

25 July 2022

Our Ref: 22-813

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

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

Dear Brian,

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT
(1 LOT INTO 2 LOTS) OVER LOT 265 ON NR6775 AT 31 TRIMBLE ROAD, MAREEBA.**

We refer to the above-described matter and confirm that Urban Sync Pty Ltd has been commissioned by Simms Veneer & Sawmills Pty Ltd (the Applicant) to co-ordinate and prepare the required application material to Mareeba Shire Council (Council) with respect to the above described land. The proposal seeks to separate the important business activities and provide opportunities for the future expansion of the sawmill exclusive from the residential elements of the property which are separated by Gilmore Road.

Though the applicants understand the implications of the Temporary Local Planning Instrument (TLPI) that affects the subdivision of Rural Land in the Mareeba Shire there is suitable planning grounds to approve the project despite the perceived conflicts with the purpose of the Rural Zone. It is formally requested that the Council consider and recommend support of the subdivision as it continues to make viable the opportunities available to the business.

In support of the assessment, we attach the following documents to assist Council officers:

- DA Form 1, Certificate of Titles etc as **Attachment 1**;
- Plans of Development (1 Lot into 2 Lots) prepared by Urban Sync Pty Ltd as **Attachment 2**;
- Site Searches as **Attachment 3**; and
- Assessment of the applicable development codes under the *Mareeba Shire Council Planning Scheme 2016* and the TLPI for Mareeba Shire as **Attachment 4**.
- Pre-lodgement Correspondence from SARA as **Attachment 5**.

In accordance with Council's Fees and Charges 2022/23, the application fee to the amount of **\$1,120.00** (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 is not required as the Applicant is the owner of the land.

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

Yours faithfully,



Stuart Ricketts.

Director – Senior Planner.

E stuart@urbansync.com.au | T 4051 6946 | M 0418 985 935

TOWN PLANNING REPORT

DEVELOPMENT APPLICATION FOR A
RECONFIGURING A LOT (1 LOT INTO 2 LOTS)

AT 31 TRIMBLE ROAD, MAREEBA

25 July 2022

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Simms Veneer & Sawmills Pty Ltd and considers the instructions and requirements of Simms Veneer & Sawmills 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
22-813	1.0	07/07/2022	JRW	JJP	SDR
22-813	2.0	25/07/2022	JRW	SDR	SDR

25/07/2022

FINAL Version 1.0

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I EXECUTIVE SUMMARY

Simms Veneer & Sawmills Pty Ltd (the 'Applicant') are seeking the requisite statutory development approval from Mareeba Shire Council (Council) along with the inputs from the Queensland State Government to perform a subdivision (1 into 2 Lots) over Lot 265 on NR6775 at 31 Trimble Road, Mareeba, also previously known as 4268 Kennedy Highway, Mareeba (the 'site').

The site is physically separated by Gilmore Road which traverses through the middle of the site, resulting in the northern half of the existing allotment that accommodates the business activities and 'Sawmill' comprising approximately 15.6ha and the remaining southern half of the existing allotment that accommodates the existing Hobby Farm & Farm House comprising approximately 17.5ha of land. There are both business and 'family' estate reasons why the activities are sought to be separated and this will ensure that continued operations of the 'Sawmill' long into the future with suitable room to expand and improve the business offering.

It is proposed to subdivide the site so that the northern portion and southern portion of the site are two stand-alone allotments to separate each of the individual land uses/activities onto their own land titles.

In a planning context, the site is located within the Rural Zone of the *Mareeba Shire Planning Scheme 2016* (Planning Scheme), where Reconfiguring a Lot below the minimum lot size sought for the zone triggers the need for an **Impact Assessable** development application with the effect of the Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone). The applicant is prepared to complete the necessary public advertising.

Accordingly, this development application seeks the following approval:

- **Development Permit for Reconfiguring a Lot (1 Rural Lot into 2 Rural Lots).**

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;
- Accurately describe the proposed development (1 into 2) as generally reflected in the plans of subdivision prepared by Urban Sync Pty Ltd;
- 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 along with the elements of the TLPI (2019) and in doing so, demonstrate that the development presents a suitable development outcome that can be supported by Mareeba Shire Council.

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*'. It is noted that Rural land in Mareeba Shire remains affected by the Temporary Local Planning Instrument (TLPI 01/2021), a local categorising instrument currently in place over the Planning Scheme, which designates subdivision within the Rural Zone as 'Impact Assessable', thus requiring public notification. The purpose of the TLPI is '*to regulate minimum lot size for land in the Rural zone in the Planning Scheme*'.

It is also intended that the TLPI be in place for a period of 2 years and then the arrangements maybe removed and allow suitable consideration by the local authority under their Planning Scheme provisions.

We would like to present a case that on a reasonable assessment, the Planning Scheme and TLPI does prohibit the subdivision of rural land below 60ha but that circumstances that ensure that the overall approach to the continued maintained and viability of Rural Land is to be protected via the TLPI.



In this case and use to the physical elements that are presented the proposed subdivision (1 into 2) warrants further consideration against the corresponding overall purpose and outcomes of the relevant planning benchmarks.

In terms of assessment, there are several 'clear' departures away from the 'deemed to comply' Acceptable Outcomes. Where these departures have been identified, a performance-based or purpose-based assessment has been undertaken to demonstrate, based on sound planning grounds, that maintaining the Strategic Outcomes sought for the Rural Zone can be maintained.

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 rural development and the design arrangements. The report establishes that there are grounds that can be relied on for the support of the subdivision by Mareeba Shire Council and that will not offend the overall purpose of the TLPI (Mareeba 2019).

As such, the proposed development maybe supported by Mareeba Shire Council subject to the imposition of reasonable and relevant conditions of approval and 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 Reconfiguring a Lot (1 Rural Lot into 2 Rural Lots).
Registered Landowner:	Simms Veneer & Sawmills Pty Ltd (A.C.N 010 437 108)
Applicant:	Simms Veneer & Sawmills Pty Ltd C/- Urban Sync Pty Ltd PO Box 2970 CAIRNS, QLD, 4870
Project Description Details:	To perform a subdivision of the site from one (1) into two (2) lots with the land being separated by the existing Gilmore Road.
ASSESSMENT DETAILS	
Assessment Manager:	Mareeba Shire Council
Development Category:	Assessable Development
Assessment Category:	Impact Assessable (on basis of TLPI 2021 Mareeba)
Public Notification:	YES (15 Business days)
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; ▪ Biodiversity; ▪ Natural Hazards Risk and Resilience; ▪ Transport Infrastructure; and ▪ Strategic Airports and Aviation Facilities
Regional Plan:	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use:	Regional Landscape and Rural Production Area
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Fish Habitat Areas; ▪ Water Resources;



	<ul style="list-style-type: none"> ▪ Native Vegetation Clearing; ▪ State Transport Corridor; ▪ Areas within 25m of a State Transport Corridor; ▪ State-Controlled Road Intersection; and ▪ Electricity Infrastructure.
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; ▪ Environmental Significance; ▪ Flood Hazard; and ▪ Transport Infrastructure

2.2 PLANS OF DEVELOPMENT

Document	Company	Revision	Sheet No.	Job. No.	Date
Plan of Subdivision	Urban Sync Pty Ltd	A	D01	22-813	08 June 2022



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowners:	Simms Veneer & Sawmills Pty Ltd (A.C.N 010 437 108)
Site Location:	31 Trimble Road, Mareeba QLD 4880
Lot and Description:	Lot 265 on NR6775
Site Area:	331,010m ² (33.10 ha)
Tenure:	Freehold
Easements/Encumbrances:	<ul style="list-style-type: none"> EASEMENT IN GROSS No 712078147 01/12/2008 at 10:30 burdening the land ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062 over EASEMENT A ON SP206174
Local Government Authority:	Mareeba Shire Council



Figure 1: Site location – 31 Trimble Road, Mareeba (Source: Queensland Globe, State of Queensland, 2022).

3.2 SITE ANALYSIS

Current Use/s:	<p>Sawmilling and Timber Processing Industry (Medium Impact Industry) on the northern half of the site; and</p> <p>Dwelling House and Rural Activities on the southern half of the site which is positioned towards the river with an allocation for water.</p>
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Existing Improvements:	<p>The site is currently improved with an existing sawmilling and timber processing industry (various buildings & structures) on the north portion of the site). External spaces provide for trucking, storage and the ability for expansion of business in timber products</p> <p>One-storey 'residential' dwelling house and associated rural sheds and machinery on the southern portion of the site.</p>
Topography:	The site is generally flat.
Waterways:	<p><u>Shanty Creek</u></p> <p>The site contains the waterway identified as Shanty Creek, which traverses across the far northern portion of the site.</p> <p><u>Emerald Creek</u></p> <p>Directly <u>adjoining</u> the southern portion of the site is the waterway identified as Emerald Creek.</p>
Vegetation:	The vast majority of the site is cleared, however the site contains some minor, sporadic landscaping. The site also contains identified Category R Regulated Vegetation, Category A or B area (least concern regional ecosystem) and Category B Regulated Vegetation on the far northern and far southern portions of the site, generally around the identified waterways.
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, the site is NOT listed on the Environmental Management Register or the Contaminated Lands Register.
Heritage Places:	The site is not an identified State or local 'Heritage Place', nor does it adjoin any identified heritage listed places.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	<p><u>Trimble Road</u></p> <p>The site has approximately 470m frontage to Trimble Road, which is identified as a Minor Rural Road on Council's Road Hierarchy. Trimble Road is a single lane, undivided two-way, 7m wide sealed carriage way within a 40m wide road reserve. The road reserve is not improved with kerb and channelling nor any formalised parking or footpaths.</p> <p><u>Kennedy Highway</u></p> <p>The site has approximately 740m frontage to Kennedy Highway, which is identified as a State Road (state-controlled road) on Council's Road Hierarchy. Kennedy Highway is a single lane, undivided 12m wide sealed carriage way within a 40 to 200m wide road reserve. The road reserve is improved with portions of guard rail but does not contain any kerb and channelling nor any formalised parking or footpath.</p> <p><u>Gilmore Road</u></p> <p>Gilmore Road bisects the site from east-west. The site has approximately 290m frontage (to both the northern portion and southern portion of the lot) to Gilmore Road, which is identified as a Minor Rural Road on Council's Road Hierarchy. Gilmore Road is a single lane, undivided 6m wide sealed carriage</p>
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	way within a 42m wide road reserve. The road reserve is not improved with any kerb and channelling nor any formalised parking or footpath.
Water & Sewerage Supply:	The site is not serviced by Council's sewerage or water infrastructure, but instead relies on on-site bore pump systems and on-site effluent systems. See Figure 2 below.
Stormwater:	Stormwater from the site appears to be discharged via sheet flow towards Shanty Creek to the north and Emerald Creek to the south.
Electricity & Telecommunications:	The site appears to be connected to both overhead (southern portion of site) and underground (northern portion of site) electricity and satellite telecommunications infrastructure.



Figure 2: Location of Existing Services (Source: Mareeba Shire Council Interactive Mapping, 2022)



4 DEVELOPMENT BACKGROUND

4.1 RELEVANT APPROVALS

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

4.2 PRE-LODGE MENT CORRESPONDANCE

4.2.1 Local Government – Mareeba Shire Council

Informal pre-lodgement advice was sought from Mareeba Shire Council on 14th June 2022. This correspondence outlined the proposed development with general support, although did not note specific reference to the effect of the TLPI on the proposed development, which would need to provide a relevant assessment against and gain potential advice from the State Government.

4.2.2 State Assessment Referral Agency (SARA)

Formal pre-lodgement advice was sought from SARA regarding the proposed development on the 24th June 2022. Correspondence received established that SARA would only provide referral advice regarding state matters including state-controlled road, waterway barrier works and clearing native vegetation. The obligations of using and managing the effect of the TLPI were solely to be actioned by the Mareeba Shire Council, although there would be critical review of these matters by the State. The ability to approve the subdivision was established though only with the resolution of Council and in keeping with their assessment of compliance under the TLPI.

For further details, please refer to a copy of pre-lodgement correspondence provided in **Attachment 5**.

4.3 BREAKDOWN OF APPLICATION FEES

The applicable application fee in this instance is **\$1,120.00** which has been broken down below for Council's information:

- Reconfiguring up to 2 lots, all boundary realignments and access easement - \$1,120.00 (per application)



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This development application seeks the requisite statutory development approval from Mareeba Shire Council to perform a subdivision (1 into 2 lots) over Lot 265 on NR6775 at 31 Trimble Road, Mareeba. Accordingly, this development application seeks the following approval:

- **Development Permit for Reconfiguring a Lot (1 into 2 lots).**

5.2 PROPOSAL DETAILS

The Reconfiguring a Lot component of the proposed development involves the creation of two (2) new 'Rural' zoned allotments, generally as depicted in the plan of subdivision prepared by Urban Sync Pty Ltd (see **Attachment 2 and Figure 3** below) and as summarised below in **Table 1**.

Table 1: Subdivision Statistics

Reconfiguring a Lot Proposal					
Number of Existing Lots		One (1)	Number of Proposed Lots		Two (2)
Parkland	Nil	Easements	One (1) - existing	Covenants	Nil
Proposed Reconfiguration Arrangements					
Current			Proposed		
Description	Area	Road Frontage	Lot Number	Area	Road Frontage (Approximate)
Lot 265 on NR6775	331,010 m ²	470m to Trimble Road; and 740m to Kennedy Highway; and 290m to Gilmore Road	1	156,000 m ²	470m to Trimble Road; and 290m to Gilmore Road
			2	175,010 m ²	740m to Kennedy Highway; and 290m to Gilmore Road

The physical separation of the proposed allotments via Gilmore Road would allow for the land maintain its rural character and allow for the continue business of Sawmill Activities and possible future expansion works to be contained on the northern position (Proposed Lot 2).

The rural Living (Farmhouse and Outbuilding) could then be used on the adjoining parcel (Lot 1)



Figure 3: Plan of Subdivision (Source: Urban Sync Pty Ltd, 2022)

5.3 STAGING

The proposed development will not be staged.

5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

5.4.1 Water Supply

Both 'proposed' lots are already serviced by existing on-site bores. If any upgrades are required to these existing systems, they will be undertaken in accordance with the relevant requirements.

5.4.2 Sewerage Supply

Both 'proposed' lots will continue to be serviced by the existing on-site effluent systems. If any upgrades are required to these existing systems, they will be undertaken in accordance with the relevant requirements.

5.4.3 Electricity and Telecommunications

Both 'proposed' lots will continue to be serviced by electricity and telecommunications in accordance with the existing arrangements. If any alterations or upgrades are required to this existing infrastructure, it will be undertaken in accordance with the requirements of the relevant provider.

5.4.4 Stormwater (Quantity)

Stormwater from both lots will be directed to existing flow paths and directed towards Shanty and Emerald Creeks 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.

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 to the 'proposed' allotments and this will not change. Proposed Lot '1' will utilise the existing site access from both Kennedy Highway and Gilmore Road, and proposed Lot '2' will utilise the existing site access from Trimble Road.

5.6 INFRASTRUCTURE CHARGES

Chapter 4 – Infrastructure of the PA outlines provisions for local governments to prescribe infrastructure charges for demands placed on trunk infrastructure where a Local Government Infrastructure Plans (LGIP) is included as part of the Planning Scheme and is adopted by resolution. These provisions have been reflected in Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 1) 2022 which came into effect from 18 May 2022.

The site is in the Rural Zone of the Mareeba Shire Council Local Government Area. In accordance with Council's AICR, Infrastructure Charges are applicable to the development calculated as follows and shown in **Table 2** below:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses; and
- Discounts for infrastructure that does not service the site.

As the existing Medium Impact Industry land use comprises a GFA of approximately 4,800m², this will accrue a credit of approximately \$172,800.00 for the proposed subdivision. The proposed subdivision of the site would result in a charge of \$24,312.00 and is thus negated by the credit over the site.

Table 2: Calculation of Infrastructure Charges (Subdivision)

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Residential	Dwelling House – 3 or more-bedroom dwelling	Per dwelling	\$12,156.00 ¹	2	\$24,312.00¹
Credit					
Residential	Medium Impact Industry	Per m2 of GFA	\$36.00	4800	\$172,800.00
TOTAL					\$0.00

¹In accordance with 4.1(d) of the *Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 1) 2022*, there is a 20% reduction to the infrastructure charges where the site is not connected to Council's reticulated sewer network and a further 20% reduction for not being connected to Council's reticulated water network for a total reduction of 40% and this credit has been applied to the figures in the above table.



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').

We note very clearly however that the Temporary Local Planning Instrument (TLPI) No. 1 of 2021 (Subdivision in Rural Zone) applies and has the effect of making the subdivision of the land 'Impact Assessable' the TLPI also includes the effect of changes to the purpose and specific Outcomes that are to be considered by Mareeba Shire Council.

Importantly, we are advised by Council and the State Government that the application is NOT prohibited.

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 Reconfiguring a Lot, in respect to '*creating lots by subdividing another lot*'.

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

Reconfiguring a Lot within the Rural Zone of the *Mareeba Shire Council Planning Scheme 2016* falls under the effect of the Temporary Local Planning Instrument (TLPI) No. 1 of 2021 (Subdivision in Rural Zone), where the creation of a lot less than 60 hectares within this zone triggers the requirement for **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);
- Biodiversity (MSES – Regulated Vegetation (Category R); MSES – Regulated Vegetation (Intersecting a Watercourse);
- Natural Hazards Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain assessment overlay; Bushfire Prone Area);
- Transport Infrastructure (State-Controlled Road; Transport Noise Corridor – State Controlled Road);
- Strategic Airports and Aviation Facilities (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**):

- Fish Habitat Areas (Queensland waterways for waterway barrier);
- Water Resources (Water resource planning area boundaries);
- Native Vegetation Clearing (Regulated Vegetation Management Map (Category A and B extract));
- State Transport Corridor (State-Controlled Road);
- Areas within 25m of a State Transport Corridor (Area within 25m of a State-controlled road);
- State-Controlled Road Intersection (Area within 100m of a state-controlled road intersection);
- Electricity Infrastructure (Ergon Easement).

In consultation with the *Planning Regulation 2017*, the above identified matters of State interest trigger the following referrals:

- Schedule 10, Part 9, Division 2, Table 1 – Reconfiguring a lot subject to an easement or near a substation site (Advice Agency)
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a state transport corridor
- Schedule 10, Part 9, Division 4 – Subdivision 2, Table 4 – Reconfiguring a lot near a state-controlled road intersection

As a result, the following module of the State Development Assessment Provisions (version 3.0) are applicable:

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

Please note: In accordance with Schedule 10, Part 3 of the PR, as no new boundaries are being proposed through the identified areas of native vegetation due to the site already being fragmented by the road, no referral for native vegetation clearing will be triggered.

The proposed development will not alter the existing access arrangements or traffic demand which utilises the site (including both proposed lots). As such, the proposed development will not conflict with or result in any adverse impacts on the safety and efficiency of the Kennedy Highway. For this reason, the proposed development 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 Applicable Overlays

The site is affected by the following Planning Scheme overlays:

- Agricultural Land (Agricultural Land Class A);
- Airport Environs (Bird and Bat Strike Zones – 13km from Airport);
- Bushfire Hazard (Medium Potential Bushfire Intensity; and Potential Impact Buffer);
- Environmental Significance (MSES – Waterway; MSES – Waterway Buffer; Matters of State Ecological Significance – Regulated Vegetation);



- Flood Hazard (Queensland Floodplain Assessment Overlay Mapping); and
- Transport Infrastructure (Road Hierarchy – State, Minor Rural).

6.5.2 Applicable Codes

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

Table 3: Relevant Codes

Scheme Component	Comment
Zone Code	
Rural Zone Code	Refer to Attachment 4 and Section 6.6.2
Overlay Codes	
Agricultural Land Overlay Code; Airport Environs Overlay Code; Bushfire Hazard Overlay Code; Environmental Significance Overlay Code; Flood Hazard Overlay Code; and Transport Infrastructure Overlay Code.	Refer to Attachment 4 and Section 6.6.3
Development Codes	
Advertising Devices Code; Landscaping Code; Parking and Access Code; Reconfiguring a Lot Code; and Works, Services and Infrastructure Code.	Refer to Attachment 4 and Section 6.6.4.

6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme does prohibit the approval of applications that seek to establish allotments below 60 hectares within the Rural Zone. It is and remains critical however that planning grounds are submitted detailing the justification and reasons why a development application should be supported and deliver on the purpose of the Rural Zone

An assessment needs to consider and ensure that all site features, constraints and development impacts can be suitably managed and that a continuation of the existing rural character and setting can be maintained. If an approval were to be granted with development conditions that the purpose of the Rural Code can be maintained and that the effect of the development on the overall delivery of the scheme outcomes effected. 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 4** and summarised below.

Our assessment determined that the development does differ with the Acceptable Outcomes normally associated with the land in the Rural Zone. Where a non-compliance has occurred, a purpose-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 Mareeba Shire Planning Scheme (and TLPI) can still be achieved.

6.6.1 Strategic Framework

The Strategic Framework of the *Mareeba Shire Planning Scheme 2016* sets out a 'high-level' policy direction for the Mareeba Shire Council Local Government Area. It offers a series of themes 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.

Each of these themes are to be balance with no-one theme in particular taking direct precedence and the outcomes of the development of the whole to be considered via assessment.

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.

In accordance with the TLPI (No. 1 of 2021), the following sections of the Strategic Framework are to apply.

1.2.1 Settlement Pattern and Built Environment

1.2.1.1 Strategic Outcomes:

As amended by the TLPI:

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

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

Planning Commentary:

The proposed development is intended to support and maintain the opportunity for the land to be adapted for 'sawmill' activities and economic development of a rural nature. The arrangement includes a subdivision which responds to existing site constraints and will not compromise the existing or future land use of the site.

Of particular relevance is Strategic outcome (1) identified above, as amended by the TLPI, which stipulates that subdivision of rural land does not result in a '*detrimental impact on rural productivity or fragments large land holdings*'. The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be NO loss of agricultural activities resulting from this proposal.

Strategic outcome (2) identified above, as amended by the TLPI, also states that '*new subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural Zone*'. As previously mentioned, the site is already less than 60ha and is bisected by Gilmore Road, which physically fragments the site into two portions of approx. 15ha each.

The proposed subdivision seeks to formalise these two fragmented portions of the site into two individual lots, as determined by the existing site constraints so that the existing sawmill can operate entirely independently from the remainder of the site. As such, the proposed development will not compromise or further fragment the site beyond its current physical characteristics, nor result in any incompatible land use, nor compromise the existing rural character or quality of the site. As such, the proposed development does not conflict with the overall settlement pattern or built environment intended for the zone.



1.2.2 Element – Village Activity Centre:

1.2.2.1 Specific Outcomes

As amended by the TLPI:

“(1) Growth is focused within the Kuranda village. Further residential or rural residential development in the Myola corridor is not supported.”

Planning Commentary:

The development is not located within the Kuranda village, does it involve further residential or rural residential development in the Myola corridor. Hence, the development will not conflict with the specific outcomes sought for this element of the Strategic Framework.

1.2.3 Element - Rural Villages:

1.2.3.1 Specific Outcomes

As amended by the TLPI:

“(1) Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is only to occur on land designated as urban footprint under the Regional Plan.”

Planning Commentary:

The development is not proposed within any of the identified rural villages and hence, will not conflict with this Specific Outcome on the Strategic Outcome.

1.2.4 Element – Rural Areas:

1.2.3.1 Specific Outcomes

As amended by the TLPI:

“(1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.”

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

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

“(5) Tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.”

Planning Commentary:

Specific Outcome (1) identified above, as amended by the TLPI, requires rural areas and rural activities to be ‘consistent with surrounding rural land use, character and site conditions’. This implies that that site conditions and constraints be incorporated and considered in assessment of proposed rural areas/activities.

Specific Outcome (2) identified above, as amended by the TLPI, requires that *'land in rural areas is maintained in large (60 ha or greater) lot sizes to ensure that regional landscape and rural production values are **not compromised by fragmentation, alienation or incompatible land uses**'* (emphasis added). In this instance, the site is already half the minimum size sought for the Rural zone and is fragmented by Gilmore Road. Hence, the site is unable to comply with this specific outcome.

Furthermore, it should also be noted that the purpose and general effect of the TLPI has the *'intent of **restricting further fragmentation** of land holdings within the Regional Landscape and Rural Production Area'* (emphasis added) (Queensland Government Gazette Vol. 388 No. 77, Minister for State Development, Infrastructure Local Government and Planning). The site already exists in 'fragmentation' below 60 hectares without any adverse impact to existing land uses or future land use that have been operating over the site for a number of years. The proposed subdivision does not propose any further physical fragmentation and, in this instance, should be assessed on a case-by-case basis, considering existing site conditions and/or restraints. With this in mind, the proposed development will not cause adverse impacts to the existing or future use of the land, as intended by the Settlement Pattern and Built Environment Theme of the Strategic Framework.

1.2.5 Transport and Infrastructure

1.2.5.1 Strategic Outcomes:

As amended by the TLPI:

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

Planning Commentary

Strategic Outcomes (1), as amended by the TLPI, states that *'subdivision of land in the Rural zone to create lots less than 60 ha is not consistent with facilitating appropriately sequenced and coordinated development'*.

As the site is already fragmented by Gilmore Road, and the proposed development will not alter the existing access or use of the transport network, the proposed development does not compromise existing and future infrastructure provisions applicable to the site. This includes other infrastructure relating to water, wastewater and stormwater, to which the site is not currently serviced by any of Council's reticulated water/wastewater/stormwater infrastructure (being in a rural locality).

6.6.2 Rural Zone Code

The proposed development generally complies with the provisions of the Rural Zone Code; however, there are additional provisions introduced as part of the TLPI that replaces the Rural zone code, which include Section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the Planning Scheme.

To demonstrate that the development complies with the majority of the purpose and overall outcomes, we have undertaken an assessment below in **Table ?** and where the development is unable to comply with overall outcome (3)(a), further commentary has been provided in Section 7 of this Planning Report to demonstrate that the development complies with the higher order provision of the Planning Legislation.



Table 4: Assessment against the Purpose and Overall Outcomes for the Rural Zone

Code Requirement	Comment
Purpose	
<i>"The purpose of the Rural Zone code (as amended by the TLPI) is to:</i>	
<i>"Provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities."</i>	The development is for a subdivision of the land due to the existing fragmentation created by Gilmore Road and will not involve the establishment of any new land uses. Despite this, the development will not compromise the ability of the land to be used for rural uses in the future, albeit at a smaller scale as the existing site is only 33ha and the subdivision will result in 2 new lots of approx. 15ha and 17ha respectively.
<i>"Provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes."</i>	The development is for a subdivision and does not involve the establishment of any land uses. However, the subdivision will not compromise the ability of the site to be utilised for non-rural uses in the future as there is significant amounts of unconstrained land on both sides of Gilmore Road that could be utilised in the future, subject to Council approval.
<i>"Protect or manage significant natural resources and processes to maintain the capacity for primary production."</i>	The subdivision will not result in any reduction to the current area of the land the sawmill and timber processing factory already currently comprises and will not adversely impact upon the capacity for primary production.
<i>"Mareeba Shire Council's purpose of the Rural zone code 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."</i>	As identified above, the development will seek to create two (2) new lots, where Gilmore Road bisects the site, and will not result in the establishment of any buildings and/or structures that could adversely impact upon the range of primary industries which contribute to the rural economy.
<i>"The purpose of the Rural Zone is to:</i>	
<i>"Recognise the diversity of rural uses that exist throughout the region."</i>	The subdivision seeks to subdivide the site where Gilmore Road bisects through the middle and hence, will not adversely impacts upon the diversity of rural uses that exist throughout the region.
<i>"Protect the rural character of the region."</i>	As identified above, the site is already fragmented due to Gilmore Road bisecting through the middle of the site and this application seeks to simply subdivide the site where the road bisects which will not result in any adverse impacts on the rural character of the region.
<i>"Provide facilities for visitors and tourists that are accessible and offer a unique experience."</i>	The development is for a subdivision and will not involve the establishment of any facilities for visitors and tourists; however, will not compromise the ability of these facilities to be incorporated in the future.
<i>"Protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production."</i>	The development is for a subdivision and will not result in any adverse impacts on the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area.
<i>"Maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region."</i>	As identified above, the development seeks to subdivide the site into two (2) new lots, with the new property boundaries following the existing road corridor of Gilmore Road and will not convolute the boundaries between the rural areas and the villages, towns and urban areas of the region.

<i>"Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities"</i>	The development involves a subdivision of the site and will not involve the establishment of any new land uses, buildings or structures.
<i>"Prevent adverse impacts of development on ecological values."</i>	The development involves a subdivision of the site from 1 Lot into 2 Lots and will not result in any adverse impacts on ecological values as no new boundaries are proposed through ecological area and no new land uses, buildings and or structures are proposed that could adversely impact upon these areas.
<i>"Preserve land in large holdings."</i>	The site is already less than 60ha (33ha) and fragmented by Gilmore Road and hence, the subdivision of the site is a logical decision to allow the northern portion and southern portion of the land to operate independently on their own individual allotments.
<i>"Facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors."</i>	The development will not adversely impact upon strategic corridors across the landscape as no vegetation clearing is proposed, nor are any land uses, buildings or structures proposed that could impact upon these areas.
<i>"The purpose of the Rural zone code will be achieved through the following overall outcomes:</i>	
<i>"Area for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported."</i>	The site is already less than 60ha (33ha) and is already unable to comply with this corresponding overall outcome. In addition to this, the site is approved for a Medium Impact Industry land use (Sawmill and Timber processing factory) and fragmented by Gilmore Road, making this subdivision a logical choice. We further advise that the TLPI did not suitably take into account land that is already below 60ha and fragmented and hence, we have sought to provide additional commentary against this matter below in Section 7 .
<i>"The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses."</i>	The development is for a subdivision of the site and will not compromise the ability of the site to be used for a wide range or rural pursuits in the future as the subdivision will follow the road corridor of Gilmore Road which already bisects and fragments the site.
<i>"The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised."</i>	The development is for a subdivision and will not involve any of the corresponding activities.
<i>"Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised."</i>	The development is for a subdivision and will not involve the establishment of any new land uses.
<i>"Development is reflective of and responsive to the environmental constraints of the land."</i>	The development has considered all site constraints, as reflected within this Planning Report and all supporting documentation; however, as the subdivision will follow the road corridor of Gilmore Road, there will be no environmental impacts generated by the development.
<i>"Residential and other uses are appropriate only where directly associated with the rural nature of the zone."</i>	The development is for a subdivision and does not involve any residential or other land uses.
<i>"Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes."</i>	The development is for a subdivision and will not involve any low-impact tourism and/or recreation activities, nor will it compromise the long-term use of the land for small-scale rural purposes.

<i>"The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses."</i>	As demonstrated through this report, the site is already fragmented by Gilmore Road which bisects the site, and this subdivision seeks to subdivide the site to align with the road corridor of Gilmore Road. No new land uses are proposed and hence, there will be no adverse impacts on the viability of the existing and future use of the site.
<i>"Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed."</i>	The development does not involve any new buildings or structures that could result in visual impacts and all access ways are existing. Hence, the development will not result in any adverse impacts.
<i>"Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and managements."</i>	The development simply seeks to subdivide the site from 1 lot into 2 lots and will align the new property boundaries with the road corridor of Gilmore Road which will ensure that there are no adverse impacts generated.
<i>Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development."</i>	The development does not propose the new property boundaries through any environmental area and hence, all natural features on-site will be retained.

6.6.3 Overlay Codes

Agricultural Land Overlay Code

The proposed development complies or can be conditioned to comply with the Agricultural Land Overlay Code. A full assessment demonstrating this compliance has been provided in **Attachment 4**.

Airport Environs Overlay Code

The proposed development will involve the subdivision of the site and not involve any activities, buildings or structures that may negatively impact upon the operational airspace of the Airport. Accordingly, the proposed development will not conflict with the Airport Environs Overlay Code and as such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

Bushfire Hazard Overlay Code

The proposed development involves the subdivision of the site but will not result in any new boundaries, buildings or structures within areas of the site affected by the identified Bushfire Hazard (i.e. Medium Potential Bushfire Intensity and Potential Impact Buffer zones).

It should also be noted that where the mapped bushfire hazard occurs (far northern and far southern portions of the site, these areas are generally associated with the native vegetation that adjoins the identified Emerald and Shanty Creeks which further support the sites on-site water supply to be utilised in the event of bushfire. Accordingly, the proposed development will not conflict with the Bushfire Hazard Overlay Code and as such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

Environmental Significance Overlay Code

The proposed development complies or can be conditioned to comply with the Environmental Significance Overlay Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**.

Flood Hazard Overlay Code

The proposed development involves a subdivision that will not conflict with the ability of the site to achieve appropriate flood management or immunity for existing or future buildings. As such, the proposed development will not conflict with the Flood Hazard Overlay Code. Accordingly, a full assessment against the code is not considered necessary and for this reason has not been undertaken.



Transport Infrastructure Overlay Code

The site does not contain or adjoin a rail corridor and therefore does not conflict with the Transport Infrastructure Overlay Code. Accordingly, a full assessment against the code is not considered necessary and for this reason has not been undertaken.

6.6.4 Development Codes

Advertising Devices Code

The proposed development does not include any advertising devices and therefore does not conflict with the Advertising Devices Code. Accordingly, a full assessment against the code is not considered necessary and for this reason has not been undertaken.

Landscaping Code

The proposed development does not include a material change of use where uses or activities would require certain landscape treatments. Furthermore, the site contains some landscaping and/or vegetation that is consistent with the rural landscape character of the area. Accordingly, a full assessment against this code is not considered 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 4**.

Reconfiguring a Lot Code

The proposed development complies with or can be conditioned to comply with the Reconfiguring a Lot Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**, inclusive of the TLPI provisions that replace Section 9.4.4.3, Table 9.4.4.3A of the Reconfiguring a Lot code – for Assessable Development, Performance Outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme.

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 4**.



7 DISCUSSION – KEY PLANNING MATTERS

This section of the report provides additional commentary in support of the key matters considered relevant to the assessment of this development application. In this instance, these matters relate to lot size.

The following key planning matters have been assessed against the relevant assessment benchmarks of the Planning Scheme and other related higher order planning instruments, including the Temporary Local Planning instrument, the Regional Plan and the State Planning Policy. However, according to Section 45(5) of the *Planning Act*, when carrying out assessment of an impact assessable development “assessment may be carried out against, or having regard to, **any other relevant matter**, other than a person’s personal circumstances, financial or otherwise.” As such we propose that the site’s constraints, specifically the physical fragmentation of the site into two portions by Gilmore Road is a relevant planning matter to be considered. We further surmise that whilst the TLPI may not have given allowance for the unique site constraints presented by this site, that nevertheless such matters should still be given weight in the assessment of this application. As the site is currently, physically fragmented by Gilmore Road into two portions, the proposed subdivision will not result in any further fragmentation of the site. As such, the proposed development cannot be considered inappropriate urban development as it is neither causing adverse impact to the existing regional landscape and rural production values on the site nor is it contributing to any further fragmentation beyond which currently occurs as result of existing constraints of the site.

Additionally, according to Section 31(1)(f) of the *Planning Regulation 2017*, when assessing an impact assessable development, regard must be paid to “any development approval for, an **any lawful use of, the premises** or adjacent premises.”. The site currently supports the lawful operation of a medium impact industry (i.e. sawmilling and timber processing industry) on the northern half of the site and is considered the main land use which occupies the site. We argue that the proposed subdivision will allow for a favourable planning outcome for the site, where any future potential expansion of the industry can be supported with appropriate separation from surrounding land uses on the northern portion of the site, whilst the remaining portion of the site can be utilised for agricultural and/or rural use, as intended for the Regional Landscape and Rural Production Area of the Regional Plan. This will also help to protect the regional landscape & rural production values on the southern portion of the land from further expansion.

We trust that these relevant planning matters will be taken into consideration during the assessment of this application and further detail of discussion regarding the key planning matters for this proposed development, as provided in the sections below.

7.1 LOT SIZE

From a planning perspective, lot size is regulated to achieve the following:

- Support of appropriate and compatible land-use;
- Privacy and amenity of land use;
- Appropriate access from the existing transport network;
- Maintaining character and streetscape.

The TLPI amends the purpose of the Rural Zone code to the following:

“The purpose of the Rural Zone code is to:

- (a) Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;*
- (b) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported; and*
- (c) Residential and other uses are appropriate only where directly associated with the rural nature of the zone.”*



Planning Commentary:

The TLPI was enacted to 'protect the values of Rural zone land by restricting minimum lot size for Rural zoned land within the Mareeba Shire Council local government area'. As identified throughout this report, the site is already half the minimum size sought for the Rural zone and proposed Lot '1' will have a sufficient area to accommodate the intended rural and/or agricultural use of the site, whilst proposed Lot '2' will have a sufficient area to accommodate the existing use of the site for medium impact industry, including future potential expansion of this industry. This also includes the ability for each proposed lot to ensure that all site constraints and planning controls can be suitably accommodated, including maintenance of setbacks to identified waterways, significant vegetation and/or habitat. The proposed subdivision is responsive to existing land constraints and will not compromise the high standard of amenity or existing or future access arrangements or provision of infrastructure and services. Further consideration of associated state-level planning instruments, including the Regional Plan and State Planning Policy, is detailed below.

Far North Queensland Regional Plan 2009-2031

The Regional Plan was developed under the *Integrated Planning Act 1997*, to which the Regional Plan precedes over all other planning instruments, including the local planning scheme. The site is located within the 'Regional Landscape and Rural Production Area' of the *Far North Queensland Regional Plan 2009-2031* (Regional Plan), where the intent of this land use category is to 'protect these areas from encroachment by inappropriate development, particularly urban or rural residential development'. The Regional Plan recognises 'Regional Landscape and Rural Production Area' as land with good quality agricultural land & other productive rural areas, natural resources, water catchment & groundwater areas and/or ecological significance areas. Whilst the majority of the site contains important agricultural areas and agricultural land (class A & B), it supports a Medium Impact Industry (Sawmilling and Timber Processing Industry) and is physically fragmented by Gilmore Road, a Minor Rural Road. The Regional Plan supports small scale industry & business, but it does not support further fragmentation of land holdings.

State Planning Policy

According to the hierarchy of planning instruments, the State Planning Policy 2017 sits above the Regional Plan and Planning Schemes. The site contains state interests under agriculture, biodiversity, natural hazards risk and resilience, transport infrastructure and strategic airports and aviation facilities. As previously stated, the site contains important agricultural areas and agricultural land. The SPP states that Agriculture, a state interest under the 'Planning for Economic Growth' theme, is 'essential to Queensland's economic productivity, employment and supply' of products, including timber.

According to the SPP State Interest – Agriculture (2)(b):

"Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by, avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture".

Given the current use of the land for industry and future possible expansion of industry, subdivision of the site will allow for the appropriate separation of existing industrial use on the northern portion (proposed Lot '2') from future establishment of rural and/or agricultural land use on the southern portion of the site (proposed Lot '1'). This will allow identified agricultural land on proposed Lot 2 to be protected and utilise for agricultural use.

Locality

The locality also contains other lots which are physically fragmented by Gilmore Road, as listed in **Table 3** below. In most of these cases, each site supports an agricultural use in the northern portion of the lot, where either a different type of agricultural use or other associated buildings/infrastructure or regulated vegetation unsuitable for agricultural development on the smaller, southern portion.

Table 5: Area of lots within the direct, surrounding locality

Lot & Plan	Site Area		
	Total:	North portion: (Approximately)	South portion: (Approximately)
Lot 64 on RP835619	378,750 m ² = 37.9 ha	22.8 ha	15.1ha
Lot 263 on NR1920	404,690 m ² = 40.5 ha	31.5 ha	9 ha
Lot 262 on NR1920	406,710m ² = 40.7 ha	35 ha	5.7 ha
Lot 283 on NR1920	399,630m ² = 39.9 ha	37.6 ha	2.3 ha
Lot 284 on NR1920	375,350m ² = 37.5 ha	36 ha	1.5 ha

PO1 (1.1, 1.2 and 1.3) of the Reconfiguring A Lot code, as amended by the TLPI, states that:

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

"No lots are created with a frontage less than 400m."

"Proposed lots are:

- a. able to accommodate all buildings, structures and works associated with the rural use; and*
- b. suitable to allow the site to be provided with sufficient access.*

Planning Commentary:

Whilst the proposed subdivision will result in two (2) lots with an area significantly less than 60 hectares, it must be acknowledged that the site is already half the minimum lot size sought for the zone and the proposed subdivision will not impact on the ability of the proposed lots to demonstrate compliance with required frontage and area to accommodate suitable access and setbacks for all existing and any potential future buildings or structures.

Specifically, proposed Lot '1' will have a primary road frontage of approximately 590m to Kennedy Highway and proposed Lot '2' will have a primary road frontage of approximately 470m to Trimble Road. Both lots will be well suited to accommodate existing and future buildings, structure and works associated with rural use. They will also enable maintenance of appropriate setbacks to all identified waterways, significant vegetation and/or habitat as well as adjoining properties. The proposed development will ensure each land use and associated infrastructure is appropriately contained within each individual lot and, as such, is generally compliant with the performance outcome sought for the Reconfiguring a Lot.

7.2 AGRICULTURAL LAND

Performance Outcome 5 of the Agricultural Land Overlay Code states:

"Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broad Hectare Rural' area identified on the Agricultural land overlay maps (OM-001a-n) that is severed by a gazetted road occurs only where it does not fragment land used for agricultural purposes."



Planning Commentary:

The site contains Class A Agricultural land and is severed by Gilmore Road. The proposed subdivision does not further fragment the land beyond which already occurs (i.e. the site is physically fragmented by Gilmore Road).

Performance Outcome 6 of the Agricultural Land Overlay Code states:

"Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broad hectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:

- (a) Improves agricultural efficiency;*
- (b) facilitates agricultural activity; or*
- (c) facilitates conservation outcomes; or*
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.*

Planning Commentary:

The proposed subdivision aims to:

- a. improve efficiency of existing uses on the land, being sawmilling and timber processing industry and dwelling house (and associated structures). Furthermore, the subdivision also allows for the conversion of proposed Lot '1' to be converted to rural activities, rather than be associated with the northern portion of the site (i.e. proposed Lot '2') which accommodates the sawmilling and timber processing industry;
- b. facilitate more efficient use of the site without causing any unacceptable, adverse impact to existing use of the site or future ability of the site to be used for agricultural activities;
- c. avoid any unacceptable, adverse impact to identified conservation values on the site;
- d. resolve the existing boundary issues where Gilmore Road currently bisects the site into two physically fragmented portions, to be better reflected as two lots to enable more efficient utilisation of the site for the two (2) different land use activities, being medium impact industry and dwelling house.



This report supports a development application made by Simms Veneer & Sawmills Pty who seek the requisite statutory development approvals from Mareeba Shire Council to support a proposed subdivision of the site from one (1) into two (2) lots at 31 Trimble Road, Mareeba, more formally described as Lot 265 on NR6775. Accordingly, this development application has sought the following development approvals from Council:

- **Development Permit for Reconfiguring a Lot (1 Rural Lot into 2 Rural Lots).**

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*, and *Temporary local planning instrument No. 1 of 2021 (Subdivision in Rural Zone)* 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.

This report has established that, in terms of assessment of the proposed development, the proposed development is generally compliant with the applicable assessment benchmarks for this site and in the context of the locality. However, the report identified some departures away from the 'deemed to comply' Acceptable Outcomes, including those related to lot size and agricultural land. Where these departures have been identified, a performance-based and/or purpose-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the relevant Assessment Benchmarks can still be achieved.

The key assessment matter has been the proposed lot size and use of agricultural land within the rural zone. The report has identified that the proposed development does not conflict with the higher order sections of the Planning Scheme and/or related state legislation in a way that would otherwise result in an unacceptable, adverse impact to the site, adjoining neighbours or ability of the site to be utilised for its intended rural use purpose.

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)	Simms Veneer & Sawmills Pty Ltd
Contact name (only applicable for companies)	C/- Stuart Ricketts 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)	22-813

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
		31	Trimble Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	265	NR6775	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
 Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer
 Name of water body, watercourse or aquifer:

On strategic port land under the *Transport Infrastructure Act 1994*
 Lot on plan description of strategic port land:
 Name of port authority for the lot:

In a tidal area
 Name of local government for the tidal area (if applicable):
 Name of port authority for tidal area (if applicable):

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*
 Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Subdivision (1 into 2 lots)
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

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

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

Division 2 – Reconfiguring a lot

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

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

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

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

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input checked="" type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

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

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

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

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

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

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

Clearing native vegetation

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

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

No

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

Environmental offsets

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

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

No

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

Koala habitat in SEQ Region

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

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

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

No

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

Water resources

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

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

No

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

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

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

Waterway barrier works

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

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

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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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			

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 50640856	Search Date: 02/06/2022 11:23
Date Title Created: 08/12/2006	Request No: 41248746
Previous Title: 40052906	

ESTATE AND LAND

Estate in Fee Simple

LOT 265 CROWN PLAN NR6775
Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 710169156 08/12/2006
SIMMS VENEER & SAWMILLS PTY LTD A.C.N. 010 437 108

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40052906 (Lot 265 on CP NR6775)
2. EASEMENT IN GROSS No 712078147 01/12/2008 at 10:30
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT A ON SP206174
3. MORTGAGE No 719566862 15/08/2019 at 13:04
WESTPAC BANKING CORPORATION A.C.N. 007 457 141

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



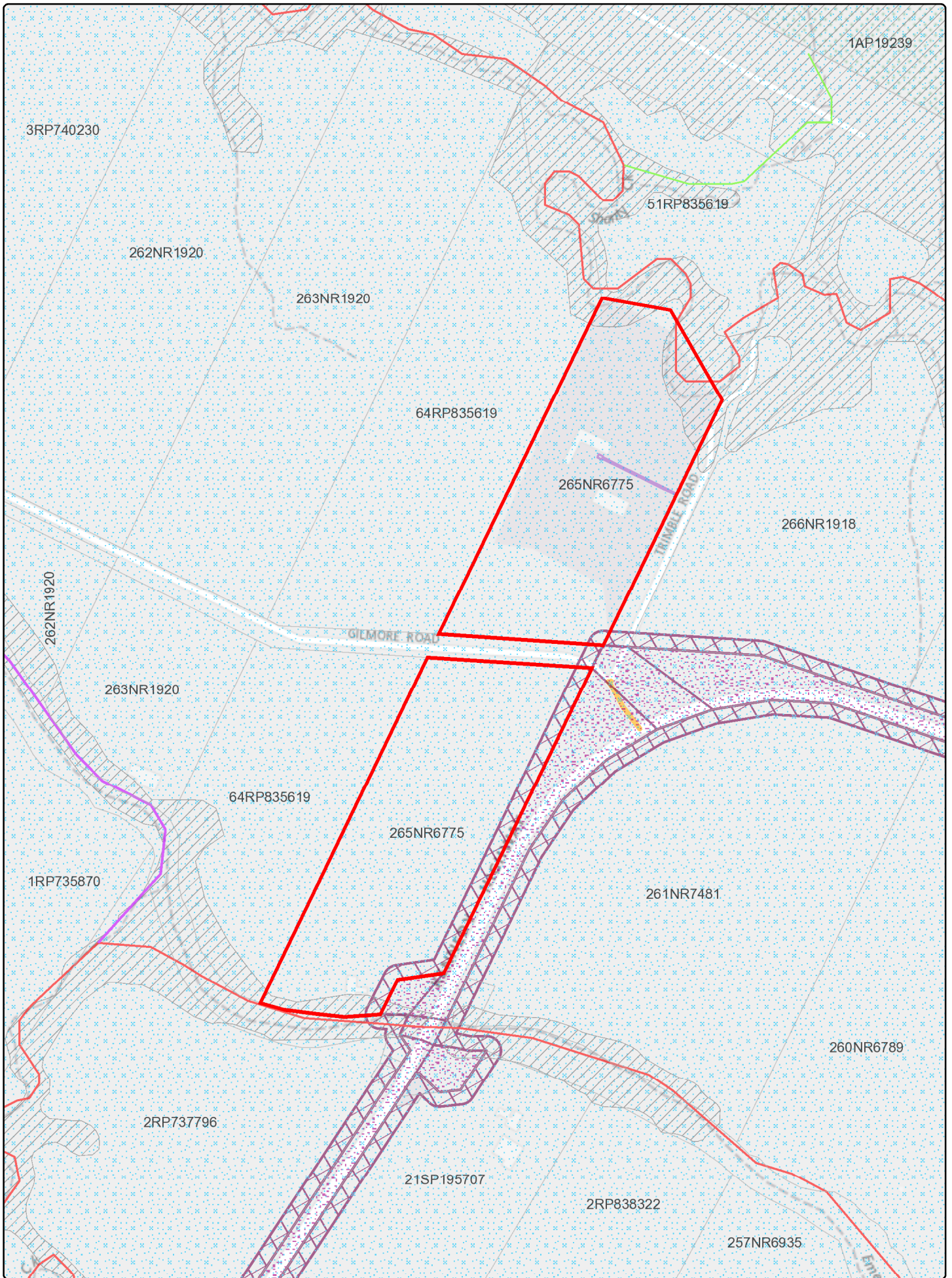


Please note: Measurements are approximate indication only

<p>PROPOSED SUBDIVISION Simms Vener & Sawmills Pty Ltd 31 Trimble Road, Mareeba (Lot 265 on NR6775)</p>	<p>Job No. 22-813</p>	<p>Issue: A</p>	<p>Date: 08 June 2022</p>	<p>Sheet No. D01</p>	<p>Title: Plan of Subdivision</p>	<p>Prepared By: Urban Sync Pty Ltd</p>
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**ATTACHMENT 3:
SITE SEARCHES**





DA Mapping System – Print Screen

Date: 09/06/2022

0 140 280 420 560

Metres



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Legend


Drawn Polygon Layer


Override 1


Cadastre (10k)

 Cadastre (10k)

Queensland waterways for waterway barrier works


 1 - Low


 2 - Moderate

 3 - High


 4 - Major

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


Area within 25m of a State-controlled road

 Area within 25m of a State-controlled road


State-controlled road

 State-controlled road


Energex electricity substation 100m buffer (referral to Energex - outside SARA)

 Energex electricity substation 100m buffer (referral to Energex - outside SARA)


Ergon electricity substation 100m buffer (referral to Ergon - outside SARA)

 Ergon electricity substation 100m buffer (referral to Ergon - outside SARA)


Powerlink electricity substation 100m buffer (referral to Powerlink - outside SARA)

 Powerlink electricity substation 100m buffer (referral to Powerlink - outside SARA)


Energex electricity substation 10m buffer (referral to Energex - outside SARA)

 Energex electricity substation 10m buffer (referral to Energex - outside SARA)

Ergon electricity substation 10m buffer (referral to Ergon - outside SARA)

 Ergon electricity substation 10m buffer (referral to Ergon - outside SARA)

Powerlink electricity substation 10m buffer (referral to Powerlink - outside SARA)

 Powerlink electricity substation 10m buffer (referral to Powerlink - outside SARA)


Energex easement

 Energex easement


Ergon easement

 Ergon easement

Powerlink easement

 Powerlink easement

Area within 100m of a State-controlled road intersection

 Area within 100m of a State-controlled road intersection

DA Mapping System – Print Screen

Date: 09/06/2022

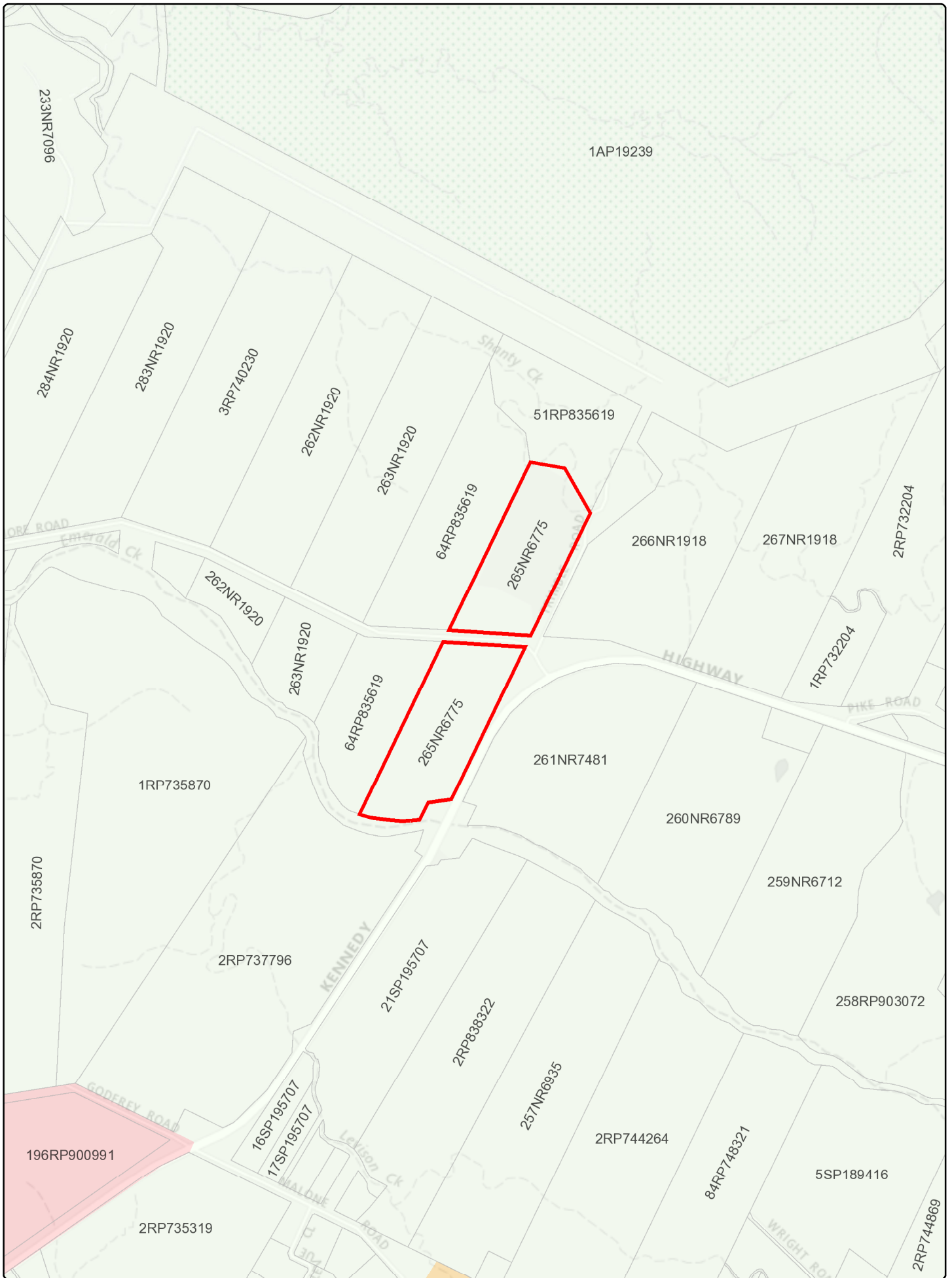
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0 290 580 870 1,160

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: 13/06/2022

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Date: 09/06/2022

State Planning Policy

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



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0 290 580 870 1,160

Metres

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Legend

Drawn Polygon Layer

Override 1

Cadastre (25k)

 Cadastre (25k)


Wildlife hazard buffer zone

 3km


 8km

 13km

MSES - Regulated vegetation (intersecting a watercourse)

 MSES - Regulated vegetation (intersecting a watercourse)


Important agricultural areas

 Important agricultural areas


State-controlled road

 State-controlled road

Flood hazard area - Level 1 - Queensland floodplain assessment overlay


 Flood hazard area - Level 1 - Queensland floodplain assessment overlay


MSES - Regulated vegetation (category R)

 MSES - Regulated vegetation (category R)

Bushfire prone area


 Very High Potential Bushfire Intensity

 High Potential Bushfire Intensity

 Medium Potential Bushfire Intensity

 Potential Impact Buffer

Agricultural land classification - class A and B

 Agricultural land classification - class A and B



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Date: 09/06/2022

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

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**CODE ASSESSMENT AGAINST MAREEBA SHIRE COUNCIL PLANNING
SCHEME 2016 AND RELEVANT TLPI**



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.

Purpose

- (1) The purpose of the Rural Zone Code is to:
 - a. Provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - b. Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3.B is not supported;
 - c. Residential and other uses are appropriate only where directly associated with the rural nature of the zone.
- (2) Mareeba Shire Council's purpose of the Rural zone code 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.

The purpose of the Rural Zone is to:

- a. recognise the diversity of rural uses that exists throughout the region;
- b. protect the rural character of the region;
- c. provide facilities for visitors and tourists that are accessible and offer a unique experience;
- d. protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;
- e. maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;

This provision of the TLPI replaces the Rural Zone Code Section 6.2.9.2 Purpose Section (2)(f):

f. Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;

- g. prevent adverse impacts of development on ecological values;
- h. preserve land in large holdings; and
- i. facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.

- (3) The purpose of the Rural zone code will be achieved through the following overall outcomes:

This provision of the TLPI replaces the Rural Zone Code Section 6.2.9.2 Overall Outcome (3)(a):

- a. Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported;**
- b. The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;

- c. The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
- d. Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;
- e. Development is reflective of and responsive to the environmental constraints of the land;

This provision of the TLPI replaces the Rural Zone Code Section 6.2.9.2 Overall Outcome (3)(f):

f. Residential and other uses are appropriate only where directly associated with the rural nature of the zone;

- g. Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;
- h. The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;
- i. Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;
- j. Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and
- k. Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.

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 	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. 	N/A	The development seeks to subdivide the site and does not propose to establish any new buildings and/or structures.
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	N/A	See AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(f) site area and street frontage length.			
<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> <p>(a) the siting and use of adjoining premises;</p> <p>(b) access to sunlight and daylight for the site and adjoining sites;</p> <p>(c) privacy and overlooking;</p> <p>(d) air circulation and access to natural breezes;</p> <p>(e) appearance of building bulk; and</p> <p>(f) relationship with road corridors.</p>	<p>AO2.1</p> <p>Buildings and structures include a minimum setback of:</p> <p>(a) 40 metres from a frontage to a State-controlled road; and</p> <p>(b) 10 metres from a boundary to an adjoining lot.</p>	<p>N/A</p>	<p>See AO1.1 above.</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>See AO1.1 above.</p>
	<p>AO2.3</p> <p>Buildings and structures, except where a Roadside stall, include a minimum setback of:</p> <p>(a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and</p> <p>(b) 100 metres from a frontage to any other road that is not a State-controlled road.</p>	<p>N/A</p>	<p>See AO1.1 above.</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>	<p>N/A</p>	<p>See AO1.1 above.</p>
	<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. 	<p>N/A</p>	<p>See AO1.1 above.</p>
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>	<p>N/A</p>	<p>See AO1.1 above.</p>

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>N/A</p>	<p>See AO1.1 above.</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 subdivision:</p> <ul style="list-style-type: none"> (a) will not alter the existing noise amenity of the site or local area as no new land uses, buildings or structures are proposed; (b) does not contain propose to alter any hours of operation nor conflict with any hours of operation currently associated with uses on site; (c) will not result in any unacceptable, adverse impact to traffic. Each lot will utilise existing accesses; (d) does not include any advertising devices; (e) will not alter the existing visual amenity of the site as no new buildings or structures are proposed; (f) will not result in any adverse impact to privacy, where each lot will maintain the ability to retain privacy on existing or any future buildings; (g) does not include or conflict with any lighting; (h) does not include or conflict with any odour;

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			(i) does not include or conflict with any emissions.
<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>YES</p>	<p>See AO6.1 above.</p>

Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development is located within the Agricultural Land Areas identified on the **Agricultural Land Overlay Maps (OM-001a-n)**; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

Note: Agriculture is appropriately reflected in Overlay Map 1 and is required to be mapped by State Government in response to Economic Growth State Interests.

Criteria for assessment

Table 8.2.1.3 – Agricultural Land Overlay Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
<p>PO1.1</p> <p>No lots are created with an area of less than 60ha.</p> <p>Note: This also applies to applications for boundary realignment. *As amended by the TLPI 01/2021 (Subdivision in Rural Zone)*</p>	<p>AO1.1</p> <p>No acceptable outcome is provided.</p>	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>The site is already only 33ha and the proposed subdivision includes the creation of two (2) lots approximately 15 to 17.5 hectares in area. However, this reflects the existing physical constraints of the site, which is bisected by Gilmore Road. For further commentary, please refer to Section 7.1 of the Planning Report.</p>
<p>PO1.2</p> <p>No lots are created with a frontage less than 400m.</p> <p>Note: This also applies to applications for boundary realignment. *As amended by the TLPI 01/2021 (Subdivision in Rural Zone)*</p>	<p>AO1.2</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The proposed development includes the creation of two lots, each with the following characteristics:</p> <ul style="list-style-type: none"> ▪ Proposed 'Lot 1' – primary road frontage of 590m to Kennedy Highway; and secondary road frontage of 290m to Gilmore Road; ▪ Proposed 'Lot 2' – primary road frontage of 470m to Trimble Road; and a secondary road frontage of 290m to Gilmore Road. <p>As such, the proposed development complies with the requirements for minimum lot frontage.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO1.3</p> <p>Proposed lots are:</p> <ul style="list-style-type: none"> a) Able to accommodate all buildings, structures and works associated with the rural use; and b) Suitable to allow the site to be provided with sufficient access. <p>Note: This also applies to applications for boundary realignment. <i>*As amended by the TLPI 01/2021 (Subdivision in Rural Zone)*</i></p>	<p>AO1.3</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>The proposed subdivision will result in two (2) lots that:</p> <ul style="list-style-type: none"> a) Are able to accommodate buildings/structures/works associated with rural or existing use. Proposed Lot '2' already accommodates an existing Sawmilling and Timber Processing Industry, to which the proposed subdivision does not materially alter any existing setbacks or access for existing buildings. Proposed Lot '1' accommodates an existing Dwelling House and ancillary sheds, to which the proposed subdivision which will not materially alter any existing setbacks or access to existing buildings/structures. b) As provided above, as the site is fragmented by Gilmore Road, both lots are already afforded their own individual access and the development will not alter existing access arrangements on-site.
FOR ASSESSABLE DEVELOPMENT			
<p>PO2</p> <p>Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:</p> <ul style="list-style-type: none"> (a) avoid land use conflict; (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; 	<p>AO2.1</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>Not considered applicable to Reconfiguring a Lot.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(c) avoid reducing primary production potential; and (d) not adversely affect public health, safety and amenity.			
<p>PO3</p> <p>Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):</p> <ul style="list-style-type: none"> (a) ensures that agricultural land is not permanently alienated; (b) ensures that agricultural land is preserved for agricultural purposes; and (c) does not constrain the viability or use of agricultural land. 	<p>AO3.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>Assessment against PO3 as follows:</p> <ul style="list-style-type: none"> (a) the proposed subdivision responds to existing site constraints and does not further physically fragment the site, nor alienate agricultural land any more than what exists at present; (b) & (c) the proposed subdivision does not further constrain the viability, use or preservation of the agricultural land beyond which is currently achievable. The northern portion of the site already supports a medium impact industry. For further commentary, please refer to Section 7 of the Planning Report.
IF FOR RECONFIGURING A LOT			
<p>PO4</p> <p>The 'Broad hectare rural area' identified on the Agricultural land overlay maps (OM-001a-n) is retained in very large rural holdings viable for broad scale grazing and associated activities.</p>	<p>AO4.1</p> <p>Development does not involve the creation of a new lot within the 'Broad hectare rural' area identified on the Agricultural land overlay maps (OM-001a-n).</p>	<p>N/A</p>	<p>The site is not located within the Broad hectare rural area.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO5</p> <p>Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broad hectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) that is severed by a gazetted road occurs only where it does not fragment land used for agricultural purposes.</p>	<p>AO5.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>Please refer to Section 7.2 of the Planning Report.</p>
<p>PO6</p> <p>Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broad hectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:</p> <ul style="list-style-type: none"> (a) improves agricultural efficiency; (b) facilitates agricultural activity; or (c) facilitates conservation outcomes; or (d) resolves boundary issues where a structure is built over the boundary line of two lots. 	<p>AO6.1</p> <p>No acceptable outcome is provided.</p>	<p>YES</p>	<p>Please refer to Section 7.2 of the Planning Report.</p>

Application

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

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

Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
REGULATED VEGETATION			
<p>PO1</p> <p>Vegetation clearing in areas mapped as ‘Regulated vegetation’ identified on the Environmental Significance Overlay Maps (OM-004a-o) is avoided unless:</p> <ul style="list-style-type: none"> (a) it is demonstrated that the area does not support regulated vegetation as mapped; (b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided; (c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and (d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset. <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>AO1.1</p> <p>No clearing of native vegetation is undertaken within areas of ‘Regulated vegetation’ identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>YES</p>	<p>The proposed develop does not propose any new boundaries through any of the identified areas of environmental significance, including regulated vegetation.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p>			
<p>PO2</p> <p>Development on sites adjacent to areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) protects the environmental significance of regulated vegetation and:</p> <ul style="list-style-type: none"> (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes; (b) does not negatively impact the movement of wildlife at a local or regional scale; and (c) avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified environmental values. <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p> <p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p>	<p>AO2.1</p> <p>Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>YES</p>	<p>See AO1.1 above.</p>
REGULATED VEGETATION INTERSECTING A WATERCOURSE			
<p>PO3</p> <p>Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the Environmental Significance - Waterway Overlay Maps (OM-004p-z) is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to</p>	<p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO3.1</p> <p>A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway' identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z).</p>	<p>YES</p>	<p>The proposed development includes both MSES Waterway and MSES Waterway Buffer identified on the far northern and far southern portions of the site. The proposed development does not propose any new boundaries through these mapped areas. As such, the proposed development does not alter any of the setbacks for existing buildings/structure nor does it</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p> <p><i>Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.</i></p>	<p>AO3.2</p> <p>No clearing of native vegetation is undertaken within the minimum setback identified at AO3.1.</p>	<p>YES</p>	<p>compromise the ability for future buildings/structures to be suitably located outside of these areas.</p> <p>The proposed development does not propose any new boundaries through any of the identified areas of environmental significance, including regulated vegetation. Thus, the proposed development does not trigger any native vegetation clearing to be undertaken within these mapped areas.</p>
WATERWAYS AND WETLANDS			
<p>PO4</p> <p>'High ecological significance wetlands' identified on the Environmental Significance Overlay Maps (OM-004a-o) and 'Waterways' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) and are protected by:</p> <ul style="list-style-type: none"> (a) maintaining adequate separation distances between waterways/wetlands and development; (b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement; (c) maintaining waterway bank stability by minimising bank erosion and slumping; (d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and 	<p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO4.1</p> <p>A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway' identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z).</p> <p>Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.2</p> <p>A minimum buffer of 200 metres is provided between development and the edge of a 'High ecological significance wetland' identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>N/A</p> <p>N/A</p>	<p>The development does not involve the establishment of any new property boundaries, building or structures within the waterway buffer area or high ecological significance wetland buffer area and hence, the development will not impact upon any waterways and/or wetlands.</p> <p>See AO4.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>Where within a ‘Waterway buffer’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland buffer’ on Environmental Significance Overlay Maps (OM-004a-o) AO4.3</p> <p>No stormwater is discharged to a ‘Waterway’ on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or ‘High ecological significance wetland’ identified on the Environmental Significance Overlay Maps (OM-004a-o).</p> <p><i>Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a ‘Waterway’ or ‘High ecological significance wetland’ are mitigated in accordance with PO3 through appropriate stormwater management / treatment (where possible).</i></p>	<p>N/A</p>	<p>See AO4.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.4</p> <p>No wastewater is discharged to a 'Waterway' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland' identified on the Environmental Significance Overlay Map (OM-004a-z).</p> <p><i>Note— A alternative outcome is required to demonstrate that the ecological impacts of wastewater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate wastewater management / treatment (where possible).</i></p>	N/A	See AO4.1 above.
FOR ASSESSABLE DEVELOPMENT			
WILDLIFE HABITAT			
<p>PO5</p> <p>Development within a 'Wildlife habitat' area identified on the Environmental Significance Overlay Maps (OM-004a-o):</p> <ul style="list-style-type: none"> (a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance; (b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site; 	<p>AO5.1</p> <p>No acceptable outcome is provided</p>	N/A	The site does not contain any identified 'Wildlife Habitat' areas.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(c) maintains or enhances wildlife interconnectivity at a local and regional scale; and</p> <p>(d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting).</p> <p><i>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</i></p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>			
LEGALLY SECURED OFFSET AREAS			
<p>PO6</p> <p>Development within a ‘Legally secured offset area’ identified on the Environmental Significance Overlay Maps (OM-004a-o) or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p> <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>AO6.1</p> <p>No acceptable outcome is provided.</p>	N/A	<p>The site does not contain any identified ‘Legally Secured Offset Areas’.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PROTECTED AREAS			
<p>PO7</p> <p>Development within a 'Protected area' identified on the Environmental Significance Overlay Maps (OM-004a-o) is consistent with the values of the Protected Area and:</p> <ul style="list-style-type: none"> (a) supports the inherent ecological and community values of the Protected Area asset; (b) maintains or enhances wildlife interconnectivity at a local and regional scale; and (c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area. <p><i>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</i></p>	<p>A07.1</p> <p>No acceptable outcome is provided</p>	<p>N/A</p>	<p>The site does not contain any identified 'Protected Areas'.</p>
ECOLOGICAL CORRIDORS AND HABITAT LINKAGES			
<p>PO8</p> <p>Development located:</p> <ul style="list-style-type: none"> a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and b) within an 'Ecological corridor' or a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o) 	<p>A08</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The site is located within the Rural Zone, but does not contain any 'Ecological corridor' or 'Habitat Linkage' areas.</p>

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

Application

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>N/A</p>	<p>The proposed development does not include a material change of use where uses or activities would otherwise require a change to existing parking provisions.</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	Access to the site is existing with access to the southern portion afforded by the existing access on the Kennedy Highway and Gilmore Road and the northern portion afforded access by the existing access from Gilmore and Trimble 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. 	YES	See AO2.1 above.
	<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 a material change of use where uses or activities would otherwise require a change to existing vehicular access.
<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>	N/A	Access, manoeuvring and car parking areas are existing and no alterations to these areas are proposed as part of this application.

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>	<p>N/A</p>	<p>The proposed development does not include a material change of use where uses or activities would otherwise require a change to existing parking provisions</p>
	<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>	<p>N/A</p>	<p>See AO4.1 above.</p>
	<p>AO4.3</p> <p>The car parking area includes designated pedestrian routes that provide connections to building entrances.</p>	<p>N/A</p>	<p>See AO4.1 above.</p>
	<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>	<p>N/A</p>	<p>See AO4.1 above.</p>

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>A05.1</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>	N/A	See AO4.1 above.
	<p>A05.2</p> <p>Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTRROADS.</p>	N/A	Each lot will utilise the existing vehicular access locations and no new access points are proposed.
	<p>A05.3</p> <p>Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p>	YES	See AO5.2 above.
	<p>A05.4</p> <p>Pedestrian and cyclist access to the site:</p> <ul style="list-style-type: none"> (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided). 	N/A	Given the rural nature of the site, neither Trimble Road, Gilmore Road or the relevant section of the Kennedy Highway have existing pedestrian or cycling infrastructure. As such, it would be unreasonable to impose the provision of formalised pedestrian or cycling infrastructure in association with this proposed development.

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 does not include 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 include an internal road.</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>
SERVICING			
<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>N/A</p>	<p>The proposed development does not include a material change of use where uses or activities would otherwise require a change to existing unloading/loading, services and waste disposal areas.</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>N/A</p>	<p>See AO7.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.</p>	<p>A07.3 Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B.</p>	<p>N/A</p>	<p>The proposed development does not include a material change of use where uses or activities would otherwise require a change to existing vehicle parking /service vehicle space requirements as per Table 9.4.3.3B.</p>
<p>MAINTENANCE</p>			
<p>PO8 Parking areas are used and maintained for their intended purpose.</p>	<p>A08.1 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.</p>	<p>N/A</p>	<p>See A07.3 above.</p>
	<p>A08.2 All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.</p>	<p>N/A</p>	<p>See A07.3 above.</p>
<p>END OF TRIP FACILITIES</p>			
<p>PO9 Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:</p> <p>(a) meet the anticipated demand generated from the use;</p> <p>(b) comprise secure and convenient bicycle parking and storage; and</p> <p>(c) provide end of trip facilities for all active transport users.</p>	<p>A09.1 The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D.</p>	<p>N/A</p>	<p>Not considered applicable to Reconfiguring a Lot.</p>
	<p>A09.2 End of trip facilities are provided in accordance with Table 9.4.3.3D.</p>	<p>N/A</p>	<p>See A09.1 above.</p>

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. 	<p>N/A</p>	<p>The proposed development does not include an educational establishment or childcare centre.</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. 	<p>N/A</p>	<p>See AO10.1 above.</p>

Application

- (1) This code applies to assessing development where:
 - (a) For Reconfiguring a Lot; 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.

Purpose

- (1) The purpose of the Reconfiguring a lot code is to ensure that land is:
 - a. arranged in a manner which is consistent with the intended scale and intensity of development within the area;
 - b. provided with access to appropriate movement and open space networks; and
 - c. contributes to housing diversity and accommodates a range of land uses.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - a. Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;
 - b. Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.
 - c. Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;
 - d. A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;
 - e. Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
 - f. Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
 - g. Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
 - h. Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
This provision of the TLPI replaces Reconfiguring a Lot code, Section 9.4.4.2 Purpose, Section (2)(i):
 - i. Subdivision within the Rural zone maintains lots equal to or larger than 60ha.**
 - j. Land in historical townships is not reconfigured to be used for urban purposes; and
 - k. Residential subdivision and greenfield development is designed to consider and respect:
 - i. topography;
 - ii. climate responsive design and solar orientation;
 - iii. efficient and sustainable infrastructure provision;

- iv. environmental values;
- v. water sensitive urban design;
- vi. good quality agricultural land; and
- vii. the character and scale of surrounding development.

Criteria for assessment

Table 9.4.4.3A – Reconfiguring a Lot Code – for Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
AREA AND FRONTAGE OF LOTS			
<p>This provision of the TLPI replaces Reconfiguring a Lot Section 9.4.4.3, Table 9.4.4.3A Reconfiguring a Lot Code – For Assessable Development, Performance Outcomes – PO1:</p> <p>PO1.1 No lots are created with an area of less than 60ha. Note: this also applies to applications for boundary realignment.</p> <p>PO1.2 No lots are created with a frontage less than 400m. Note: this also applies to applications for boundary realignment.</p> <p>PO1.3 Proposed lots are:</p> <ul style="list-style-type: none"> a. able to accommodate all buildings, structures and works associated with the rural use; and b. suitable to allow the site to be provided with sufficient access. <p>Note: this also applies to applications for boundary realignment.</p>	<p>This provision of the TLPI replaces Reconfiguring a Lot Section 9.4.4.3, Table 9.4.4.3A Reconfiguring a Lot Code – For Assessable Development, Acceptable Outcome AO1.1:</p> <p>AO1 No acceptable outcome is provided.</p> <p>AO2 No acceptable outcome is provided.</p> <p>AO3 No acceptable outcome is provided.</p>	<p>ALTERNATIVE SOLUTION SOUGHT</p>	<p>Please refer to Section 7.1 of the Planning Report.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
EXISTING BUILDINGS AND EASEMENTS			
<p>PO2 Reconfiguring a Lot which contains existing land uses or existing buildings and structures ensures:</p> <ul style="list-style-type: none"> (a) New lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and (b) Any continuing use is not compromised by the reconfiguration. 	<p>AO2.1 Each land use and associated infrastructure is contained within its individual lot.</p>	YES	The proposed subdivision results in two (2) lots which each wholly contain a land use and associated infrastructure. The subdivision will allow for the existing site to establish rural / agricultural activities on proposed Lot '1', thus separating existing industrial activities on the site to proposed Lot '2', where each lot is divided by the existing Gilmore Road.
	<p>AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	YES	The proposed subdivision does not conflict with the ability of existing buildings/structures to achieve the required setbacks of the Rural Zone.
<p>PO3 Reconfiguring a Lot which contains an existing easement ensures:</p> <ul style="list-style-type: none"> (a) Future buildings, structures and accessways are able to be sited to avoid the easement; and (b) The reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement. 	<p>AO3 No acceptable outcome is provided.</p>	YES	There is one existing Ergon easement which is located on the northern portion the site and the proposed subdivision will not conflict with or compromise this existing easement or the infrastructure contained within.
BOUNDARY REALIGNMENT			
<p>PO4 The boundary realignment retains all attendant and existing infrastructure connections and potential connections</p>	<p>AO4 No acceptable outcome is provided</p>	N/A	The proposed development does not include a boundary realignment.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
<p>PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <ul style="list-style-type: none"> (a) Safety; (b) Drainage; (c) Visual amenity; (d) Privacy of adjoining premises; and (e) Service provision. 	<p>AO5 No acceptable outcome is provided.</p>	N/A	Access to each lot is existing and no new access points are proposed.
<p>PO6 Reconfiguring a Lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> (a) Is consistent with that provided in the surrounding area; (b) Maximise efficiency and safety; and (c) Is consistent with the nature of the intended use of the lot. <p>Note – the Parking and Access code should be considered in demonstrating compliance with PO6.</p>	<p>AO6 Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	N/A	See AO5 above.
<p>PO7 Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> (a) The intended use of the lots; (b) The existing use of surrounding land; (c) The vehicular servicing requirements of the intended use; and (d) The movement and turning requirements of B-Double vehicles. 	<p>AO7 No acceptable outcome is provided.</p>	N/A	The site is not located within the Industry Zone.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>Note – the Parking and Access code should be considered in demonstrating compliance with PO6.</p>			
REAR LOTS			
<p>PO8</p> <p>Rear lots are designed to:</p> <ul style="list-style-type: none"> (a) Provide a high standard of amenity for residents and other users of the site; (b) Provide a high standard of amenity for adjoining properties; and (c) Not adversely affect the safety and efficiency of the road from which access is gained. 	<p>AO8.1</p> <p>Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p> <hr/> <p>AO8.2</p> <p>No more than two rear lots are created behind any lot with a road frontage.</p> <hr/> <p>AO8.3</p> <p>Access to lots is via an access strip with a minimum width of:</p> <ul style="list-style-type: none"> (a) 4 metres where in the Low density residential zone or Medium density residential zone; or (b) 8 metres otherwise. <hr/> <p>AO8.4</p> <p>A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note – Figure A provides further guidance in relation to the desired outcome.</p> <hr/> <p>AO8.5</p> <p>No more than 1 in 10 lots created in a new subdivision are rear lots.</p>	<p>N/A</p>	<p>The proposed development does not include any rear lots.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO8.6</p> <p>Rear lots are not created in the Centre zone or the Industry zone.</p>		
CRIME PREVENTION AND COMMUNITY SAFETY			
<p>PO9</p> <p>Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to:</p> <ul style="list-style-type: none"> (a) Sightlines; (b) The existing and intended pedestrian movements network; (c) The existing and intended land use pattern; and (d) Potential entrapment locations. 	<p>AO9</p> <p>No acceptable outcome is provided.</p>	N/A	<p>The proposed subdivision will not alter the ability of each lot to maintain suitable public safety over and above that which exists at present.</p>
PEDESTRIAN AND CYCLE MOVEMENT NETWORK			
<p>PO10</p> <p>Reconfiguring a lot must assist in the implementation of a Pedestrian and Cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.</p>	<p>AO10</p> <p>No acceptable outcome is provided.</p>	N/A	<p>Given the rural nature of the site, neither Trimble Road, Gilmore Road or the relevant section of the Kennedy Highway have existing pedestrian or cycling infrastructure. As such, it would be unreasonable to impose the provision of formalised pedestrian or cycling infrastructure in association with this proposed development given the site's location outside the urban footprint and a significant distant from the nearest township or urban centre.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PUBLIC TRANSPORT NETWORK			
<p>PO11</p> <p>Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <ul style="list-style-type: none"> (a) Does not prejudice the future provision of the identified infrastructure; (b) Appropriately treats the common boundary with the future corridor; and (c) Provides opportunities to integrate with the adjoining corridor where it will include an element which will attract pedestrian movement. 	<p>AO11</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The site does not include nor adjoin a future public transport corridor or future public transport site.</p>
RESIDENTIAL SUBDIVISION			
<p>PO12</p> <p>Residential lots are:</p> <ul style="list-style-type: none"> (a) Provided in a variety of sizes to accommodate housing choice and diversity; and (b) Located to increase variety and avoid large areas of similar lot sizes. 	<p>AO12</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The proposed development does not include a residential subdivision.</p>
RURAL RESIDENTIAL ZONE			
<p>PO13</p> <p>New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1-hectare precinct or the 2-hectare precinct.</p>	<p>AO13</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>The site is not located within the Rural Residential Zone.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
ADDITIONAL PROVISIONS FOR GREENFIELD DEVELOPMENT ONLY			
<p>PO14</p> <p>The subdivision design provides the new community with a local identity by responding to:</p> <ul style="list-style-type: none"> (a) Site context; (b) Site characteristics; (c) Setting; (d) Landmarks; (e) Natural features; and (f) Views. 	<p>AO14</p> <p>No acceptable outcome is provided.</p>	N/A	<p>The proposed development does not include a greenfield development.</p>
<p>PO15</p> <p>The road networks is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p>AO15</p> <p>No acceptable outcome provided.</p>	N/A	<p>See AO14 above.</p>
<p>PO16</p> <p>The road network is designed to:</p> <ul style="list-style-type: none"> (a) Minimise the number of cul-de-sacs; (b) Provide walkable catchments for all residents in cul-de-sacs; and (c) Include open cul-de-sacs heads. <p>Note – Figure B provides further guidance in relation to the desired outcome.</p>	<p>AO16</p> <p>No acceptable outcome provided.</p>	N/A	<p>See AO14 above.</p>
<p>PO17</p> <p>Reconfiguring a Lot provides safe and convenient access to the existing or future public transport network.</p>	<p>AO17</p> <p>The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	N/A	<p>See AO14 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO18</p> <p>The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p>AO18</p> <p>No acceptable outcome provided.</p>	<p>N/A</p>	<p>See AO14 above.</p>
<p>PO19</p> <p>Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> (a) Meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected; (b) Retain riparian corridors, significant vegetation, and habitat areas and provides linkages between those areas; and (c) Meet regional, district and neighbourhood open space requirements. 	<p>AO19.1</p> <p>A minimum of 10% of the site area is dedicated as open space.</p> <hr/> <p>AO19.2</p> <p>A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	<p>N/A</p>	<p>See AO14 above.</p>
<p>PO20</p> <p>A network of parks and community land is provided:</p> <ul style="list-style-type: none"> (a) To support a full range of recreational and sporting activities; (b) To ensure adequate pedestrian, cycle and vehicle access; (c) Which is supported by appropriate infrastructure and embellishments; (d) To facilitate links between public open spaces; (e) Which is co-located with other existing or proposed community infrastructure; (f) Which is consistent with the preferred open space network; and (g) Which includes a diversity of settings. 	<p>AO20</p> <p>No acceptable outcome is provided.</p>	<p>N/A</p>	<p>See AO14 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>Please refer to Section 5.4.1 of the Planning Report.</p>
WASTEWATER DISPOSAL			
<p>PO2</p> <p>Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment. 	<p>AO2.1</p> <p>Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	<p>N/A</p>	<p>See AO2.2 below.</p>
	<p>AO2.2</p> <p>An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater</p>	<p>YES</p>	<p>Please refer to Section 5.4.2 of the Planning Report.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>Management (as amended) where development is located:</p> <p>(a) in the Conservation zone, Rural zone or Rural residential zone; and</p> <p>(b) outside a reticulated sewerage service area.</p>		
STORMWATER INFRASTRUCTURE			
<p>PO3</p> <p>Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.</p>	<p>AO3.1</p> <p>Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	N/A	The site is not located within a Priority Infrastructure Area.
	<p>AO3.2</p> <p>On-site drainage systems are constructed:</p> <p>(a) to convey stormwater from the premises to a lawful point of discharge; and</p> <p>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	YES	Each lot will utilise existing on-site drainage systems and/or existing flow paths to lawfully discharge of stormwater as per relevant requirements without resulting in any unacceptable impact to adjoining properties. Further compliance can be conditioned.
ELECTRICITY SUPPLY			
<p>PO4</p> <p>Each lot is provided with an adequate supply of electricity.</p>	<p>AO4</p> <p>The premises:</p> <p>(a) is connected to the electricity supply network; or</p> <p>(b) has arranged a connection to the transmission grid; or</p>	YES	See Section 5.4.3 of the Planning Report.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(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: <ul style="list-style-type: none"> (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.	A05 Development is provided with a connection to the national broadband network or telecommunication services.	YES	See Section 5.4.3 of the Planning Report.
EXISTING PUBLIC UTILITY SERVICES			
PO6 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	A06 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.	YES	The proposed development will not conflict with any existing public utility mains. Further compliance can be conditioned.

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 does not include 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 A07.1 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 A07.1 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 A07.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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>AO8.1</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 Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>N/A</p>	<p>Each lot will utilise existing vehicle access, crossovers, utilities and landscaping.</p>
	<p>AO8.2</p> <p>Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.</p>	<p>N/A</p>	<p>Given the rural nature of the site, neither Trimble Road, Gilmore Road or the relevant section of the Kennedy Highway have existing pedestrian or cycling infrastructure. As such, it would be unreasonable to impose the provision of formalised pedestrian or cycling infrastructure in association with this proposed development.</p>
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>	<p>N/A</p>	<p>The proposed development does not include any Public Infrastructure.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
STORMWATER QUALITY			
<p>PO10</p> <p>Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> (a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters; (b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies; (c) achieve specified water quality objectives; (d) minimise flooding; (e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety. 	<p>AO10.1</p> <p>The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> (a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and (b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: <ul style="list-style-type: none"> (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes. 	N/A & YES	<p>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.</p>
	<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> <ul style="list-style-type: none"> (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; 	N/A	<p>See AO10.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> (b) is consistent with any local area stormwater water management planning; (c) accounts for development type, construction phase, local climatic conditions and design objectives; and (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>PO11 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 No acceptable outcome is provided.</p>	N/A	No stormwater detention or retention basins are required or proposed.
EXCAVATION OR FILLING			
<p>PO12 Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p>AO12.1 Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	N/A	The proposed development will not involve excavation or filling.
	<p>AO12.2 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; 	N/A	See AO12.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays.		
PO13 Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	AO13.1 Dust emissions do not extend beyond the boundary of the site.	N/A	See AO12.1 above.
	AO13.2 No other air pollutants, including odours, are detectable at the boundary of the site.	N/A	See AO12.1 above.
	AO13.3 A management plan for control of dust and air pollutants is prepared and implemented.	N/A	See AO12.1 above.
PO14 Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	AO14 Access to the premises (including all works associated with the access): (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	N/A	The proposed development does not involve a new access.

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 and the development for a subdivision is not anticipated to result in any spreading of weeds, seeds or other pests.
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.





SARA reference: 2206-29383 SPL
 Applicant reference: 22-813

20 July 2022

Simms Veneer & Sawmills 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 - 31 Trimble Road, Mareeba

I refer to your pre-lodgement request received on 15 June 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 proposal is for a Development Permit for Reconfiguring a Lot (One (1) Rural Lot into Two (2) Rural Lots). The site is a total of ~33 ha and is physically divided into two portions (approximately 15-18ha each) by Gilmore Road. The proponent wishes to subdivide the site into two lots. This will allow the division the existing business (Sawmilling and Timber Processing Industry) on the northern portion of the site from the rural property on the southern portion of the site (south of Gilmore Road)

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
Plan of Subdivision	Urban Sync	8 June 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 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a Lot near a State transport corridor <p>This will require a fee of \$3,313 to be paid in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 8.</p> <p>SARA would be a referral agency for the proposed application. Mareeba Shire Council would be the assessment manager.</p>
Lodgement material	
2.	<p>It is recommended that the following information is submitted when referring the application to SARA:</p> <ul style="list-style-type: none"> DA form 1. A full response to the relevant sections of the State Development Assessment Provisions (SDAP) Code 1: Development in a state-controlled road environment. Landowner's consent. Relevant plans as per the DA Forms guide.
State-controlled road	
3.	<p>Vehicular Access</p> <p>Proposed Lot 1 (17.5 ha) and Lot 2 (15.6 ha) (as illustrated by D01 Plan of Subdivision prepared by Urban Sync Pty Ltd) must retain and maintain the existing vehicular access locations via the Kennedy Highway, a state-controlled road and via Trimble Road, a local council road.</p> <p>No additional vehicular access locations via the Kennedy Highway will be supported.</p>
Clearing native vegetation	
4.	<p>The premises is mapped as category B, category R and category X areas on the northern and southern boundaries. Category B area is further identified as containing least concern regional ecosystems.</p> <p>Clearing within Category B areas cannot occur unless it is carried-out in accordance with an exemption listed in Schedule 21 of the Planning Regulation 2017 or carried-out in accordance with an accepted development vegetation management clearing code (ADVCC) or a development approval.</p> <p>The proposed development will not trigger referral for clearing native vegetation if the proposal is either exempt clearing work or accepted development. In order to avoid referral for clearing ensure that the development application does not result in Clearing as a result of a reconfiguring a lot, for example new boundaries through category B native vegetation.</p> <p>Clearing as a result of a reconfiguring a lot includes:</p> <ol style="list-style-type: none"> clearing for boundary fence lines for each proposed allotment (whether or not the clearing is proposed as part of the application)

	<p>b. clearing to construct built infrastructure, including stormwater management systems, water supply and sewerage systems, roads, access routes or utilities corridors that are proposed as part of the reconfiguring a lot application or that will be required as a condition of approval by the assessment manager</p> <p>c. clearing for excavation and filling, for example, where the lots are to be levelled</p> <p>An example is clearing for a single residence and reasonably associated buildings and structures for each allotment to be created as a result of the reconfiguring a lot, where no such dwelling house already exists on the proposed allotment.</p> <p>In order to avoid a referral for clearing native vegetation under schedule 10 of the Planning Regulation 2017, please ensure that the necessary setbacks of at least 20m or 1.5 times the height of the tallest adjacent tree, whichever is greater, from the nearest category B areas are clearly identified in a building envelope or development buffer.</p> <p>Please refer to the Glossary of State code 16: Native vegetation clearing for a full definition of Clearing as a result of a reconfiguring a lot.</p> <p>Please note, clearing vegetation to the extent the clearing is in any category C areas or category R areas is not for a relevant purpose under the <i>Vegetation Management Act 1999</i>. This means that clearing of vegetation in these areas cannot be approved under a development approval. If your proposed development includes clearing vegetation in any category C or category R areas you should ensure the clearing can be undertaken as exempt clearing work or in accordance with an Accepted Development Vegetation Clearing Code (ADVCC).</p> <p>Clearing vegetation in any category C areas or category R areas that is not exempt or in accordance with an ADVCC is prohibited development.</p> <p>Information on exempt clearing work or ADVCCs is available online at www.qld.gov.au/environment/land/management/vegetation/clearing-options.</p>
Other Matters	
5.	<p>In relation to the Temporary Local Planning Instrument (TLPI) No. 01 of 2021 (Subdivision in rural zone), assessment against the TLPI is a matter for Mareeba Shire Council (council). Please consult with council about the requirements of the TLPI.</p> <p>A copy of the TLPI is available on the Department of State Development Infrastructure and Planning's website or on council's website.</p>

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 Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



John Irving
A/Manager (Planning)

Development details	
Proposal:	Development Permit for Reconfiguring a Lot (One (1) Rural Lot into Two (2) Rural Lots)
Street address:	31 Trimble Road, Mareeba
Real property description:	Lot 265 on NR6775
SARA role:	Referral agency
Assessment Manager:	Mareeba Shire Council
Assessment criteria:	State Development Assessment Provisions (SDAP): <ul style="list-style-type: none"> State code 1: Development in a State-controlled road environment
Existing use:	The northern portion contains an existing sawmilling and timber processing business, while the southern portion contains several dwellings and sheds.
Relevant site history:	Vehicular access to the northern portion is via Trimble Road, a local council road, with the southern portion having access via the Kennedy Highway, a state-controlled road.