<p>AO2</p> <p>The development is located on a site with a minimum:</p> <ul style="list-style-type: none"> (a) Site area of 800m²; (b) Road frontage of 20 metres; and (c) Road reserve width of 20 metres. 	YES	<p>The proposed development is located on a site which has sufficient areas to accommodate the use, including all structures, buffers, access and manoeuvring areas and therefore, complies with the Performance Outcome.</p>
<p>PO3</p> <p>The design of the development does not result in any safety hazard for children or other users of the facility.</p>	<p>AO3</p> <p>A child proof fence or physical barrier is provided to prevent, unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children;</p> <ul style="list-style-type: none"> (a) Vehicle manoeuvring and parking areas; (b) Refuse storage and servicing areas; and (c) Air conditioning, refrigeration plant and mechanical plant. 	YES	<p>A barrier will be provided between the indoor arena and adjacent car parking area and compliance can also be conditioned.</p>
FOR ASSESSABLE DEVELOPMENT			
LOCATION			
<p>PO4</p> <p>Development is compatible with the amenity of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) The location and type of vehicular access and parking; (b) Hours of operation; (c) Waste storage and collection; (d) Advertising devices and signage; 	<p>AO4</p> <p>No acceptable outcome is provided.</p>	YES	<p>The proposed development will not have an adverse impact on amenity over and above that which can be reasonably expected to occur within the rural zone i.e., the proposed development includes horse agistment (animal keeping) which is a consistent use in the rural zone and can be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties. Whilst not 'consistent' in the rural zone, a</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(e) Visual amenity; (f) Privacy; and (g) Noise, odour and dust emissions.			horse-riding/equestrian school is most suitably located in the rural zone and due to the fact the nearest residential premises is over approximately 400m away, the horse-riding/equestrian school can also be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties and for these reasons, the proposed development complies with the Performance Outcome.
PO5 Community activities are highly accessible to the community they serve and are located to encourage multi-purpose trips.	AO5.1 Community activities are not located in a cul-de-sac.	YES	The site is not located in a cul-de-sac.
	AO5.2 Development is located: (a) Within 800 metres walking distance of the Centre zone; or (b) Within 400 metres walking distance of a public transport stop; or (c) Provided with a connection to the pedestrian and cycle network.	ALTERNATIVE SOLUTION SOUGHT	The proposed development includes a 'community activity' (Educational Establishment), although in this instance, the educational establishment is not of a nature that warrants its location close to a centre zone or public transport stop as it requires a large site that is separated from nearby land uses, of which is most suitably located in the rural zone.
AMENITY AND PRIVACY			
PO6 Community activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: (a) Air conditioning; (b) Refrigeration plant; (c) Mechanical plant; and (d) Refuse bin storage areas.	AO6 No acceptable outcome is provided.	YES	None of the matters listed in the Performance Outcome will be visible from adjoining allotments or the Kennedy Highway.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILDCARE CENTRE			
<p>PO7</p> <p>Educational establishments and Childcare centres:</p> <ul style="list-style-type: none"> (a) Do not detrimentally impact on the amenity or operations of surrounding land uses; and (b) Have suitable separation distances and buffering from sensitive uses. 	<p>A07</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The proposed development will not have an adverse impact on amenity over and above that which can be reasonably expected to occur within the rural zone i.e., the proposed development includes horse agistment (animal keeping) which is a consistent use in the rural zone and can be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties. Whilst not 'consistent' in the rural zone, a horse-riding/equestrian school is most suitably located in the rural zone and due to the fact the nearest residential premises is over approximately 400m away, the horse-riding/equestrian school can also be suitably managed to ensure there are no unacceptable amenity impacts on adjoining properties and for these reasons, the proposed development complies with the Performance Outcome.</p>

Application

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

Criteria for assessment

Table 9.3.6.3A – Rural Activities Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
IF FOR AQUACULTURE			
PO1 Aquaculture is of an appropriate scale and does not adversely impact on surrounding land uses, having regard to: <ul style="list-style-type: none"> (a) the nature of surrounding land use; (b) the proximity of surrounding land use; (c) hours of operation; and (d) emissions of: <ul style="list-style-type: none"> (i) odour; (ii) noise; and (iii) light. 	AO1.1 If located in the Rural zone, Aquaculture: <ul style="list-style-type: none"> (a) is located in an existing dam; or (b) does not involve any filling or excavation greater than 1,000m³. 	N/A	The proposed development does not include Aquaculture.
	AO1.2 If located in the Rural residential zone, Aquaculture is located on land greater than 2 hectares and: <ul style="list-style-type: none"> (a) is located in an existing dam; or (b) does not involve any filling or excavation. 	N/A	See AO1.1 above.
	AO1.3 If located in a zone other than the Rural zone or the Rural residential zone, Aquaculture: <ul style="list-style-type: none"> (a) is enclosed within a building; or (b) does not involve any filling or excavation. 	N/A	See AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO2</p> <p>Aquaculture:</p> <p>(a) does not result in contamination or the reduction in quality of ground or surface waters; or</p> <p>(b) adversely impact upon surrounding ecological systems, including existing native vegetation.</p>	<p>AO2.1</p> <p>(a) All wastewater from the facility (including wash-down water) is discharged directly into the sewer or in accordance with a trade waste permit.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>
	<p>AO2.2</p> <p>A bund is provided to contain a minimum of 110% of the total capacity of the tanks within the facility.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>
	<p>AO2.3</p> <p>Site design includes physical measures for interrupting and treating surface water drainage prior to release from the site.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>
	<p>AO2.4</p> <p>Bunding is provided to protect areas where waste water storage or treatment occurs.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>
	<p>AO2.5</p> <p>The establishment of the Aquaculture use does not involve clearing of native vegetation.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>
<p>PO3</p> <p>Aquaculture is located on sites which have sufficient area to:</p> <p>(a) accommodate all buildings, structures and infrastructure associated with the use; and</p>	<p>AO3.1</p> <p>Aquaculture is established on a site with a minimum site area of 1 hectare.</p>	<p>N/A</p>	<p>See AO1.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) provide sufficient separation between the use and adjoining premises and uses.			
FOR INTENSIVE ANIMAL HUSBANDRY			
<p>PO4</p> <p>Buildings, structures, equipment and machinery associated with the use are located so that they do not have a detrimental impact on sensitive land uses, having regard to offsite emissions of:</p> <ul style="list-style-type: none"> (a) fume (b) particle (c) smoke (d) odour; (e) light; and (f) noise. <p><i>Note—The use of the S factor methodology and odour dispersion modelling (in accordance with the methodology identified in PAE Holmes report 'Best Practice Guidance for the Queensland Poultry Industry – Plume Dispersion Modelling and Meteorological Processing') may be appropriate in demonstrating the compliance of an alternative to Acceptable Outcome AO4 with Performance Outcome PO4.</i></p>	<p>AO4.1</p> <p>Intensive animal industries are separated by a minimum distance of 2 kilometres from:</p> <ul style="list-style-type: none"> (a) land included in the Low density residential zone, Medium density residential zone, Emerging community zone or Rural residential zone; (b) any existing dwellings or accommodation units; and (c) any community facility where people gather. 	N/A	<p>The proposed development does not include intensive animal husbandry.</p>
IF FOR ANIMAL KEEPING OR INTENSIVE ANIMAL INDUSTRIES			
<p>PO5</p> <p>Animal keeping or Intensive animal industries are located on land which has an area, dimensions and topography which allow the use to function appropriately and be sufficiently separated from adjoining properties and uses.</p>	<p>AO5.1</p> <p>Development is located on a site which has an area of 60 hectares or greater.</p>	YES	<p>The site is approximately 14.03ha in area, although will only involve animal keeping for a maximum of twenty (20) horses for which, a 14ha site is more than sufficient to cater for. Suitable setbacks are also provided to all nearby sensitive land uses and for these reasons, the propsoed development complies with the Performance Outcome.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO5.2</p> <p>Development is located on land which has a gradient which is not greater than 10%.</p>	<p>YES</p>	<p>The proposed development is located on a portion of the site that does not have a gradient of more than 10%.</p>
IF FOR FORESTRY FOR WOOD PRODUCTION OR PERMANENT PLANTATION			
<p>PO6</p> <p>The impacts of the use on soil structure, fertility and stability are minimised through appropriate design of the site and operation of the use.</p>	<p>AO6.1</p> <p>The establishment and maintenance (including associated tracks and roads) of the use utilises the following methods:</p> <ul style="list-style-type: none"> (a) mechanical strip cultivation on the contour, spot cultivation or manual cultivation for slopes greater than 10 per cent and less than 25 per cent; (b) spot cultivation or manual cultivation for slopes equal to or greater than 25 per cent; and (c) tracks and roads are located to avoid natural drainage features and areas that are subject to erosion and landslips to the greatest possible extent. Where it is necessary for tracks to cross these areas the crossing is designed and constructed to maximise surface stability. 	<p>N/A</p>	<p>The proposed development does not involve Forestry for Wood Production or Permanent Plantation.</p>
<p>PO7</p> <p>The Forestry for wood production or Permanent plantation use is designed to:</p> <ul style="list-style-type: none"> (a) reduce the potential bushfire hazard of the use; and (b) prevent the spread of bushfire between the use and adjoining premises. 	<p>AO7.1</p> <p>Firebreaks with a minimum width of 10 metres are established and maintained between the use and adjoining uses.</p>	<p>N/A</p>	<p>See AO6.1 above.</p>
	<p>AO7.2</p> <p>The outer rows of forestry for wood production trees within 10 metres of the cleared firebreak are pruned up to a</p>	<p>N/A</p>	<p>See AO6.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	minimum height of 2 metres, commencing once trees are greater than 4 metres in height.		
	<p>AO7.3</p> <p>Planting in hollows, gullies or drainage features preserves cold air drainage flow paths to prevent creation of frost hollows.</p> <p><i>Note—Frost hollows and the associated grass kill facilitates a rapid curing of fuel and exacerbates bushfire hazard.</i></p>	N/A	See AO6.1 above.
IF FOR RURAL INDUSTRY			
<p>PO8</p> <p>The Roadside stall is consistent with the scale, intensity and character of land use within the immediate surrounds, having regard to matters of:</p> <p>(a) size of buildings;</p> <p>(b) building materials and design;</p> <p>(c) relationship with other on-site uses; and</p> <p>(d) balance between built and natural elements.</p>	<p>AO8.1</p> <p>The Roadside stall is for the sale of produce grown on the same rural site or on rural properties in the immediate locality.</p>	N/A	The proposed development does not involve Rural Industry.
	<p>AO8.2</p> <p>Buildings and structures comprising the roadside stall do not exceed 20m² gross floor area.</p>	N/A	See AO8.1 above.
	<p>AO8.3</p> <p>Buildings and structures are constructed of materials such as timber, tin and shade cloth.</p>	N/A	See AO8.1 above.
	<p>AO8.4</p> <p>Buildings and structures are temporary in nature unless the Roadside stall forms part of an existing farm building.</p>	N/A	See AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO8.5 The Roadside stall is a maximum of 5 metres in height.	N/A	See AO8.1 above.
IF FOR RURAL INDUSTRY			
PO9 Rural industry is located on sites which have sufficient area to: (a) accommodate all buildings, structures and infrastructure associated with the use; and (b) provide sufficient separation between the use and adjoining premises and uses.	AO9.1 Development is located on a lot with a minimum area of 10 hectares.	N/A	See AO8.1 above.
FOR ASSESSABLE DEVELOPMENT			
ALL RURAL ACTIVITIES, OTHER THEN AQUACULTURE, FORESTRY FOR WOOD PRODUCTION, PERMANENT PLANTATION, ROADSIDE STALL, OR RURAL INDUSTRY.			
PO10 A site specific Environmental Management Plan is provided addressing (as appropriate): (a) farming / nursery operations; (b) erosion and sediment control; (c) surface water and storm water management; (d) groundwater protection; (e) nutrient management for substrate utilisation or spray irrigation program; (f) use and storage of chemicals and pesticides; (g) integrated pest management; (h) operations and maintenance requirements; (i) composting; (j) air quality management;	AO10.1 No acceptable outcome is provided.	ALTERNATIVE SOLUTION SOUGHT	Given the small scale, low impact nature of the Animal Keeping land use being proposed, a site-specific Environmental Management Plan is not considered a reasonable imposition on the proposed development in this instance. Suitable conditions of approval can be imposed to address any development impacts Council considered necessary to address.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(k) odour reduction and management; (l) emergency preparedness plan; (m) wastewater management; (n) spent substrate management; (o) waste management and disposal; (p) separation distances between farm uses and surrounding properties; and (q) other matters appropriate to the use, as determined by Government regulations, guidelines, licence requirements and industry best practice.			
IF FOR FORESTRY FOR WOOD PRODUCTION			
PO11 Forestry for wood production is located to minimise impacts on nearby land uses and infrastructure, including: <ul style="list-style-type: none"> (a) damage as a result of fallen trees; (b) reduced access due to fallen trees; (c) spreading of plant matter and seedlings; and (d) shadowing. 	AO11.1 Forestry for wood production is separated a distance of 1.5 times the maximum anticipated height of the tree at harvest from: <ul style="list-style-type: none"> (a) dwellings and accommodation units; (b) machinery sheds; and (c) above-ground pipelines not subject to an easement (excluding infrastructure servicing only the farm). 	N/A	The proposed development does not include Forestry for Wood Production.
	AO11.2 Within a setback or separation area: <ul style="list-style-type: none"> (a) cultivation and planning for wood production does not occur; (b) self-propagated seedlings (wildlings) generated from forestry for wood production are eradicated; and (c) road and track establishment may occur. 	N/A	See AO11.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><i>Note—AO2.2 is not limited to a separation distance provided in accordance with AO2.1 and applies to all setbacks and separation distances applicable to Forestry for wood production, including those provided by a zone code or overlay code.</i></p>		
IF FOR ANIMAL KEEPING OR INTENSIVE ANIMAL INDUSTRIES.			
<p>PO12</p> <p>The operation of the development must implement and maintain biosecurity measures that:</p> <ul style="list-style-type: none"> (a) prevent the introduction of infectious disease agents to the development; (b) prevent the spread of disease agents from an infected area to an uninfected area; and (c) minimise the incidence and spread of microorganisms of public health significance. 	<p>AO12.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The proposed development will include biosecurity measures in that horses being bought onto the site MUST be wormed, checked and in a stable for 48 hours before visiting the site. The Applicant will also keep a logbook of all horses to visit the site. Reasonable and relevant conditions of approval can be imposed to further address this matter if deemed necessary by Council.</p>
<p>PO13</p> <p>Poultry farms, intensive animal feedlots and pig keeping uses are sited and operated in accordance with best practice industry standards, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of surrounding land use; (b) separation from other land uses; (c) the size and nature of the use; and (d) potential for odour dispersion. <p><i>Note—The use of the S factor methodology and odour dispersion modelling (in accordance with the methodology identified in PAE Holmes report 'Best Practice Guidance for the Queensland Poultry Industry – Plume Dispersion Modelling and Meteorological</i></p>	<p>AO13.1</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The proposed development does not include any of the uses listed in the Performance Outcome.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Processing') may be appropriate in demonstrating compliance with Performance Outcome PO13.</i></p>			
<p>PO14 All buildings used as part of a poultry farm complex must be appropriately separated from adjoining land, existing infrastructure and areas of environmental interest.</p>	<p>AO14.1 All buildings used as part of a poultry farm complex which involves more than 1,000 birds are setback from property boundaries in accordance with Table 9.3.6.3B.</p>	<p>N/A</p>	<p>The proposed development does not include a poultry farm complex.</p>
<p><i>Note—Where a poultry farm involves 1,000 birds or less, no Acceptable Outcome is provided.</i></p>	<p>AO14.2 All buildings used as part of a poultry farm complex which involves more than 1,000 birds are separated by a distance which is no less than that specified in Table 9.3.6.3B from the following: (a) surface water, wells and bores; (b) declared fish habitat areas; and (c) high ecological value waters.</p>	<p>N/A</p>	<p>See AO14.2 above.</p>
<p>PO15 Development avoids and, where unavoidable, mitigates impacts on ground water, particularly where ground water is heavily drawn upon for irrigation or domestic purposes.</p>	<p>AO15 No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The proposed development will not interfere with ground water.</p>
<p>IF FOR AQUACULTURE</p>			
<p>PO16</p>	<p>AO17.1</p>	<p>N/A</p>	<p>The proposed development does not include aquaculture.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>Water used as part of an Aquaculture operation is appropriately managed to ensure that it does not impact on environmental values.</p>	<p>Water used as part of an Aquaculture operation does not reach a waterway, wetland or other waterbody via overland or stormwater flows.</p>		
<p>PO17 Development is located and designed to avoid or minimise impacts on areas host to fisheries resources.</p>	<p>AO17.1 All elements of the Aquaculture operation are separated from fish habitats by a minimum distance of:</p> <ul style="list-style-type: none"> (a) 50 metres from bankfull width outside an urban area; or (b) 25 metres from bankfull width within an urban area. 	N/A	See AO17.1 above.
	<p>AO17.2 There is an overriding functional requirement for the development component or infrastructure to be located on areas host to fisheries resources.</p>	N/A	See AO17.1 above.
<p>PO17 A pond, tank or any other similar containment structure used for Aquaculture is appropriately designed to prevent leakage.</p>	<p>AO17.1 No acceptable outcome is provided.</p>	N/A	See AO17.1 above.

Application

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

Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
CAR PARKING SPACES			
<p>PO1</p> <p>Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:</p> <ul style="list-style-type: none"> (a) nature of the use; (b) location of the site; (c) proximity of the use to public transport services; (d) availability of active transport infrastructure; and (e) accessibility of the use to all members of the community. 	<p>AO1</p> <p>The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.</p> <p><i>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</i></p>	<p>YES</p>	<p>The proposed development provides five (5) formal car parking spaces and seven (7) informal car parking spaces for a total of twelve (12) car parking spaces.</p> <p>The 'Animal Keeping land use includes no 'total use area' (GFA) and as such, is required to provide a total of three (3) car parking spaces. The Educational Establishment will involve a maximum of ten (10) students at any one time and one (1) employee and as such, requires the provision of two (2) spaces. As such, the proposed development requires a total of five (5) car parking spaces to comply with Table 9.4.3.3.B. As the proposed development has provided five (5) formal car parking spaces, the proposed development complies with the Acceptable Outcome.</p> <p>Note: Due to the nature of the use, at times (group classes), more than two (2) car parking spaces will be required for the horse-riding/equestrian school, and this is the reason the seven (7) informal car parking spaces have been provided.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
VEHICLE CROSSOVERS			
<p>PO2</p> <p>Vehicle crossovers are provided to:</p> <ul style="list-style-type: none"> (a) ensure safe and efficient access between the road and premises; (b) minimize interference with the function and operation of roads; and (c) minimise pedestrian to vehicle conflict. 	<p>AO2.1</p> <p>Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.</p>	N/A	The site does not abut a Council road.
	<p>AO2.2</p> <p>Development on a site with two or more road frontages provides vehicular access from:</p> <ul style="list-style-type: none"> (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances. 	N/A	The site does not front two (2) roads.
	<p>AO2.3</p> <p>Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E.</p>	N/A	The proposed development does not include any of the listed uses in Table 9.4.3.3E.
<p>PO3</p> <p>Access, maneuvering and car parking areas include appropriate pavement treatments having regard to:</p> <ul style="list-style-type: none"> (a) the intensity of anticipated vehicle movements; (b) the nature of the use that they service; and (c) the character of the surrounding locality. 	<p>AO3.1</p> <p>Access, maneuvering and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C.</p>	YES	Due to the low number of vehicle movements per day, the designated car parking and manoeuvring areas will be unimproved and maintained at a dirt standard. Given the nature of the sue and the fact there are no nearby sensitive land uses, this standard is considered more than appropriate and therefore, complies with the Performance Outcome.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
PARKING AREA LOCATION AND DESIGN			
<p>PO4</p> <p>Car parking areas are located and designed to:</p> <p>(a) ensure safety and efficiency in operation; and</p> <p>(b) be consistent with the character of the surrounding locality.</p>	<p>AO4.1</p> <p>Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.</p>	YES	All car parking and manoeuvring areas will be constructed in accordance with AS2890. Compliance can also be conditioned.
	<p>AO4.2</p> <p>Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities.</p>	N/A	Not considered applicable for the proposed development.
	<p>AO4.3</p> <p>The car parking area includes designated pedestrian routes that provide connections to building entrances.</p>	ALTERNATIVE SOLUTION SOUGHT	The car parking area will be located directly adjacent to the indoor arena where pedestrian access to the arena will be easily identifiable without the need for dedicated pedestrian routes.
	<p>AO4.4</p> <p>Parking and any set down areas are:</p> <p>(a) wholly contained within the site;</p> <p>(b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone;</p> <p>(c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and</p> <p>(d) provided at the side or rear of a building in all other instances.</p>	YES	All parking and set down areas will be provided for on-site and be suitably signed so they can be easily identified.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
SITE ACCESS AND MANOEUVRING			
<p>PO5</p> <p>Access to, and manoeuvring within, the site is designed and located to:</p> <ul style="list-style-type: none"> (a) ensure the safety and efficiency of the external road network; (b) ensure the safety of pedestrians; (c) provide a functional and convenient layout; and (d) accommodate all vehicles intended to use the site. 	<p>AO5.1</p> <p>Access and manoeuvrability is in accordance with:</p> <ul style="list-style-type: none"> (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities. <p><i>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</i></p>	YES	All car parking and manoeuvring areas will be constructed in accordance with AS2890. Compliance can also be conditioned.
	<p>AO5.2</p> <p>Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTRROADS.</p>	YES	Vehicular sight distance is in accordance with the required standards.
	<p>AO5.3</p> <p>Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p>	YES	All vehicles will be able to enter and exit the site in a forward gear.
	<p>AO5.4</p> <p>Pedestrian and cyclist access to the site:</p> <ul style="list-style-type: none"> (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided). 	ALTERNATIVE SOLUTION SOUGHT	Given the location of the site with access from a busy highway, it is not anticipated that people will be cycling or walking to the site and will instead seek to utilise private vehicles. As such, no pedestrian or cyclist access is being proposed.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO6</p> <p>Development that involves an internal road network ensures that it's design:</p> <p>(a) ensure safety and efficiency in operation;</p> <p>(b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of:</p> <p>(i) hours of operation;</p> <p>(ii) noise</p> <p>(iii) light; and</p> <p>(iv) odour;</p> <p>(c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use;</p> <p>(d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and</p> <p>(e) in the Rural zone, avoids environmental degradation.</p>	<p>AO6.1</p> <p>Internal roads for a Tourist park have a minimum width of:</p> <p>(a) 4 metres if one way; or</p> <p>(b) 6 metres if two way.</p>	<p>N/A</p>	<p>The proposed development will not involve a Tourist Park.</p>
	<p>AO6.2</p> <p>For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle for vehicles towing caravans having:</p> <p>(a) a minimum approach and departure curve radius of 12 metres; and</p> <p>(b) a minimum turning circle radius of 8 metres.</p>	<p>N/A</p>	<p>See AO6.1 above.</p>
	<p>AO6.3</p> <p>Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.</p>	<p>N/A</p>	<p>The proposed development does not involve an internal road network.</p>
	<p>AO6.4</p> <p>Speed control devices are installed along all internal roads, apart from those for an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.</p>	<p>N/A</p>	<p>See AO6.3 above.</p>
	<p>AO6.5</p> <p>Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.</p>	<p>N/A</p>	<p>See AO6.3 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO6.6</p> <p>Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.</p>	<p>N/A</p>	<p>See AO6.3 above.</p>
	<p>AO6.7</p> <p>For an Energy and infrastructure activity or Rural activity, internal road gradients:</p> <p>(a) are no steeper than 1:5; or</p> <p>(b) are steeper than 1:5 and are sealed.</p>	<p>N/A</p>	<p>See AO6.3 above.</p>
<p>SERVICING</p>			
<p>PO7</p> <p>Development provides access, maneuvering and servicing areas on site that:</p> <p>(a) accommodate a service vehicle commensurate with the likely demand generated by the use;</p> <p>(b) do not impact on the safety or efficiency of internal car parking or maneuvering areas;</p> <p>(c) do not adversely impact on the safety or efficiency of the road network;</p> <p>(d) provide for all servicing functions associated with the use; and</p>	<p>AO7.1</p> <p>All unloading, loading, service and waste disposal areas are located:</p> <p>(a) on the site;</p> <p>(b) to the side or rear of the building, behind the main building line;</p> <p>(c) not adjacent to a site boundary where the adjoining property is used for a sensitive use.</p>	<p>YES</p>	<p>The site provides ample room for unloading, loading service and waste disposal areas entirely on-site. Compliance can also be conditioned.</p>
	<p>AO7.2</p> <p>Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.</p>	<p>YES</p>	<p>All vehicles will be able to enter and exit the site in a forward gear.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.	AO7.3 Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B .	YES	The site provides the appropriate area for parking and manoeuvring as provided in the plans in Attachment 2 and therefore, complies with the Performance Outcome.
MAINTENANCE			
PO8 Parking areas are used and maintained for their intended purpose.	AO8.1 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	YES	Compliance can be conditioned.
	AO8.2 All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	YES	See AO3.1 above which demonstrates compliance with the Performance Outcome.
END OF TRIP FACILITIES			
PO9 Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:	AO9.1 The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D .	N/A	The proposed development does not occur within the Centre Zone, Industry Zone or Emerging Community Zone.
	AO9.2 End of trip facilities are provided in accordance with Table 9.4.3.3D .	N/A	See AO9.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE WHERE INVOLVING MORE THAN 100 VEHICLE MOVEMENTS PER DAY OR RENEWABLE ENERGY FACILITY, SPORT AND RECREATION ACTIVITIES, OR TOURIST PARK.			
<p>P10</p> <p>The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p>AO10.1</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts. 	N/A	<p>The proposed development includes an educational establishment, although will not involve more than 100 vehicle movements per day.</p>
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE WHERE INVOLVING MORE THAN 100 VEHICLE MOVEMENTS PER DAY OR RENEWABLE ENERGY FACILITY, SPORT AND RECREATION ACTIVITIES, OR TOURIST PARK.			
<p>PO11</p> <p>The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p>AO11.1</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts. 	N/A	<p>See AO10.1 above.</p>

Application

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

Criteria for assessment

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

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO1.2</p> <p>Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with:</p> <ul style="list-style-type: none"> (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or (b) on-site water storage tank/s: <ul style="list-style-type: none"> (i) with a minimum capacity of 90,000L; (ii) fitted with a 50mm ball valve with a camlock fitting; and (iii) which are installed and connected prior to the occupation or use of the development. 	<p>YES</p>	<p>The proposed development will be serviced with water from the existing on-site bore. Additional rainwater storage tanks MAY be installed at a later date should it be found the bore is not providing enough water for the proposed development.</p>
WASTEWATER DISPOSAL			
<p>PO2</p> <p>Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment. 	<p>AO2.1</p> <p>Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	<p>N/A</p>	<p>See AO2.2 below.</p>
	<p>AO2.2</p> <p>An effluent disposal system is provided in accordance with AS/NZS 1547 On-Site Domestic Wastewater</p>	<p>YES</p>	<p>The proposed development will include a toilet and new on-site effluent system. Investigations will be undertaken to determine what type of system will be required to service the anticipated demand</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	Management (as amended) where development is located: <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 		generated by the development and the most suitable on-site location for this system.
STORMWATER INFRASTRUCTURE			
PO3 Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.	AO3.1 Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	N/A	The site is located outside the Mareeba Shire Council Priority infrastructure area and there is no stormwater infrastructure existing on-site.
	AO3.2 On-site drainage systems are constructed: <ul style="list-style-type: none"> (a) to convey stormwater from the premises to a lawful point of discharge; and (b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual. 	YES	All stormwater will be discharged to a lawful point of discharge via existing flow paths and will be done so to ensure there is no nuisance caused on adjoining properties as a result of stormwater.
ELECTRICITY SUPPLY			
PO4 Each lot is provided with an adequate supply of electricity	AO4 The premises: <ul style="list-style-type: none"> (a) is connected to the electricity supply network; or 	YES	The site is already connected to electricity infrastructure and the proposed development will be provided with electricity via these existing arrangements as required and in accordance with the requirements of Ergon.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (iii) it can be demonstrated that no adverse impact on visual amenity will occur.		
TELECOMMUNICATIONS INFRASTRUCTURE			
PO5 Each lot is provided with an adequate supply of telecommunication infrastructure	AO5 Development is provided with a connection to the national broadband network or telecommunication services.	N/A	The proposed development is not required to be connected to telecommunications.
EXISTING PUBLIC UTILITY SERVICES			
PO6 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	AO6 Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	N/A	No public utility mains will need to be relocated, altered or repaired as a result of the proposed development.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
EXCAVATION OR FILLING			
<p>PO7</p> <p>Excavation or filling must not have an adverse impact on the:</p> <ul style="list-style-type: none"> (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises. 	<p>AO7.1</p> <p>Excavation or filling does not occur within 1.5 metres of any site boundary.</p>	<p>N/A</p>	<p>The proposed development will not involve any excavation or filling.</p>
	<p>AO7.2</p> <p>Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.</p>	<p>N/A</p>	<p>See AO7.1 above.</p>
	<p>AO7.3</p> <p>Earthworks batters:</p> <ul style="list-style-type: none"> (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained. 	<p>N/A</p>	<p>See AO7.1 above.</p>
	<p>AO7.4</p> <p>Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <ul style="list-style-type: none"> (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation. 	<p>N/A</p>	<p>See AO7.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>A07.5</p> <p>All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>N/A</p>	<p>See AO7.1 above.</p>
	<p>A07.6</p> <p>Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>N/A</p>	<p>See AO7.1 above.</p>
	<p>A07.7</p> <p>Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>N/A</p>	<p>See AO7.1 above.</p>
FOR ASSESSABLE DEVELOPMENT			
TRANSPORT NETWORK			
<p>PO8</p> <p>The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.</p>	<p>A08.1</p> <p>Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning</p>	<p>N/A</p>	<p>The site abuts the Kennedy Highway (State-controlled Road) so all access arrangements will be provided in accordance with DTMR requirements.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	Scheme Policy 4 – FNQROC Regional Development manual.		
	<p>AO8.2</p> <p>Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.</p>	N/A	See AO8.1 above.
PUBLIC INFRASTRUCTURE			
<p>PO9</p> <p>The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.</p>	<p>AO9</p> <p>Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	N/A	The proposed development will not involve public infrastructure to be dedicated to Council.
STORMWATER QUALITY			
<p>PO10</p> <p>Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> (a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters; (b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies; (c) achieve specified water quality objectives; 	<p>AO10.1</p> <p>The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> (a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and (b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and 	N/A & YES	Per the definition of ‘urban purpose’ in the <i>Planning Regulations 2017</i> , development in the Rural zone is not considered an Urban Purpose. Hence, in accordance with the <i>State Planning Policy 2017</i> , no stormwater quality measures are required, nor proposed for the operational phase. An Erosion and Sediment Control Plan for the construction phase can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(d) minimise flooding; (e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety.	Sedimentation Control Guidelines (Institute of Engineers Australia), including: (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes.		
	<p>AO10.2</p> <p>For development on land greater than 2,500m² or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:</p> <p>(a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline;</p> <p>(b) is consistent with any local area stormwater water management planning;</p> <p>(c) accounts for development type, construction phase, local climatic conditions and design objectives; and</p> <p>(d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity.</p>	<p>N/A</p>	<p>See AO10.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO11</p> <p>Storage areas for stormwater detention and retention:</p> <ul style="list-style-type: none"> (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety. 	<p>AO11</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>No stormwater detention or retention basins are required or proposed.</p>
EXCAVATION OR FILLING			
<p>PO12</p> <p>Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p>AO12.1</p> <p>Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	<p>N/A</p>	<p>The proposed development will not involve excavation or filling.</p>
	<p>AO12.2</p> <p>Transportation of fill to or from the site does not occur:</p> <ul style="list-style-type: none"> (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays. 	<p>N/A</p>	<p>See AO12.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO13</p> <p>Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.</p>	<p>AO13.1</p> <p>Dust emissions do not extend beyond the boundary of the site.</p>	<p>N/A</p>	<p>See AO12.1 above.</p>
	<p>AO13.2</p> <p>No other air pollutants, including odours, are detectable at the boundary of the site.</p>	<p>N/A</p>	<p>See AO12.1 above.</p>
	<p>AO13.3</p> <p>A management plan for control of dust and air pollutants is prepared and implemented.</p>	<p>N/A</p>	<p>See AO12.1 above.</p>
<p>PO14</p> <p>Access to the premises (including driveways and paths) does not have an adverse impact on:</p> <ul style="list-style-type: none"> (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises. 	<p>AO14</p> <p>Access to the premises (including all works associated with the access):</p> <ul style="list-style-type: none"> (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual. 	<p>N/A</p>	<p>The proposed development does not involve a new access.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
WEED AND PEST MANAGEMENT			
<p>PO15</p> <p>Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.</p>	<p>AO15</p> <p>No acceptable outcome is provided.</p>	N/A	To the best of Urban Sync's knowledge, the site does not contain any pest species. Compliance can be conditioned.
CONTAMINATED LAND			
<p>PO16</p> <p>Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants</p>	<p>AO16</p> <p>Development is located where:</p> <ul style="list-style-type: none"> (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit. 	N/A	To the best of Urban Sync's knowledge, the site is not located on the contaminated land register.
FIRE SERVICES IN DEVELOPMENTS ACCESSED BY COMMON PRIVATE TITLE			
<p>PO17</p> <p>Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO17.1</p> <p>Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of:</p> <ul style="list-style-type: none"> (a) 120 metres for residential development; and (b) 90 metres for any other development. 	N/A	The proposed development will not involve common private title.
	<p>AO17.2</p> <p>Fire hydrants are located at all intersections of accessways or private roads held in common private title.</p>	N/A	See AO17.1 above.