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# Planning Report

Reconfiguration of a Lot (Subdivision - 1 Lot into 2 Lots) on land at 91 Pine Close, Bibbohra

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# Prepared for:

## Mareeba Shire Council

Prepared on behalf of:

Jutta Bottcher and Henry Bottcher

Our Reference	J001422: BOT: KLG
Site	91 Pine Close, Bibbohra Lot 34 on RP733269
Date	12 August 2022
Author	Joshua Maunder (Senior Planner)
Approver	Kristy Gilvear (Director)

# Important Note

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This Report has been prepared for Jutta and Henry Bottcher for the sole purpose of making a Development Application seeking a Development Permit for a Reconfiguration of a Lot (Subdivision - 1 Lot into 2 Lots) at 91 Pine Close, Bibbohra. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilized for any other purpose, use, matter or application.

Gilvear Planning has made certain assumptions in the preparation of this report, including:

- a) That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;
- b) That information obtained as a result of a search of a government register or database is complete and accurate.

Gilvear Planning is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report.

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Signed on behalf of  
Gilvear Planning Pty Ltd



**Kristy Gilvear**

**DIRECTOR**  
**August 2022**



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# 1.0 Introduction

The following Planning Report has been prepared by Gilvear Planning Pty Ltd (Gilvear Planning) on behalf of Jutta and Henry Bottcher (the Owners and Applicants) in support of a Development Application submitted to the Mareeba Shire Council (Council) seeking Approval via a Development Permit for a Reconfiguration of a Lot (Subdivision - 1 Lot into 2 Lots) on land at 91 Pine Close, described as Lot 34 on RP733269 (the subject site).

The subject site has a total area of 7.395 hectares and is accessed off Pine Close. The Lot is improved by a dwelling house and outbuildings located within the western portion of the subject site. An informal drainage path / waterway appears to bisect the Lot in part, to the east of the dwelling and outbuildings.

While the majority of the area surrounding the dwelling house and outbuildings is vegetated, there is a relatively large area of cleared land that exists along the eastern property boundary. There is a small patch of remnant vegetation mapped within the subject site.

As per the Mareeba Shire Planning Scheme 2016, the subject site is mapped as being within the Rural Residential Zone (No Precinct) and is influenced by various Overlay matters.

The proposed development is for a Reconfiguration of a Lot (Subdivision - 1 Lot into 2 Lots), which pursuant to Table of Assessment for the Rural Residential Zone, requires an Impact Assessable Application to be lodged with and assessed by Council. Referral to the State Assessment Referral Agency is not required as the proposed subdivision will avoid the area of mapped remnant vegetation.

Following a detailed analysis of the relevant assessment benchmarks within the Planning Scheme, Gilvear Planning submits that the proposed development adequately complies with the applicable Strategic Framework provisions, as well as Performance and Accepted Outcomes specified within the Scheme and relevant Planning Scheme Codes.

This Development Application is therefore submitted to the Council for consideration and Approval without cunctation, subject to the imposition of reasonable and relevant Conditions.

## 2.0 Summary

### SUMMARY OF SITE DETAILS

Address:	91 Pine Close, Bibbohra
Real Property Description:	Lot 34 on RP733269
Site Area/Frontage:	7.395 ha
Owner / Applicant:	Jutta Bottcher and Henry Bottcher
Easements & Encumbrances:	1. Rights and interests reserved to the Crown by Deed of Grant No. 20931039 (POR 217).
Proposal:	Subdivision of Lot 34 on RP733269 Reconfiguring a Lot - 1 Lot into 2 Lots.
Approvals Sought:	Development Permit for Reconfiguration of a Lot
Level of Assessment:	Reconfiguring a Lot (1 Lot into 2 Lots) – Impact Assessable
Applicable Planning Scheme:	Mareeba Shire Planning Scheme 2016 (current)
Zone:	Rural Residential Zone
Local Area Plan (Precincts):	Nil
Overlays (Precincts):	<ul style="list-style-type: none"> <li>• Environmental Significance Overlay;</li> <li>• Transport Infrastructure Overlay; and</li> <li>• Residential Dwelling House and Outbuilding Overlay.</li> </ul>
Regional Plan Designation:	Far North Queensland Regional Plan 2009-2031 (Regional Landscape and Rural Production Area)
State Interests – State Planning Policy:	<ul style="list-style-type: none"> <li>• Agriculture               <ul style="list-style-type: none"> <li>- Important agricultural areas</li> </ul> </li> </ul>
State Interests – SARA Mapping:	<ul style="list-style-type: none"> <li>• Fish Habitat Areas               <ul style="list-style-type: none"> <li>- Queensland waterways for waterway barrier works.</li> </ul> </li> <li>• Water Resources               <ul style="list-style-type: none"> <li>- Water resource planning area boundaries</li> </ul> </li> <li>• Native Vegetation Clearing               <ul style="list-style-type: none"> <li>- Regulated vegetation management (Category A / B)</li> </ul> </li> </ul>
Note: the subject site is benefitted by a Certified Property Map of Assessable Vegetation (PMAV) Reference: 2021/004144	
State Planning Regulatory Provisions:	Nil

## SUMMARY OF SITE DETAILS

Referral Agencies:	Nil
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State Development Assessment Provisions:	Nil
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## 3.0 Site Description

The subject site is located at 91 Pine Close, Bibbohra, and more particularly described as Lot 34 on RP733269. The subject site is a large triangular shaped allotment with an area of 7.395Ha. The Lot is improved by a dwelling house and outbuildings, located within the western portion of the subject site. An informal drainage path / waterway appears to bisect the Lot in part, to the east of the dwelling and outbuildings.

While the majority of the area surrounding the dwelling house and outbuildings is vegetated, there is a relatively large area of cleared land that exists along the eastern property boundary.

Withing the bounds of the Planning Scheme (Mareeba Shire Planning Scheme 2016), the subject site is mapped as being within the Rural Residential Zone (No Precinct) and is influenced by various Overlay matters.

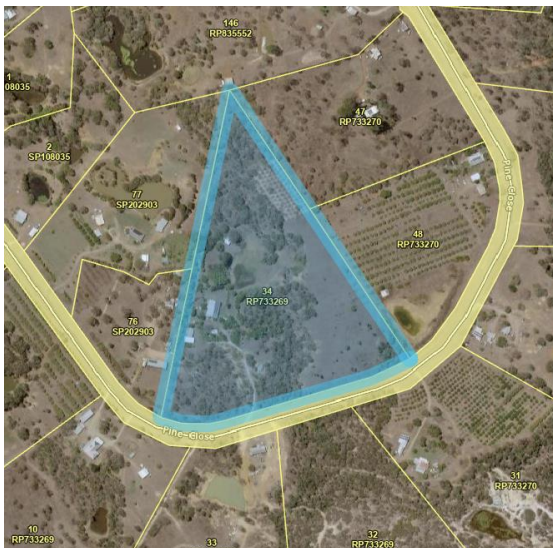


Image 1: Location of subject site (source: Queensland Globe)



Image 2: Zoning Map (source: Mareeba Shire Planning Scheme 2016)



## 4.0 Proposal

The applicant proposes to subdivide land at 91 Pine Close, Bibbohra, for the purpose of creating one (1) additional Lot. The proposed Lot is to be established in the south-eastern corner of the existing subject site. The proposed new boundary re-alignment will incorporate part of the existing eastern and southern property boundaries, and result in approximately 130m of street frontage.

Proposal Plans are contained in [Attachment 1 – Proposal Plans](#).

A summary of the proposed subdivision and Lots is provided below.

ELEMENT	LOT 1	LOT 2
Site Area: <i>TBC on final Boundary Location</i>	5.564Ha	2 Ha
Frontage:	214.69m	130.01m
Access:	Via Pine Close	Via Pine Close

The subject site has existing service connections to the electrical supply network and telecommunications. These existing service connections are understood to be sufficient to support any additional proposed future connections.

Water supply, wastewater and stormwater provisions do not form part of this proposal. Future development applications, relevant to the proposed new Lot will be required to ensure that the water supply, as well as wastewater/stormwater management practices are suitable and support future proposed land uses. Notwithstanding this, the subject site is considered to be large enough to accommodate on-site effluent disposal. Availability of water throughout the greater area does not seem to be issue.

# 5.0 Statutory Planning Considerations

This section provides an overview of the Legislative provisions relevant to the Application.

## 5.1 Planning Act 2016

### 5.1.1 CONFIRMATION OF DEVELOPMENT

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under *Planning Act 2016* (The Act) including:

- Schedule 10 of the *Planning Regulation 2017*;
- Relevant categorising instruments.

### 5.1.2 ASSESSABLE DEVELOPMENT

The development proposed by this application includes development that is made assessable under the Mareeba Shire Council Planning Scheme 2016, in accordance with Section 43(1) of the Act.

### 5.1.3 ASSESSMENT MANAGER

The Assessment Manager for this Application is Mareeba Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

### 5.1.4 LEVEL OF ASSESSMENT

The proposed development is for a Reconfiguration of a Lot (Subdivision - 1 Lot into 2 Lots), within the Rural Residential (No Precinct) Zone. Pursuant to Table 5.6.1 of the Mareeba Shire Planning Scheme 2016, the proposed development is Impact Assessable, requiring an assessment against the Planning Scheme in its entirety.

### 5.1.5 STATUTORY CONSIDERATIONS FOR ASSESSABLE DEVELOPMENT

The relevant considerations of the Assessment Manager in making the decision pursuant to Section 60 of the Act, are outlined in:

- Section 45(5) of the Act;
- Section 29, 30 and 31 of the *Planning Regulation 2017*.

For Impact assessable development, Section 30(3) of the *Planning Regulation 2017* permits assessment to consider a nominated benchmark “*only to the extent the assessment benchmark is relevant to the development*”.

### 5.1.6 REFERRAL TRIGGERS

The subject site is impacted by the following state matters:

1. Fish Habitat Area – Queensland Waterways for Waterway Barrier Works.

There is a mapped waterway that bisects the subject site in part. State mapping identifies and maps the waterway as a 'waterway for waterway barrier works'. New property boundaries, forming part of the proposed subdivision, avoid the mapped waterway entirely. The proposed development does not involve construction of a driveway or crossing, likely to intersect the waterway. In considering this, no referral to the State is required.

2. Water Resources – Water Resource Planning Area

The subject site is located within the 'Barron Water Resource Planning Region'. Although development within a Water Resource Planning Area does not require State referral, pursuant to the Planning Regulations, we note that consideration was given to this mapped constraint.

3. Native Vegetation Clearing

There is an area of Regulated Vegetation (Category B – Remnant Vegetation), mapped within the subject site. In 2021, the Applicant submitted an application with Department of Resources, seeking a Property Map of Assessable Vegetation (PMAV), as they believed there to be some inconsistencies/errors in the States' vegetation mapping. A Certified PMAV was issued by the Department of Resources on 07 March 2022. The certified PMAV replaces the regulated vegetation management mapping relevant to the subject site, as it slightly alters the area of mapped Remnant Vegetation.

The proposed development is for the Reconfiguration of a Lot (subdivision 1 Lot into 2 Lots). New property boundaries, forming part of the proposed subdivision, avoid areas mapped as 'Category B -- Remnant Vegetation' within the subject site. A sufficient buffer (a width of 20 metres or 1.5 times the tallest adjacent tree to infrastructure, whichever is the greater) will be maintained between proposed new property boundaries and existing (mapped) remnant vegetation, pursuant to the State Development Assessment Provisions set out in State Code 16: Native vegetation clearing. As such, a Referral is not required.

A copy of PMAV 2021/004144 is contained in [Attachment 2 – PMAV 2021/004144](#).

### 5.1.7 STATE RESOURCE

The proposed development does not involve any State Resources.

### 5.1.8 STATE DEVELOPMENT ASSESSMENT PROVISIONS

It is unlikely that assessment under the Queensland State Development Assessment Provisions would be required. Notwithstanding this, State Development Assessment Provisions have been referred to and used to inform our recommendation to ensure an appropriate buffer is established between mapped remnant vegetation and proposed new property boundaries.

### 5.1.9 REGIONAL PLAN

The Far North Queensland Regional Plan 2009-2031, will be applicable to this proposal.

Pursuant to Section 2.2 of the Scheme, the Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area.

#### 5.1.10 STATE PLANNING POLICY

Pursuant to Section 2.1, it is noted that the Planning Scheme adequately integrates the applicable State Interests within the State Planning Policy.

## 6.0 Council Planning Considerations

Within the Planning Scheme, the subject site is mapped as being within the Rural Residential (No Precinct) Zone and is partly influenced by various Overlay Codes.

### 6.1 Strategic Framework – Mareeba Shire Planning Scheme

The proposed development, being Impact Assessable, was assessed against the applicable Strategic Framework provisions within the Planning Scheme.

STRATEGIC FRAMEWORK CODES	APPLICABLE	SUMMARY
<b>3.3 Settlement Pattern and Built Environment</b>		
3.3.1 Strategic Outcomes	Yes	The proposed development is consistent with the Strategic and Specific Outcomes. The proposal is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots), within the Rural Residential (No Precinct) Zone.
3.3.6 Rural Villages		
3.3.10 Rural Residential Areas		
		The subdivision involves the creation of a new lot with a total area of 2 ha. The proposed area of the new Lot to be created is consistent with the variety of densities that currently exist in the surrounding area (approx 2ha Lots to 4.5ha Lots). The subject site is benefited by infrastructure services connections and is within proximity to a Rural Village (Biboohra), as well as Mareeba's Activity Centre.
		Nearby physical and social (school, shop, service station) infrastructure is believed to be sufficient to support the proposed subdivision.
<b>3.4 Natural Resources and Environment</b>		
3.4.1 Strategic Outcomes	Yes	The proposed development is consistent with the Strategic and Specific Outcomes. The proposed development seeks to subdivide land at 91 Pine Close, Biboohra, to create an additional Lot within a previously cleared portion of the subject site. The additional Lot will be located in the south-east corner of the subject site, adjacent to, but exclusive of a patch of remnant vegetation (mapped) and a
3.4.3 Pest and Weed Management		
3.4.4 Biodiversity Areas		



#### 3.4.6 Watercourses and Wetlands

waterway. The development proposes to implement and maintain a suitable buffer between new property boundaries and identified Matters of State Environmental Significance. No major excavation or filling works are proposed. It is unlikely that the proposed development will result in any significant environmental impacts.

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### 3.5 Community Identity and Diversity

3.5.1 Strategic Outcomes	No	Not applicable – the proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed.
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### 3.6 Transport and Infrastructure

3.6.1 Strategic Outcomes	Yes	The proposed development is consistent with the Strategic and Specific Outcomes. The proposed development seeks to subdivide land at 91 Pine Close, Bibbohra, for the purpose of creating an additional Lot. The subject site has existing service connections to the electrical supply network and telecommunications.
3.6.7 Water Supply and Wastewater Services		
3.6.8 Stormwater Management		
3.6.10 Energy Supply		
3.6.11 Information and Communication Technology		Water supply, wastewater and stormwater provisions do not form part of this proposal. Future development applications, relevant to the proposed new Lot will be required to ensure that the water supply, as well as wastewater/stormwater management practices are suitable and support future proposed land uses.

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### 3.7 Economic Development

3.7.1 Strategic Outcomes	No	Not applicable – the proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed.
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## 6.2 Development Codes – Mareeba Shire Planning Scheme

The following table outlines the relevant Codes and provides a summary of the compliance with the relevant assessment benchmarks.

**Rural Residential Zone Code**

The proposed development is compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Zone Code.

It is noted that the proposed development seeks to subdivide land (1 Lot into 2 Lots), within the Rural Residential (No Precinct) Zone. Pursuant to the 'Overall Outcomes' of the Rural Residential Zone, included in Section 6.2.10.2(4)(h) of the Scheme:

*Reconfiguring a Lot involving the creation of new lots is not permitted external to a precinct... in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

In considering this, it is submitted that there are no significant inherent constraints relevant to the subject site. The subject site is within proximity (approx. 4km) to a school, shop and service station; as well as being connected to some infrastructure services.

Notwithstanding this, the proposed development is considered to be consistent with the overall Zone Purpose, given that:

- The new Lot to be created, forming part of this subdivision application, will have a total area of 2ha, which is consistent with the Lot sizes of adjoining neighbouring properties, to the west.
- The proposed development avoids an area mapped as remnant vegetation, within the subject site; and
- The proposed development is not likely to have an impact on existing natural features as the area to be subdivided comprises of previously cleared land.

**Environmental Significance Overlay Code**

The proposed development is compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Environmental Significance Code.

Performance Outcomes are sought in relation to PO1, PO3 and PO4 of the Environmental Significance Overlay Code, with respect to identified 'Matters of State Environmental Significance'.

It is noted that several matters of State Environmental Significance are mapped within the subject site and include the following:

- Regulated vegetation – Category B – Remnant vegetation;
- Regulated vegetation – Category X – Regrowth vegetation; and
- Fish Habitat Area – Qld Waterways for Waterway Barrier Works.

In considering this, it is submitted that the proposed development seeks to subdivide land to create a new lot, within the south-east portion of the subject site, in an area which has been previously cleared. Suitable buffers/setbacks will be

maintained between proposed new property boundaries and identified Matters of State Environmental Significance, and include the following:

- Buffer between mapped remnant vegetation – Category B and new property boundaries – a width of 20 metres or 1.5 times the tallest adjacent tree to infrastructure, whichever is the greater; and
- Setback from the top of the high bank of a mapped waterway - Approx. 20m.

Furthermore, it is unlikely that the proposed development will involve clearing of native vegetation and/or result in any environmental impacts.

<b>Residential Dwelling House and Outbuilding Overlay Code</b>	The proposed development is compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Residential Dwelling House and Outbuilding Code.
<b>Landscaping Code</b>	Noting that the proposed development is for a subdivision (1 Lot into 2 Lots), strict assessment against the provisions within the Landscaping Code are not considered prudent.
<b>Parking and Access Code</b>	Noting that the proposed development is for a subdivision (1 Lot into 2 Lots), strict assessment against the provisions within the Parking and Access Code are not considered prudent. Provision of appropriate vehicle access, manoeuvring and car parking will be a consideration of future development applications.
<b>Reconfiguring a Lot Code</b>	<p>The proposed development is compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Reconfiguration of a Lot Code.</p> <p>A number of Performance Outcomes, generally relating to the size of the proposed Lots, is sought. As noted within the Code Compliance Response, the area of the Lots, as proposed, is consistent with the existing bulk and scale throughout the surrounding area and continues to achieve the desired amenity of the zone.</p> <p>The proposed development requires further assessment against the 'Purpose' and 'Overall Outcomes' of the Reconfiguring a Lot Code due to non-compliance with PO13 – which only permits the creation of new Lots within the Rural Residential Zone, where land is located with a defined 'Precinct'.</p> <p>It is noted that the proposed development seeks to subdivide land (1 Lot into 2 Lots), within the Rural Residential (No Precinct) Zone. The new Lot to be created, will be of a suitable size (approx 2ha) and shape, and will be suitably connected to infrastructure services such as Councils' local road network, electricity and telecommunications. The proposed subdivision is also consistent with the 'Purpose/Overall Outcomes' of the Rural Residential Zone.</p>
<b>Works, Services and Infrastructure Code</b>	<p>The proposed development is compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Works, Services and Infrastructure Code.</p> <p>It is noted that a majority of the assessment benchmarks are not considered to apply given the proposed development is for the Reconfiguration of a Lot</p>

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(subdivision – 1 Lot into 2 Lots) with no additional works proposed and with each Lot already being suitably serviced by infrastructure connections / provisions.

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A detailed assessment of the proposal against the applicable Codes is contained in [Attachment 3 – Code Compliance Responses](#) and demonstrates that the proposed development complies or can comply with the relevant assessment criteria.

## 6.3 Infrastructure contributions

Pursuant to the current Infrastructure Charges Resolution (No1.) 2022, the applicable Charge for the creation of a new Lot is \$20,260.00 for per Lot.

Where the proposed development is located within an area not serviced by applicable Council infrastructure, proportional discounts are applied as follows:

- 20% for all development where there is no wastewater connection to the subject premises;
- 20% for all development where there is no water supply to the subject premises.

Therefore, in this instance, we anticipate the applicable Charge will be:

Charge = \$19,764.00 - \$4,052.00 (wastewater) - \$4,052.00 (mains water)

Charge = \$12,156.00 per Lot.

## 7.0 Summary and Conclusions

This Planning Report has been prepared by Gilvear Planning on behalf of Jutta and Henry Bottcher, in support of a Development Application submitted to Council seeking Approval via a Development Permit for a Reconfiguration of a Lot (Subdivision – 1 Lot into 2 Lots), on land at 91 Pine Close, Bibbohra.

The proposed subdivision seeks to create an additional lot with an area of approximately 2 hectares, in the south-east portion of the subject site. The area to be subdivided has been previously cleared and is not benefited by any existing buildings or structures.

Generally, the proposed development was found to comply with the applicable Performance and Accepted Outcomes within the applicable assessment benchmarks. Performance Outcomes and Strategic Objectives are sought in relation to the subdivision of land within the Rural Residential Zone – external to a Precinct designated, however it is dutifully submitted that the proposed subdivision is consistent with and proportionate to Lot sizes in the surrounding area. Provision of infrastructure services are available and sufficient to support to the proposed development. The subject site is within proximity to a Village Centre (Bibbohra) and Mareeba's Activity Centre.

Following a detailed analysis of the relevant assessment benchmarks within the Planning Scheme, Gilvear Planning submits that the proposed development is able to adequately comply with the applicable Performance and Accepted Outcomes specified within the relevant Zone, Overlay and Development Codes.



# Attachment 1

## Proposal Plan

146  
RP835552

Areas and metes and bounds  
are subject to final survey

New boundary is to be located  
15 metres clear of the PMAV  
mapping

77  
SP202903

47  
RP733270

N

48  
RP733270

341  
5.395Ha

76  
SP202903

342  
2.00Ha

PINE CLOSE

PINE CLOSE

Scale  
1 : 2500

0m

100m

200m

300m

AMENDMENTS  
A - ORIGINAL

PROPERTY DESCRIPTION  
LOT 34 ON RP733269

REGISTERED OWNERS  
J & H BOTTCHER

LOCAL GOVERNMENT: MSC  
LOCALITY: BIBOOHRA  
SITUATED AT :  
PINE CLOSE

DEVELOPMENT PLAN  
Proposed Reconfiguration of  
LOT 34 ON RP733269  
(1 LOT INTO 2 LOTS)



TWINE SURVEYS PTY LTD

36 Mabel St, Atherton 4883

PO Box 146, Atherton 4883

P 07 40911303

E info@twinesurveys.com.au

DWG NO. 9132 - LL4

10.8.2022

REV A

146  
RP835552

47  
RP733270

77  
SP202903

48  
RP733270

**341**  
5.395Ha

34  
RP733269

76  
SP202903

**342**  
2.00Ha

Pine-Glose

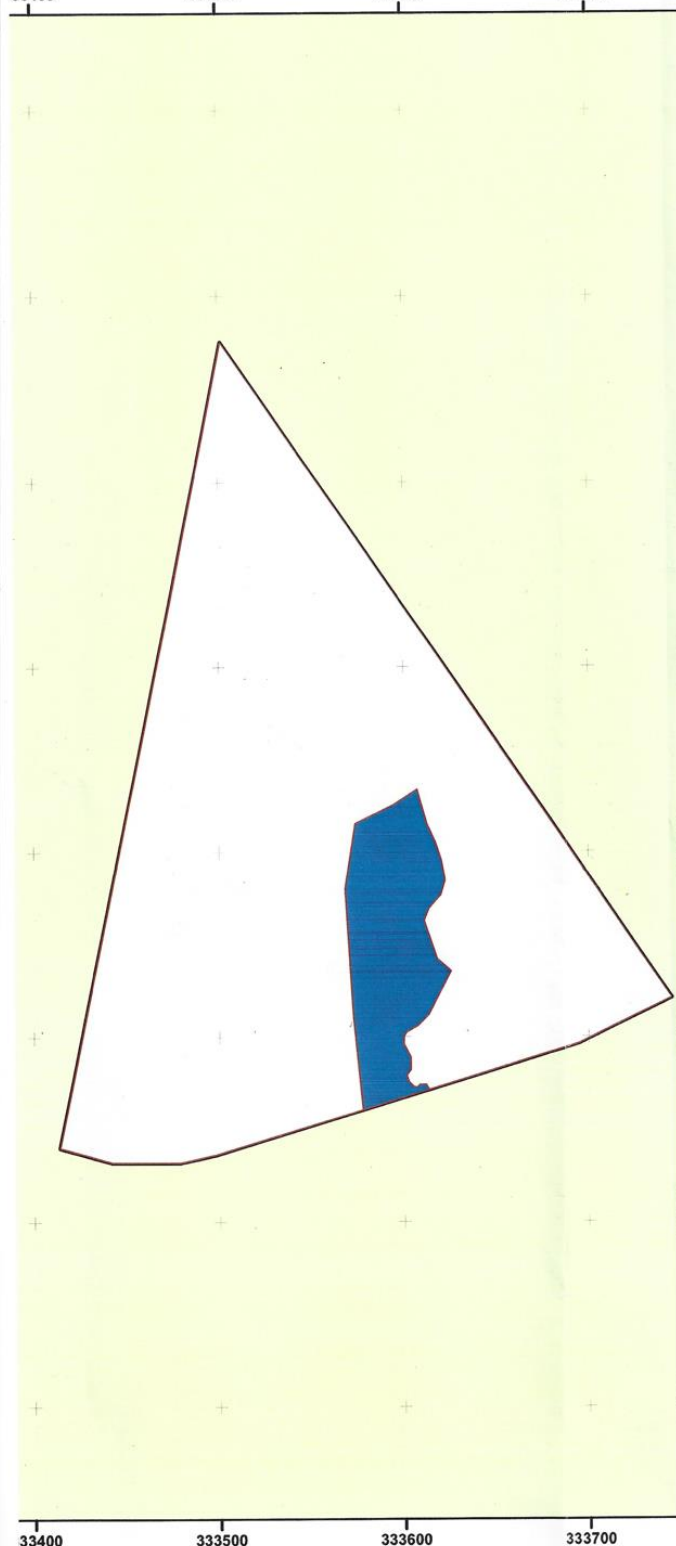
33  
RP733269

32  
RP733269

# Attachment 2

Property Map of Assessable Vegetation  
– PMAV 2021/004144

33400 333500 333600 333700



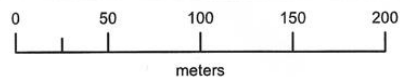
# Property Map of Assessable Vegetation

**PMAV 2021/004144**

LOT on PLAN

34RP733269

Sheet  
1 of 1



**Scale: 1:3000**  
(original size A3)



## LEGEND

- Subject Lot
- Area to which the PMAV does not apply

## Vegetation Category Area

- Category B area
- Category X area

## Notes:

Property boundaries provided by Department of Resources.  
The property boundaries on this map are a spatial representation of the property boundaries.  
They are not the legal property boundaries and are subject to change as more accurate information becomes available.  
The PMAV does not move with changes to the property boundaries.

Map Information:  
Horizontal Datum: GDA 2020  
Projection: Universal Transverse Mercator - Zone 55

**This PMAV is made under Section 20C of the  
Vegetation Management Act 1999.**

Signed for the Chief Executive of the Department of Resources by:

Name: Sandra Witheyman

Title: Senior Natural Resource Management Officer

Signature:

Date: 7/03/2022

Map Prepared by: LMO  
Department of Resources  
LMB 383, Gympie, Qld, 4570

Map Preparation Date: 24/02/2022

This colour map must be reproduced in colour.

© The State of Queensland (Department of Resources) 2022



# Attachment 3

## Planning Scheme Code Compliance

## 6.2.10 Rural residential zone code

### 6.2.10.1 Application

- (1) This code applies to assessing development where:
  - (a) located in the Rural residential zone; 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.

### 6.2.10.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
  - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
  - (b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and
  - (c) The 4,000m<sup>2</sup> precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m<sup>2</sup>.
- (4) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
  - (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;
  - (c) Development avoids areas of ecological significance;
  - (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;
  - (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;
  - (f) Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;
  - (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and
  - (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.

### 6.2.10.3 Criteria for assessment

Table 6.2.10.3—Rural residential zone code - For accepted development subject to requirements and assessable development

Performance outcomes		Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development			
Height			
<p><b>PO1</b></p> <p>Building height takes into consideration and respects the following:</p> <p>(a) the height of existing buildings on adjoining premises;</p> <p>(b) the development potential, with respect to height, on adjoining premises;</p> <p>(c) the height of buildings in the vicinity of the site;</p> <p>(d) access to sunlight and daylight for the site and adjoining sites;</p> <p>(e) privacy and overlooking; and</p> <p>(f) site area and street frontage length.</p>	<p><b>AO1</b></p> <p>Development has a maximum building height of:</p> <p>(a) 8.5 metres; and</p> <p>(b) 2 storeys above ground level.</p>	<p><b>Not applicable.</b></p> <p>The proposed development is for a subdivision. No other development will occur.</p>	
Outbuildings and residential scale			
<p><b>PO2</b></p> <p>Domestic outbuildings:</p> <p>(a) do not dominate the lot on which they are located; and</p> <p>(b) are consistent with the scale and character of development in the Rural residential zone.</p>	<p><b>AO2.1</b></p> <p>On lots less than 2 hectares, domestic outbuildings do not exceed:</p> <p>(a) 150m<sup>2</sup> in gross floor area; and</p> <p>(b) 5.5 metres above natural ground level.</p>	<p><b>Not applicable.</b></p> <p>The proposed development does not involve construction of domestic outbuildings.</p>	
	<p><b>AO2.2</b></p> <p>On lots greater than 2 hectares, domestic outbuildings do not exceed:</p> <p>(a) 200m<sup>2</sup> in gross floor area; and</p> <p>(b) 8.5 metres above natural ground level.</p>		
Siting			

Performance outcomes	Acceptable outcomes	Compliance
<b>PO3</b> Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> <li>(a) the siting and use of adjoining premises;</li> <li>(b) access to sunlight and daylight for the site and adjoining sites;</li> <li>(c) privacy and overlooking;</li> <li>(d) opportunities for casual surveillance of adjoining public spaces;</li> <li>(e) air circulation and access to natural breezes;</li> <li>(f) appearance of building bulk; and</li> <li>(g) relationship with road corridors.</li> </ul>	<b>AO3</b> Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> <li>(a) 40 metres from a frontage to a State-controlled Road;</li> <li>(b) 6 metres from a frontage to any other road;</li> <li>(c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone;</li> <li>(d) 5 metres from a boundary to an adjoining lot in the 4,000m<sup>2</sup> precinct; and</li> <li>(e) 3 metres from a side or rear boundary otherwise.</li> </ul>	<b>Complies with AO3.</b> There are several existing buildings/structures located on Lot 34 on RP733269. Existing buildings and structures will continue to be appropriately setback from any new property boundary created, forming part of the proposed subdivision in the south east portion of the Lot.
<b>Accommodation density</b>		
<b>PO4</b> The density of Accommodation activities: <ul style="list-style-type: none"> <li>(a) contributes to housing choice and affordability;</li> <li>(b) respects the nature and density of surrounding land use;</li> <li>(c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and</li> <li>(d) is commensurate to the scale and frontage of the site.</li> </ul>	<b>AO4</b> Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.
<b>For assessable development</b>		
<b>Site cover</b>		
<b>PO5</b> Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> <li>(a) makes efficient use of land;</li> <li>(b) is consistent with the bulk and scale of surrounding buildings; and</li> <li>(c) appropriately balances built and natural features.</li> </ul>	<b>AO5</b> No acceptable outcome is provided.	<b>Complies with PO5.</b> The proposed subdivision is not likely to have an impact on the existing use of land, nor does it propose to change the bulk and scale of the existing buildings and structures located within the subject site. The proposal seeks to subdivide land at 91 Pine Close, to create an additional Lot with a total area of approximately 2 hectares. The total areas of both Lots are considered

Performance outcomes	Acceptable outcomes	Compliance
		to be consistent with the bulk and scale throughout the surrounding area.
<b>Building design</b>		
<b>PO6</b> Building facades are appropriately designed to: <ul style="list-style-type: none"> <li>(a) include visual interest and architectural variation;</li> <li>(b) maintain and enhance the character of the surrounds;</li> <li>(c) provide opportunities for casual surveillance;</li> <li>(d) include a human scale; and</li> <li>(e) encourage occupation of outdoor space.</li> </ul>	<b>AO6</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.
<b>PO7</b> Development complements and integrates with the established built character of the Rural residential zone, having regard to: <ul style="list-style-type: none"> <li>(a) roof form and pitch;</li> <li>(b) eaves and awnings;</li> <li>(c) building materials, colours and textures; and</li> <li>(d) window and door size and location.</li> </ul>	<b>AO7</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.
<b>Non-residential development</b>		
<b>PO8</b> Non-residential development: <ul style="list-style-type: none"> <li>(a) is consistent with the scale of existing development;</li> <li>(b) does not detract from the amenity of nearby residential uses;</li> <li>(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and</li> <li>(d) directly supports the day to day needs of the immediate residential community; or</li> <li>(e) has a direct relationship to the land on which the use is proposed.</li> </ul>	<b>AO8</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.



Performance outcomes	Acceptable outcomes	Compliance
<b>Amenity</b>		
<b>PO9</b> Development must not detract from the amenity of the local area, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) advertising devices;</li> <li>(e) visual amenity;</li> <li>(f) privacy;</li> <li>(g) lighting;</li> <li>(h) odour; and</li> <li>(i) emissions.</li> </ul>	<b>AO9</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.
<b>PO10</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) advertising devices;</li> <li>(e) visual amenity;</li> <li>(f) privacy;</li> <li>(g) lighting;</li> <li>(h) odour; and</li> <li>(i) emissions.</li> </ul>	<b>AO10</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for a subdivision. No other development will occur.

## 8.2.4 ENVIRONMENTAL SIGNIFICANCE OVERLAY CODE

### 8.2.4.1 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 benchmarks for assessable development and requirements for accepted development 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 is required to be mapped by State Government in response to Environment and Heritage State Interests.

### 8.2.4.2 Purpose

2. The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

The Environmental significance overlay code ensures that:

- a. waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and
  - b. the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.
3. The purpose of the code will be achieved through the following overall outcomes:
  - a. the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;
  - b. the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
  - c. development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
  - d. areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;
  - e. development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;
  - f. development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and
  - g. riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.

**Table 8.2.4.3A— Environmental Significance Code – For accepted development subject to requirements and assessable development**

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<b>For accepted development subject to requirements and assessable development</b>		
<b>Regulated vegetation</b>		
<p><b>PO1</b></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"> <li>a. it is demonstrated that the area does not support regulated vegetation as mapped;</li> <li>b. the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;</li> <li>c. wildlife interconnectivity is maintained or enhanced at a local and regional scale; and</li> <li>d. the loss or reduction in regulated vegetation is minimised and any residual impacts are offset.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO1.1</b></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><b>Complies with PO1.</b></p> <p>It is noted that the mapped areas of ‘Regulated Vegetation’ identified on the Environmental Significance Overlay Maps (OM-004a-o) are inconsistent with current State mapping (including recently obtained PMAV mapping, relevant to the subject site).</p> <p>In considering this, it is submitted that assessment against PO1 references the most up-to-date ‘Regulated Vegetation’ mapping.</p> <p>Property Map of Assessable Vegetation (PMAV 2021/004144) defines an area of ‘Category B – Remnant Vegetation’ within the subject site. The proposed development seeks to avoid existing (mapped) remnant vegetation, through provision and maintenance of a sufficient buffer (width of 20 meters or 1.5 times the tallest adjacent tree to infrastructure, whichever is the greater), between proposed new property boundaries and existing (mapped) remnant vegetation.</p> <p>The remainder of the subject site is regrowth vegetation, mapped as ‘Category X’. Notwithstanding this, there is a relatively large area of cleared land that exists along the eastern property boundary. The proposed subdivision seeks to create a new lot in the south-east portion of the subject site – the area in which is predominantly cleared.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
		It is unlikely that the proposed development will require the clearing of native vegetation, given that the area to be subdivided is already cleared.
<p><b>PO2</b></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"> <li>a. does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes;</li> <li>b. does not negatively impact the movement of wildlife at a local or regional scale; and</li> <li>c. avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified environmental values.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO2</b></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><b>Not applicable.</b></p> <p>The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots). No other development is proposed.</p>
<b>Regulated vegetation intersecting a watercourse</b>		
<p><b>PO3</b></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</p>	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.1</b></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'</p>	<p><b>Complies with PO3.</b></p> <p>It is noted that the mapped areas of 'Regulated Vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) are inconsistent with current State mapping (including</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<p>regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z).</p> <p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.2</b></p> <p>No clearing of native vegetation is undertaken within the minimum setback identified at AO3.1.</p>	<p>recently obtained PMAV mapping, relevant to the subject site).</p> <p>It is also noted that the Environmental Significance Overlay Maps (OM-004a-o), identifies a 'MSES Waterway' that bisects the subject site. The identified 'waterway' is defined as a 'Fish Habitat Area – Qld Waterways for Waterway Barrier Works', pursuant to relevant State mapping.</p> <p>The overlay mapping additionally identifies a 'MSES Waterway Buffer', which is not reflected in any relevant State mapping.</p> <p>In considering this, it is submitted that assessment against PO3 references the most up-to-date State mapping, where inconsistencies between local and state mapping, have been identified.</p> <p>The location of new property boundaries, forming part of the proposed subdivision, will be set back approximately:</p> <ul style="list-style-type: none"> <li>- 20m from the mapped 'waterway' identified on Councils' Environmental Significance – Waterway Overlay Mapping (OM-004p-z); and</li> <li>- 20 meters or 1.5 times the tallest adjacent tree to infrastructure, whichever is the greater, from mapped remnant vegetation, which intersects (in part) with the identified waterway, pursuant to PMAV 2021/004144.</li> </ul> <p>No clearing of native vegetation is likely to occur within the proposed setback.</p> <p>The proposal does not involve development that is likely to impact identified waterways, nor will it involve the clearing of native vegetation that is likely to result in disruption of wildlife interconnectivity between existing habitats.</p>
<b>Waterways and wetlands</b>		

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<p><b>PO4</b></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"> <li>a. maintaining adequate separation distances between waterways/wetlands and development;</li> <li>b. maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;</li> <li>c. maintaining waterway bank stability by minimising bank erosion and slumping;</li> <li>d. maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and</li> <li>e. retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO4.1</b></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><b>Complies with PO4.</b></p> <p>As above.</p>
	<p><b>Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.2</b></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><b>Not applicable.</b></p> <p>The subject site is not mapped as containing high ecological significant wetlands.</p>
	<p><b>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)</b></p> <p><b>AO4.3</b></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>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).</p>	<p><b>Not applicable.</b></p> <p>The proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed.</p> <p>However, if required, compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
	<p><b>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)</b></p> <p><b>AO4.4</b></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>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).</p>	<p><b>Not applicable.</b></p> <p>The proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed.</p> <p>However, if required, compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.</p>
<b>For assessable development</b>		
<b>Wildlife Habitat</b>		
<p><b>PO5</b></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"> <li>a. protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;</li> <li>b. incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site;</li> <li>c. maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> </ul>	<p><b>AO5</b></p> <p>No acceptable outcome is provided</p>	<p><b>Not applicable.</b></p> <p>The subject site is not mapped as containing any 'Wildlife Habitat' areas.</p>



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<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>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.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
<b>Legally secured offset areas</b>		
<p><b>PO6</b></p> <p>Development within a 'Legally secured offset area' identified on the Environmental Significance Overlay Maps (OM-004a-o) or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO6</b></p> <p>No acceptable outcome is provided.</p>	<p><b>Not applicable.</b></p> <p>The subject site is not mapped as being within a 'Legally secured offset area'.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<b>Protected areas</b>		
<p><b>PO7</b></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"> <li>a. supports the inherent ecological and community values of the Protected Area asset;</li> <li>b. maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>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.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO7</b></p> <p>No acceptable outcome is provided</p>	<p><b>Not applicable.</b></p> <p>The subject site is not mapped as being within a 'Protected area'.</p>
<b>Ecological corridors and Habitat linkages</b>		
<p><b>PO8</b></p> <p>Development located:</p> <ul style="list-style-type: none"> <li>a. in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</li> <li>b. within an 'Ecological corridor' or a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o)</li> </ul> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <ul style="list-style-type: none"> <li>a. the environmental values of the area of the site identified in the 'Ecological corridor' or 'Habitat linkage';</li> </ul>	<p><b>AO8</b></p> <p>No acceptable outcome is provided</p>	<p><b>Not applicable.</b></p> <p>The subject site is not mapped as being within an 'Ecological corridor' or a 'Habitat linkage' area.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	PROPOSAL COMPLIANCE
<ul style="list-style-type: none"> <li>b. the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</li> <li>c. the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</li> <li>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</li> <li>e. the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.</li> </ul> <p>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.</p>		

## 8.2.10 RESIDENTIAL DWELLING HOUSE AND OUTBUILDING OVERLAY CODE

### 8.2.10.1 Application

1. This code applies to assessing development where:
  - a. land the subject of development is located within a 'Residential dwelling house and outbuilding area' identified on the Residential dwelling house and outbuilding overlay maps (OM-010a-o); 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.

### 8.2.10.2 Purpose

1. The purpose of the Residential dwelling house and outbuilding overlay code is to ensure that Dwelling houses, including residential outbuildings, are appropriately designed, located and serviced within the residential areas of the shire.
2. The purpose of the code will be achieved through the following overall outcomes:
  - c. Development is designed and located to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - d. Development provides a high level of amenity and is reflective of the surrounding character of the area;
  - e. Development is responsive to site characteristics and employs best practice industry standards;
  - f. Development has a sufficient number of parking spaces designed in a manner to meet the requirements of the user;
  - g. Development is provided with suitable vehicular access in a way that does not compromise the safety and efficiency of the surrounding road network;
  - h. Parking spaces and associated manoeuvring areas are safe and functional;
  - i. Development is provided with an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - j. Development is connected to infrastructure that provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - k. Development is connected to infrastructure that provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - l. Development is provided with electricity and telecommunications services that meet desired requirements;
  - m. Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact; (l) Development does not affect the efficient functioning of public utility mains, services or installations; and
  - n. Work associated with development does not cause adverse impacts on the surrounding area.

#### 8.2.10.3 Criteria for assessment

**Table 8.2.10.3A – Residential dwelling house and outbuilding overlay code - For accepted development subject to requirements and assessable development.**

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<b>For accepted development subject to requirements and assessable development</b>		
<b>Height</b>		
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>a. the height of existing buildings on adjoining premises;</li> <li>b. the development potential, with respect to height, on adjoining premises;</li> <li>c. the height of buildings in the vicinity of the site;</li> <li>d. access to sunlight and daylight for the site and adjoining sites;</li> <li>e. privacy and overlooking; and</li> <li>f. site area and street frontage length.</li> </ul>	<b>AO1</b> Development has a maximum building height of: <ul style="list-style-type: none"> <li>a. 8.5 metres; and</li> <li>b. 2 storeys above ground level.</li> </ul>	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed.
<b>Outbuildings and residential scale</b>		
<b>PO2</b> Domestic outbuildings: <ul style="list-style-type: none"> <li>a. do not dominate the lot on which they are located; and</li> <li>b. are consistent with the scale and character of development in the zone in which the land is located.</li> </ul>	<b>AO2.1</b> Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>a. 100m<sup>2</sup> in gross floor area; and</li> <li>b. 5.5 metres in height above natural ground level.</li> </ul>	<b>Not applicable.</b> The proposed development is not located within the Low Density Residential Zone of the Medium Density Residential Zone.
	<b>AO2.2</b> Where located in the Rural residential zone and on lots equal to or less than 2 hectares, domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>a. 150m<sup>2</sup> in gross floor area; and</li> <li>b. 5.5 metres above natural ground level.</li> </ul>	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<b>AO2.3</b> Where located in the Rural residential zone and located on lots greater than 2 hectares, domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>a. 200m<sup>2</sup> in gross floor area; and</li> <li>b. 8.5 metres above natural ground level.</li> </ul>	
<b>Gross floor area</b>		
<b>PO3</b> Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> <li>a. makes efficient use of land;</li> <li>b. is consistent with the bulk and scale of surrounding buildings; and</li> <li>c. appropriately balances built and natural features.</li> </ul>	<b>AO3</b> Gross floor area does not exceed 600m <sup>2</sup> .	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed.
<b>Secondary dwellings</b>		
<b>PO4</b> Where a Dwelling house involves a secondary dwelling, it is designed and located to: <ul style="list-style-type: none"> <li>a. not dominate the site;</li> <li>b. remain subservient to the primary dwelling; and</li> <li>c. be consistent with the character of the surrounding area;</li> </ul>	<b>AO4.1</b> The secondary dwelling is located within: <ul style="list-style-type: none"> <li>a. 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or</li> <li>b. 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.</li> </ul> <b>AO4.2</b> A secondary dwelling has a maximum gross floor area of 100m <sup>2</sup> .	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed.
<b>Car parking</b>		
<b>PO5</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:	<b>AO5</b> Car parking spaces are provided in accordance with the following minimum rates: <ul style="list-style-type: none"> <li>a. one covered space per dwelling house; and</li> </ul>	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li>a. nature of the use;</li> <li>b. location of the site;</li> <li>c. proximity of the use to public transport services;</li> <li>d. availability of active transport infrastructure; and</li> <li>e. accessibility of the use to all members of the community.</li> </ul>	<ul style="list-style-type: none"> <li>b. one space per secondary dwelling.</li> </ul>	
<b>Vehicle crossovers</b>		
<b>PO6</b> Vehicle crossovers are provided to: <ul style="list-style-type: none"> <li>a. ensure safe and efficient access between the road and premises;</li> <li>b. minimize interference with the function and operation of roads; and</li> <li>c. minimise pedestrian to vehicle conflict.</li> </ul>	<b>AO6.1</b> 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.	<b>Complies with AO6.1.</b> The proposed new Lot to be created will be accessed via Pine Close. Any new vehicle access/crossover, will be constructed in accordance with Planning Scheme Policy 4 – FNQROC Regional Development Manual.  Compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.
	<b>AO6.2</b> Development on a site with two or more road frontages provides vehicular access from the lowest order road.	<b>Not applicable.</b> 91 Pine Close, Bibbohra has approximately 350m of road frontage, along Pine Close. The new Lot to be created, forming part of the proposed subdivision, will maintain approximately 130m of road frontage along Pine Close.
	<b>AO6.3</b> A secondary dwelling shares a vehicle crossover with the primary dwelling.	
<b>PO7</b> Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: <ul style="list-style-type: none"> <li>a. the intensity of anticipated vehicle movements;</li> <li>b. the nature of the use that they service; and</li> <li>c. the character of the surrounding locality.</li> </ul>	<b>AO7</b> Access, manoeuvring and car parking areas include pavements that are constructed in accordance with <b>Table 8.2.10.3B.</b>	<b>Complies with AO7.</b> Access will be constructed in accordance with Table 8.2.10.3B.  Compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<b>Water supply</b>		
<b>PO8</b> Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> <li>a. meets the needs of users;</li> <li>b. is adequate for fire-fighting purposes;</li> <li>c. ensures the health, safety and convenience of the community; and</li> <li>d. minimises adverse impacts on the receiving environment.</li> </ul>	<b>AO8.1</b> 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 in the Rural residential zone and outside a reticulated water supply service area.	<b>Not applicable.</b> The proposed development is within the Rural Residential Zone.
	<b>AO8.2</b> Development, where located outside a reticulated water supply service area and in the Rural residential zone is provided with: <ul style="list-style-type: none"> <li>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</li> <li>b. on-site water storage tank/s: <ul style="list-style-type: none"> <li>i. with a minimum capacity of 90,000L;</li> <li>ii. fitted with a 50mm ball valve with a camlock fitting; and</li> <li>iii. which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	<b>Complies with AO8.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed. Provision of water will be obtained either from a bore or on-site water tank and further considered with any future development application to ensure that water supply is adequate and meets the needs of users.
<b>Wastewater disposal</b>		
<b>PO9</b> Each lot provides for the treatment and disposal of effluent and other waste water that: <ul style="list-style-type: none"> <li>a. meets the needs of users;</li> <li>b. is adequate for fire-fighting purposes;</li> <li>c. ensures the health, safety and convenience of the community; and</li> </ul>	<b>AO9.1</b> 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 in the Rural residential zone and outside a reticulated sewerage service area.	<b>Not applicable.</b> The proposed development is within the Rural Residential Zone.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
d. minimises adverse impacts on the receiving environment.	<b>AO9.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located in the Rural residential zone and outside a reticulated sewerage service area.	<b>Complies with AO8.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed. Future development applications (for building work) will ensure that provision of effluent disposal systems are in accordance with ASNZ 1547 On-Site Domestic Wastewater Management.
<b>Stormwater infrastructure</b>		
<b>PO10</b> 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.	<b>AO10.1</b> 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.	<b>Not applicable.</b> The proposed development is not located within a Priority Infrastructure area.
	<b>AO10.2</b> On-site drainage systems are constructed: <ul style="list-style-type: none"> <li>a. to convey stormwater from the premises to a lawful point of discharge; and</li> <li>b. in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</li> </ul>	<b>Complies with AO10.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed. The development does not propose any significant earthworks, considered to impact or alter existing on-site stormwater management. Provision of alternative/additional stormwater infrastructure, when required – will be in accordance with Planning Scheme Policy 4 – FNQROC Regional Development Manual.
<b>Electricity supply</b>		
<b>PO11</b> Each lot is provided with an adequate supply of electricity	<b>AO11</b> The premises: <ul style="list-style-type: none"> <li>a. is connected to the electricity supply network; or</li> </ul>	<b>Complies with AO11.</b> Lot 91 Pine Close is benefitted by an existing infrastructure connection for the supply of electricity. The creation of a new Lot, pursuant to the proposed

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<ul style="list-style-type: none"> <li>b. has arranged a connection to the transmission grid; or</li> <li>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"> <li>i. it is approved by the relevant regulatory authority; and</li> <li>ii. it can be demonstrated that no air or noise emissions; and</li> <li>iii. it can be demonstrated that no adverse impact on visual amenity will occur.</li> </ul> </li> </ul>	subdivision of Lot 34 on RP733269, will ensure connection to the electricity supply network, via existing service infrastructure located within proximity to the subject site.
<b>Telecommunications infrastructure</b>		
<b>PO12</b> Each lot is provided with an adequate supply of telecommunication infrastructure.	<b>AO12</b> Development is provided with a connection to the national broadband network or telecommunication services.	<b>Complies with AO12.</b> Lot 91 Pine Close is benefitted by an existing connection to telecommunications services. The creation of a new Lot, pursuant to the proposed subdivision of Lot 34 on RP733269, will ensure connection to the telecommunications network, via existing service infrastructure located within proximity to the subject site.
<b>Existing public utility services</b>		
<b>PO13</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO13</b> 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.	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development is proposed. The development does not propose to relocate, alter and/or repair any public utility services.
<b>Excavation and filling</b>		

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<b>PO14</b> Excavation or filling must not have an adverse impact on the: <ul style="list-style-type: none"> <li>a. streetscape;</li> <li>b. scenic amenity;</li> <li>c. environmental values;</li> <li>d. slope stability;</li> <li>e. accessibility; or</li> <li>f. privacy of adjoining premises.</li> </ul>	<b>AO14.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots). No other development requiring excavation, filling, battering and/or retaining walls, is proposed.
	<b>AO14.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	
	<b>AO14.3</b> Earthworks batters: <ul style="list-style-type: none"> <li>a. are no greater than 1.5 metres in height;</li> <li>b. are stepped with a minimum width 2 metre berm;</li> <li>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;</li> <li>d. have a slope no greater than 1 in 4; and</li> <li>e. are retained.</li> </ul>	
	<b>AO14.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: <ul style="list-style-type: none"> <li>a. adjoining premises; or</li> <li>b. a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</li> </ul>	
	<b>AO14.5</b> 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.	
	<b>AO14.6</b> 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	

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<p>Planning Scheme Policy 4 – FNQROC Regional Development manual.</p> <p><b>AO14.7</b> 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>	

**Table 8.2.10.3B—Pavement Standards for Access, Manoeuvring and Car Parking areas**

COMPACTED GRAVEL BASE (MINIMUM THICKNESS)	SURFACING OPTIONS
75mm	<p>Reinforced concrete with a minimum thickness of:</p> <ul style="list-style-type: none"> <li>• 100mm for parking areas; and</li> <li>• 150mm for access ways.</li> </ul>
150mm	Asphalt with a minimum thickness of 25mm
150mm	Two coat sprayed bitumen seal
150mm	Concrete pavers
Not applicable	Minimum 150mm thickness compacted gravel suitable for all weather and dust free

#### 9.4.4 RECONFIGURING A LOT CODE

##### 9.4.4.1 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.

##### 9.4.4.2 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;
  - i. Subdivision within the Rural zone maintains rural landholdings in viable parcels;
  - 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.

#### 9.4.4.3 Criteria for assessment

**Table 9.4.4.3A Reconfiguring a lot code – For assessable development only**

Performance outcomes	Acceptable outcomes	Compliance
<b>Area and frontage of lots</b>		
<p><b>PO1</b> Lots include an area and frontage that:</p> <ul style="list-style-type: none"> <li>a. is consistent with the design of lots in the surrounding area;</li> <li>b. allows the desired amenity of the zone to be achieved;</li> <li>c. is able to accommodate all buildings, structures and works associated with the intended land use;</li> <li>d. allow the site to be provided with sufficient access;</li> <li>e. considers the proximity of the land to: <ul style="list-style-type: none"> <li>i. centres;</li> <li>ii. public transport services; and</li> <li>iii. open space; and</li> </ul> </li> <li>f. allows for the protection of environmental features; and</li> <li>g. accommodates site constraints.</li> </ul>	<p><b>AO1.1</b> Lots provide a minimum area and frontage in accordance with <b>Table 9.4.4.3B</b>.</p>	<p><b>Complies with PO1.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 2 Lots), within the Rural Residential (No Precinct) Zone. Table 9.4.4.3B does not define a minimum area and frontage for new Lots created within the Rural Residential (No Precinct) Zone, as Subdivision within the Rural Residential Zone, external to a defined 'Precinct' is generally not supported, pursuant to current Scheme provisions. The proposed subdivision is not likely to have an impact on the existing use of land, nor does it propose to change the bulk and scale of the existing buildings and structures located within the subject site. The proposal seeks to subdivide land at 91 Pine Close, to create an additional Lot with a total area of approximately 2 hectares. The total areas of both Lots are considered to be consistent with general lot form within the surrounding area. Access to both Lots will be via Pine Close. The proposed subdivision avoids an area of remnant vegetation which intersects the subject site from the southern boundary.  It is therefore submitted that development is consistent with the purpose of the zone, the design (generally) and</p>



Performance outcomes	Acceptable outcomes	Compliance
		form of lots in the area, is suitably accessed, allows for environmental features to be protected and accommodates site constraints.
<b>Existing buildings and easements</b>		
<b>PO2</b> Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures: <ul style="list-style-type: none"> <li>a. new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</li> <li>b. any continuing use is not compromised by the reconfiguration.</li> </ul>	<b>AO2.1</b> Each land use and associated infrastructure is contained within its individual lot.  <b>AO2.2</b> All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.	<b>Complies with AO2.1 and AO2.2.</b> Lot 34 on RP733269 is improved by a dwelling house and outbuildings, located within the western portion of the subject site. The proposed development seeks to subdivide land which has been previously cleared, with no existing improvements, in the eastern portion of the subject site. All existing buildings and structures will continue to be contained within one individual Lot, and remain appropriately setback (greater than 3m) from proposed new property boundaries.
<b>PO3</b> Reconfiguring a lot which contains an existing easement ensures: <ul style="list-style-type: none"> <li>a. future buildings, structures and accessways are able to be sited to avoid the easement; and</li> <li>b. the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</li> </ul>	<b>AO3</b> No acceptable outcome is provided.	<b>Not applicable.</b> There are no easements existing within the subject site.
<b>Boundary realignment</b>		
<b>PO4</b> The boundary realignment retains all attendant and existing infrastructure connections and potential connections.	<b>AO4</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is not for a boundary realignment.
<b>Access and road network</b>		

Performance outcomes	Acceptable outcomes	Compliance
<b>PO5</b> Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on: <ul style="list-style-type: none"> <li>a. safety;</li> <li>b. drainage;</li> <li>c. visual amenity;</li> <li>d. privacy of adjoining premises; and</li> <li>e. service provision.</li> </ul>	<b>A05</b> No acceptable outcome is provided.	<b>Complies with PO5.</b> The proposed development seeks to subdivide land at 91 Pine Close, Bibbohra. Access to the subject site is currently gained via Pine Close. Access to the newly created lot, forming part of this subdivision development application will also be gained via Pine Close. Any new access is not likely to have an impact on safety, drainage, amenity, privacy, and/or service provision.
<b>PO6</b> Reconfiguring a lot ensures that access to a lot can be provided that: <ul style="list-style-type: none"> <li>a. is consistent with that provided in the surrounding area;</li> <li>b. maximises efficiency and safety; and</li> <li>c. is consistent with the nature of the intended use of the lot.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<b>A06</b> Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.	<b>Complies with A06.</b> The proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed. New access/vehicle crossover/s will be in accordance with Planning Scheme Policy 4 – FNQROC Regional Development Manual.  Compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.
<b>PO7</b> Roads in the Industry zone are designed having regard to: <ul style="list-style-type: none"> <li>a. the intended use of the lots;</li> <li>b. the existing use of surrounding land;</li> <li>c. the vehicular servicing requirements of the intended use;</li> <li>d. the movement and turning requirements of B-Double vehicles.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<b>A07</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed developed is not located within the Industry Zone.
<b>Rear lots</b>		
<b>PO8</b> Rear lots are designed to:	<b>A08.1</b>	<b>Not applicable.</b>

Performance outcomes	Acceptable outcomes	Compliance
<p>a. provide a high standard of amenity for residents and other users of the site;</p> <p>b. provide a high standard of amenity for adjoining properties; and</p> <p>c. not adversely affect the safety and efficiency of the road from which access is gained.</p>	Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.	The proposed development does not involve/propose rear Lots.
	<b>AO8.2</b> No more than two rear lots are created behind any lot with a road frontage.	
	<b>AO8.3</b> Access to lots is via an access strip with a minimum width of: <p>a. 4 metres where in the Low density residential zone or Medium density residential zone; or</p> <p>b. 8 metres otherwise.</p>	
	<b>AO8.4</b> A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.  Note—Figure A provides further guidance in relation to the desired outcome.	
	<b>AO8.5</b> No more than 1 in 10 lots created in a new subdivision are rear lots.	
	<b>AO8.6</b> Rear lots are not created in the Centre zone or the Industry zone.	
Crime prevention and community safety		

Performance outcomes	Acceptable outcomes	Compliance
<b>PO9</b> Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: <ul style="list-style-type: none"> <li>a. sightlines;</li> <li>b. the existing and intended pedestrian movement network;</li> <li>c. the existing and intended land use pattern; and</li> <li>d. potential entrapment locations.</li> </ul>	<b>AO9</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed.
<b>Pedestrian and cycle movement network</b>		
<b>PO10</b> 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.	<b>AO10</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development is within the Rural Residential (No Precinct) Zone. There is currently no existing/formalised pedestrian and cycle movement network throughout the surrounding area.
<b>Public transport network</b>		
<b>PO11</b> Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development: <ul style="list-style-type: none"> <li>a. does not prejudice the future provision of the identified infrastructure;</li> <li>b. appropriately treats the common boundary with the future corridor; and</li> <li>c. provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement.</li> </ul>	<b>AO11</b> No acceptable outcome is provided.	<b>Not applicable.</b> The subject site is not located within proximity to a future public transport corridor or future public transport site.
<b>Residential subdivision</b>		
<b>PO12</b> Residential lots are:	<b>AO12</b> No acceptable outcome is provided.	<b>Not applicable.</b>

Performance outcomes	Acceptable outcomes	Compliance
<ul style="list-style-type: none"> <li>a. provided in a variety of sizes to accommodate housing choice and diversity; and</li> <li>b. located to increase variety and avoid large areas of similar lot sizes.</li> </ul>		The proposed development seeks to subdivide land at 91 Pine Close, Bibbohra, to create a new Lot within the Rural Residential (No Precinct) Zone.
<b>Rural residential zone</b>		
<b>PO13</b> New lots are only created in the Rural residential zone where land is located within the 4,000m <sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.	<b>AO13</b> No acceptable outcome is provided.	<b>Does not comply with PO13.</b> The proposed development seeks to subdivide land at 91 Pine Close, Bibbohra, to create a new Lot within the Rural Residential (No Precinct) Zone. Further assessment of the proposed development has been undertaken to ensure compliance with all other Scheme provisions.
<b>Additional provisions for greenfield development only</b>		
<b>PO14</b> The subdivision design provides the new community with a local identity by responding to: <ul style="list-style-type: none"> <li>a. site context</li> <li>b. site characteristics</li> <li>c. setting</li> <li>d. landmarks</li> <li>e. natural features; and</li> <li>f. views.</li> </ul>	<b>AO14</b> No acceptable outcome provided.	<b>Not applicable.</b> The proposed development does not involve greenfield development.
<b>PO15</b> The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.	<b>AO15</b> No acceptable outcome provided.	

Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO16</b></p> <p>The road network is designed to:</p> <ul style="list-style-type: none"> <li>a. minimise the number of cul-de-sacs;</li> <li>b. provide walkable catchments for all residents in cul-de-sacs; and</li> <li>c. include open cul-de-sacs heads.</li> </ul> <p>Note—Figure B provides further guidance in relation to the desired outcome.</p>	<p><b>AO16</b></p> <p>No acceptable outcome provided.</p>	
<p><b>PO17</b></p> <p>Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p><b>AO17</b></p> <p>The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	
<p><b>PO18</b></p> <p>The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p><b>AO18</b></p> <p>No acceptable outcome provided.</p>	
<p><b>PO19</b></p> <p>Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> <li>a. meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected;</li> <li>b. retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and</li> <li>c. meet regional, district and neighbourhood open space requirements.</li> </ul>	<p><b>AO19.1</b></p> <p>A minimum of 10% of the site area is dedicated as open space.</p>	
	<p><b>AO19.2</b></p> <p>A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	

Performance outcomes	Acceptable outcomes	Compliance
<b>PO20</b> A network of parks and community land is provided: <ul style="list-style-type: none"> <li>a. to support a full range of recreational and sporting activities;</li> <li>b. to ensure adequate pedestrian, cycle and vehicle access;</li> <li>c. which is supported by appropriate infrastructure and embellishments;</li> <li>d. to facilitate links between public open spaces;</li> <li>e. which is co-located with other existing or proposed community infrastructure;</li> <li>f. which is consistent with the preferred open space network; and</li> <li>g. which includes a diversity of settings;</li> </ul>	<b>AO20</b> No acceptable outcome is provided.	

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

Zone	Type	Minimum area	Minimum frontage
Centre	All lots	800m <sup>2</sup>	20 metres
Community facilities	All lots	Not specified	Not specified
Conservation	All lots	Not specified	Not specified
Emerging community	All lots	10 hectares	100 metres
Low density residential	Where greenfield development and connected to reticulated water and sewerage		
	Rear lot	800m <sup>2</sup>	5 metres
	All other lots	350m <sup>2</sup>	10 metres
	Where connected to reticulated water and sewerage		
	Rear lot	800m <sup>2</sup>	5 metres
	All other lots	600m <sup>2</sup>	16 metres
	Where connected to reticulated water		
	Rear lot	1,000m <sup>2</sup>	5 metres
	All other lots	800m <sup>2</sup>	16 metres



Medium density residential	Rear lot	600m <sup>2</sup>	5 metres
	All other lots	400m <sup>2</sup>	10 metres
Industry	All lots	1,500m <sup>2</sup>	45 metres
Recreation and open space	All lots	Not specified	Not specified
Rural	All lots	60 hectares	400 metres
Rural residential	2 hectare precinct		
	All lots	2 hectares	60 metres
	1 hectare precinct		
	All lots	1 hectare	60 metres
	4,000m <sup>2</sup> precinct		
	All lots	4,000m <sup>2</sup>	40 metres

## 9.4.5 WORKS, SERVICES AND INFRASTRUCTURE CODE

### 9.4.5.1 Application

1. 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.

### 9.4.5.2 Purpose

1. The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.
2. The purpose of the code will be achieved through the following overall outcomes:
  - a. Development provides an adequate, safe and reliable supply of potable, firefighting and general use water in accordance with relevant standards;
  - b. Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - c. Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - d. Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
  - e. Development provides electricity and telecommunications services that meet its desired requirements;
  - f. Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - g. Development does not affect the efficient functioning of public utility mains, services or installations;
  - h. Infrastructure dedicated to Council is cost effective over its life cycle;
  - i. Work associated with development does not cause adverse impacts on the surrounding area; and
  - j. Development prevents the spread of weeds, seeds or other pests.

### 9.4.5.3 Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<b>For accepted development subject to requirements and assessable development</b>		
<b>Water supply</b>		
<b>PO1</b> Each lot has an adequate volume and supply of water that: <ol style="list-style-type: none"><li>a. meets the needs of users;</li></ol>	<b>AO1.1</b> 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 –	<b>Not applicable.</b> The proposed development is within the Rural Residential Zone.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
<ul style="list-style-type: none"> <li>b. is adequate for fire-fighting purposes;</li> <li>c. ensures the health, safety and convenience of the community; and</li> <li>d. minimises adverse impacts on the receiving environment.</li> </ul>	FNQROC Regional Development Manual other than where located: <ul style="list-style-type: none"> <li>a. in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>b. outside a reticulated water supply service area.</li> </ul>	
	<b>AO1.2</b> Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with: <ul style="list-style-type: none"> <li>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</li> <li>b. on-site water storage tank/s:               <ul style="list-style-type: none"> <li>i. with a minimum capacity of 90,000L;</li> <li>ii. fitted with a 50mm ball valve with a camlock fitting; and</li> <li>iii. which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	<b>Complies with AO1.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots). No other development is proposed. Provision of water will be obtained either from a bore or on-site water tank and further considered with any future development application to ensure that water supply is adequate and meets the needs of users.
<b>Wastewater disposal</b>		
<b>PO2</b> Each lot provides for the treatment and disposal of effluent and other waste water that: <ul style="list-style-type: none"> <li>a. meets the needs of users;</li> <li>b. is adequate for fire-fighting purposes;</li> <li>c. ensures the health, safety and convenience of the community; and</li> <li>d. minimises adverse impacts on the receiving environment.</li> </ul>	<b>AO2.1</b> 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: <ul style="list-style-type: none"> <li>a. in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>b. outside a reticulated sewerage service area.</li> </ul>	<b>Not applicable.</b> The proposed development is within the Rural Residential Zone.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<p><b>AO2.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located:</p> <ul style="list-style-type: none"> <li>a. in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>b. outside a reticulated sewerage service area.</li> </ul>	<p><b>Complies with AO2.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots). No other development is proposed. Future development applications will ensure that provision of effluent disposal systems are in accordance with ASNZ 1547 On-Site Domestic Wastewater Management.</p>
<b>Stormwater infrastructure</b>		
<p><b>PO3</b> 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><b>AO3.1</b> 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>	<p><b>Not applicable.</b> The proposed development is not located within a Priority Infrastructure area.</p>
	<p><b>AO3.2</b> On-site drainage systems are constructed:</p> <ul style="list-style-type: none"> <li>a. to convey stormwater from the premises to a lawful point of discharge; and</li> <li>b. in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</li> </ul>	<p><b>Complies with AO3.2.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots). No other development is proposed. The development does not propose any significant earthworks, considered to impact or alter existing on-site stormwater management. Provision of alternative/additional stormwater infrastructure, when required – will be in accordance with Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>
<b>Electricity supply</b>		
<p><b>PO4</b> Each lot is provided with an adequate supply of electricity</p>	<p><b>AO4</b> The premises:</p>	<p><b>Complies with AO4.</b> Lot 91 Pine Close is benefitted by an existing infrastructure connection for the supply of electricity. The creation of a</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<ul style="list-style-type: none"> <li>a. is connected to the electricity supply network; or</li> <li>b. has arranged a connection to the transmission grid; or</li> <li>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"> <li>i. it is approved by the relevant regulatory authority; and</li> <li>ii. it can be demonstrated that no air or noise emissions; and</li> <li>iii. it can be demonstrated that no adverse impact on visual amenity will occur.</li> </ul> </li> </ul>	new Lot, pursuant to the proposed subdivision of Lot 34 on RP733269, will ensure connection to the electricity supply network, via existing service infrastructure located within proximity to the subject site.
<b>Telecommunications infrastructure</b>		
<b>PO5</b> Each lot is provided with an adequate supply of telecommunication infrastructure	<b>AO5</b> Development is provided with a connection to the national broadband network or telecommunication services.	<b>Complies with AO5.</b> Lot 91 Pine Close is benefitted by an existing connection to telecommunications services. The creation of a new Lot, pursuant to the proposed subdivision of Lot 34 on RP733269, will ensure connection to the telecommunications network, via existing service infrastructure located within proximity to the subject site.
<b>Existing public utility services</b>		
<b>PO6</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO6</b> 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	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots).

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
		No other development is proposed. The development does not propose to relocate, alter and/or repair any public utility services.
<b>Excavation or filling</b>		
<b>PO7</b> Excavation or filling must not have an adverse impact on the: <ul style="list-style-type: none"> <li>a. streetscape;</li> <li>b. scenic amenity;</li> <li>c. environmental values;</li> <li>d. slope stability;</li> <li>e. accessibility; or privacy of adjoining premises.</li> </ul>	<b>A07.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision - 1 Lot into 1 Lots). No other development requiring excavation, filling, battering and/or retaining walls, is proposed.
	<b>A07.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	
	<b>A07.3</b> Earthworks batters: <ul style="list-style-type: none"> <li>a. are no greater than 1.5 metres in height;</li> <li>b. are stepped with a minimum width 2 metre berm;</li> <li>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;</li> <li>d. have a slope no greater than 1 in 4; and</li> <li>e. are retained.</li> </ul>	
	<b>A07.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: <ul style="list-style-type: none"> <li>a. adjoining premises; or</li> <li>b. a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</li> </ul>	
	<b>A07.5</b> All batters and berms to be constructed in accordance	

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<p>with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p> <p><b>A07.6</b> 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><b>A07.7</b> 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>	
<b>For assessable development</b>		
<b>Transport network</b>		
<p><b>PO8</b> 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><b>A08.1</b> 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><b>Complies with A08.1.</b> The proposed new Lot to be created will be accessed via Pine Close. Any new vehicle access/crossover will be constructed in accordance with Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p> <p>Compliance with these requirements can be ensured through the imposition of a Condition within the Development Permit.</p>
	<p><b>A08.2</b> Development provides footpath pavement treatments in</p>	<p><b>Not applicable.</b></p>



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	accordance with Planning Scheme Policy 9 – Footpath Paving.	The proposed development does not include provision of footpaths.
<b>Public infrastructure</b>		
<b>PO9</b> 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.	<b>AO9</b> Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	<b>Not applicable.</b> The proposed development does not include provision of public infrastructure.
<b>Stormwater quality</b>		
<b>PO10</b> Development has a non-worsening effect on the site and surrounding land and is designed to: <ul style="list-style-type: none"> <li>a. optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters;</li> <li>b. protect the environmental values of waterbodies affected by the development, including upstream, on- site and downstream waterbodies;</li> <li>c. achieve specified water quality objectives;</li> <li>d. minimise flooding;</li> <li>e. maximise the use of natural channel design principles;</li> <li>f. maximise community benefit; and</li> <li>g. minimise risk to public safety.</li> </ul>	<b>AO10.1</b> The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals: <ul style="list-style-type: none"> <li>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</li> <li>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"> <li>i. drainage control;</li> <li>ii. erosion control;</li> <li>iii. sediment control; and</li> <li>iv. water quality outcomes.</li> </ul> </li> </ul> <b>AO10.2</b> For development on land greater than 2,500m <sup>2</sup> or that result in more than 5 lots or more than 5 dwellings or	<b>Not applicable.</b> The proposed development is for the Reconfiguration of a Lot (subdivision – 1 Lot into 2 Lots). No other development is proposed. The creation of an additional Lot at 91 Pine Close, Bibbohra is not considered to result in any significant alterations to existing on-site stormwater management and therefore the requirement for a Stormwater Management Plan / Erosion and Sediment Control Plan is not warranted in this instance. Stormwater will continue to be lawfully discharged from the site. The proposed development does not require preparation of a stormwater quality management plan.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<p>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"> <li>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;</li> <li>b. is consistent with any local area stormwater water management planning;</li> <li>c. accounts for development type, construction phase, local climatic conditions and design objectives; and</li> <li>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.</li> </ul>	
<p><b>PO11</b> Storage areas for stormwater detention and retention:</p> <ul style="list-style-type: none"> <li>a. protect or enhance the environmental values of receiving waters;</li> <li>b. achieve specified water quality objectives;</li> <li>c. where possible, provide for recreational use;</li> <li>d. maximise community benefit; and</li> <li>e. minimise risk to public safety.</li> </ul>	<p><b>AO11</b> No acceptable outcome is provided.</p>	
<b>Excavation or filling</b>		
<p><b>PO12</b> Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p><b>AO12.1</b> Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	<p><b>Not applicable.</b> The proposed development does not involve excavation or filling.</p>

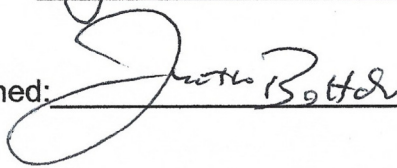
PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
	<b>AO12.2</b> Transportation of fill to or from the site does not occur: <ul style="list-style-type: none"> <li>a. within peak traffic times; and</li> <li>b. before 7am or after 6pm Monday to Friday;</li> <li>c. before 7am or after 1pm Saturdays; and</li> <li>d. on Sundays or Public Holidays.</li> </ul>	
<b>PO13</b> Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	<b>AO13.1</b> Dust emissions do not extend beyond the boundary of the site.	
	<b>AO13.2</b> No other air pollutants, including odours, are detectable at the boundary of the site.	
	<b>AO13.3</b> A management plan for control of dust and air pollutants is prepared and implemented.	
<b>PO14</b> Access to the premises (including driveways and paths) does not have an adverse impact on: <ul style="list-style-type: none"> <li>a. safety;</li> <li>b. drainage;</li> <li>c. visual amenity; and</li> <li>d. privacy of adjoining premises.</li> </ul>	<b>AO14</b> Access to the premises (including all works associated with the access): <ul style="list-style-type: none"> <li>a. must follow as close as possible to the existing contours;</li> <li>b. be contained within the premises and not the road reserve, and</li> <li>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.</li> </ul>	
<b>Weed and pest management</b>		
<b>PO15</b> Development prevents the spread of weeds, seeds or	<b>AO15</b> No acceptable outcome is provided.	<b>Not applicable.</b> The proposed development seeks to subdivide land at 91 Pine Close, Bibbohra, to create an additional lot within the

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	APPLICANT RESPONSE
other pests into clean areas or away from infested areas.		south-east portion of the subject site. The portion of land to be subdivided has been previously cleared. New proposed property boundaries will avoid an area of mapped regulated vegetation existing within the subject site.
<b>Contaminated land</b>		
<b>PO16</b> Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	<b>AO16</b> Development is located where: <ul style="list-style-type: none"> <li>a. soils are not contaminated by pollutants which represent a health or safety risk to users; or</li> <li>b. contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</li> </ul>	<b>Not applicable.</b> The proposed development does not involve contaminated land.
<b>Fire services in developments accessed by common private title</b>		
<b>PO17</b> Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO17.1</b> Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of: <ul style="list-style-type: none"> <li>a. 120 metres for residential development; and</li> <li>b. 90 metres for any other development.</li> </ul>	<b>Not applicable.</b> Compliance may be confirmed by Condition, if necessary.
	<b>AO17.2</b> Fire hydrants are located at all intersections of accessways or private roads held in common private title.	<b>Not applicable.</b> The proposed development does not include the construction of a new road.

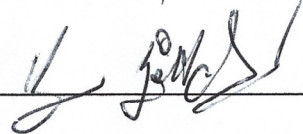
Owner's consent to the making of a development application under the  
*Planning Act 2016*

WE **HENRY BOTTCHER** and **JUTTA BOTTCHER** as owners of **Lot 34 on RP733269** consent to the making of an Application under the *Planning Act 2016* by Gilvear Planning Pty Ltd on our behalf for a Development Permit for the Reconfiguration of a Lot (1 Lot into 2 Lots).

Name: JUTTA BOTTCHER

Signed:  on 30.6.2022

Name: HENRY BOTTCHER

Signed:  on 30.6.2022

# 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)	Mr Henry and Mrs Jutta Bottcher
Contact name (only applicable for companies)	C/- Gilvear Planning Pty Ltd
Postal address (P.O. Box or street address)	PO Box 228
Suburb	Babinda
State	QLD
Postcode	4861
Country	Australia
Contact number	Josh: 0484 018 049
Email address (non-mandatory)	josh@gilvearplanning.com.au
Mobile number (non-mandatory)	As above
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	J001422: KLG

### 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
		91	Pine Close	Bibbohra
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	34	RP733269	Mareeba
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:	

☐ 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:	

#### 3.3) Additional premises

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

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

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:



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

### 5) Are there any existing easements over the premises?

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

- ☒ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☐ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

#### 6.1) Provide details about the first development aspect

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

- ☐ Material change of use    ☒ Reconfiguring a lot    ☐ Operational work    ☐ Building work

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

- ☒ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

##### c) What is the level of assessment?

- ☐ Code assessment    ☒ Impact assessment *(requires public notification)*

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

Reconfiguring a Lot (1 Lot into 2 Lots).

##### e) Relevant plans

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

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

#### 6.2) Provide details about the second development aspect

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

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

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

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

##### c) What is the level of assessment?

- ☐ Code assessment    ☐ Impact assessment *(requires public notification)*

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

##### e) Relevant plans

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

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

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

## Section 2 – Further development details

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

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (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?	
1 Lot	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	2 Lots			
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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Mareeba Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<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
<b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## PART 7 – FURTHER DETAILS

### 20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application  
☒ 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)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☐ 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  
☒ 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?

- ☐ Yes – show cause or enforcement notice is attached  
☒ 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 *Environmental Protection Act 1994*?

- ☐ 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  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ 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**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### **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](http://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](http://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](http://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](http://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](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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](http://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

*Note: For completion by assessment manager if applicable*

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	