

18 June 2023

Chief Executive Officer  
Mareeba Shire Council  
65 Rankin Street  
**MAREEBA QLD 4880**

**Attention** - Planning Department – Brian Millard

Dear Brian,

**Reconfiguring a Lot (Boundary Realignment) – 110 Horse Creek Road Mutchilba  
(Lot 1 and Lot 3 on RP723067)**

Please find attached relevant documentation relating to the above application.

The application comprises the following:-

- DA Form 1;
- Supporting Planning Submission & Proposal Plan; and
- Owners Consent.

The prescribed application fee of \$1,120.00 will be paid by the Applicant. Please generate an invoice for this amount and issue to the Applicant at [jan@jpkfarming.com](mailto:jan@jpkfarming.com) who will arrange prompt payment.

I look forward to Council's favourable consideration of the application.

Yours faithfully



Neil Beck  
Town Planner

# PLANNING SUBMISSION

## RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT)

LOT 1 & LOT 3 ON RP723067



110 HORSE CREEK ROAD

MUTCHILBA

JUNE 2023

## **Introduction**

A Development Permit is sought for the reconfiguration of land (boundary realignment) between land described as Lot 1 and Lot 3 on RP723067 located at 110 Horse Creek Road Mutchilba.

This submission addresses the relevant legislative framework and relevant sections of the Planning Scheme as it relates to the proposed development.

The site has a combined area of approximately 60.98ha and is contained within the Rural zone under the Planning Scheme for Mareeba Shire Council.

The proposed development does not trigger referral to the State Assessment & Referral Agency under the Planning Regulation 2017.

The realignment of the boundaries as proposed does not impact on the viability or fragment good agricultural land and approval of the application is commended to Council.

## **Application Details**

<b>Applicant:</b>	Mr. Jan Van Niekerk
<b>Registered Owners:</b>	DBC RSA Holdings Pty Ltd
<b>Contact:</b>	Mr Neil Beck 32 Yarun Close WONGA BEACH 4873  Ph: 0477006782  Email – Neilrb11@outlook.com
<b>Real Property Description:</b>	Lot 1 and Lot 3 on RP723067
<b>Location:</b>	110 Horse Creek Road Mutchilba
<b>Tenure:</b>	Freehold
<b>Local Government Authority:</b>	Mareeba Shire Council
<b>Contaminated Land or Environmental Management Registers:</b>	Nil

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**Easements and  
Encumbrances:**

Nil

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**Proposal:**

Reconfiguring a Lot (Boundary Realignment)

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## Site

The site consists of two allotments being Lot 1 and Lot 3 on RP723067 with existing site areas of 1.599 Ha and 59.38Ha respectively. Access to both allotments is achieved via Horse Creek Road by a shared access road / driveway which includes traversing over Lot 2 on RP723067 being State land. As this is an existing arrangement, the proposal does not seek any change or to formalise this arrangement.

Lot 3 is currently improved with a mango orchard, dwelling, rural shed and two dams with one dam located centrally in the site and the larger dam in the north eastern portion of the allotment. The site lies immediately to the south of the channel associated with the Mareeba-Dimbulah irrigation scheme. A ridge is present in the south western portion of the site. Due to the soil characteristics of the ride line, this area of Lot 3 is not identified as good agricultural land. A significant portion of the balance of Lot 3 is identified a good agricultural land.

Lot 1 has a site area of 1.59 Ha with direct access to Horse Creek Road. The site is currently vacant and is not use for any agricultural pursuits.

Land proximate to the site consists predominantly of large rural holdings with the land being used for a range of cropping and other agricultural activities.



*Locality Plan – (Source: Qld Globe)*

## **Proposal**

Approval is sought to realign the boundary of Lot 1 to include western portion of Lot 3 which is characterised by a sparsely vegetated ridge which is not able to be use for agricultural purposes due to the poor soil quality.

As a consequence, proposed Lot 1 will increase in size from 1.59 Ha to 4.3 Ha. Conversely, Lot 3 will decrease in size from 59.38 Ha to 56.5 Ha.

An access easement will be created over Lot 1 in favour of Lot 3 to provide lawful access to Lot 3. No other changes are proposed. Details of the proposed development are summarised below:-

Proposed Lot No.	Size - Area (Ha)	Road Frontage	Other Comments
1	4.3 Ha	Road frontage to Horse Creek Road. Other than the increase in lot size, no other changes are proposed.	Lot 1 is currently vacant with very limited opportunity to be used for agricultural purposes.  Provides lawful access for Lot 3 to Horse Creek Road
3	56.5 Ha.	Access to Horse Creek road being provided via an easement.	Area of land in the western portion of the site to be located in proposed Lot 1.  Boundary realignment does not diminish the ability to use good agricultural land for agricultural purposes on Lot 3.

A plan of subdivision detailing the proposed arrangements forms Attachment 2.

## **Services**

Other than vehicles access to constructed roads, the site is not serviced by any reticulated urban services.

In relation to onsite effluent disposal, sufficient area exists on proposed Lot 1 to accommodate a future dwelling. The existing dwelling contained on Lot 3 has a functioning onsite effluent system in place.

**PLANNING CONTEXT**

The planning context of the site is summarised as follows:

Regional Plan	Regional Landscape & Rural Production Area
Local Plan	None Applicable
Zone	Rural
Overlays	Part of land designated Agricultural Land Class A
	Bushfire Hazard (Medium Potential & Potential Impact Buffer)
	MSES Waterway & Waterway Buffer
	Hill & Slope Overlay
	Regional Infrastructure Corridors & Substation Overlay

With regard to the State Planning Policy & the Regional Plan, it is submitted that the Planning Scheme for Mareeba Shire Council adequately reflects those requirements to the extent applicable to the proposed development.

With regard to the clearing of native vegetation, being another State Interest, the western portion of Lot 1 and Lot 3 is identified as containing remnant vegetation (Category B) with the remainder of the site being mapped as Category X. The proposal therefore does not give rise to vegetation clearing matters including exemptions for vegetation clearing.



*Map of Remnant Vegetation*

## PLANNING CONSIDERATIONS

It is noted that the Department of State Development Manufacturing Infrastructure & Planning (DSDMIP) introduced a Temporary Local Planning Instrument (TLPI) for the Mareeba Shire which suspended various parts of the Planning Scheme and introduced new levels of assessment and assessment benchmarks for the subdivision of rural land. The document is referred to a Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone).

In summary, the TLPI seeks to strengthen the requirement to maintain large rural land holdings by:-

- making subdivision proposals in rural areas impact assessable where the minimum lot size of 60 hectares is not achieved; and
- introducing additional statements in the Strategic Framework where themes and elements are directly related to settlement patterns and the retention of large rural holdings.

Those elements of the Strategic Framework amended by the TLPI are considered the only applicable elements of the Strategic Framework applicable to the proposed reconfiguration.

The following comments are provided against the Strategic Framework as amended by the introduction of the TLPI to the extent relevant to the proposed development.

### **1.2.1 Settlement Pattern and Built Environment**

#### **1.2.1.1 Strategic outcomes**

*This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.*

- (1) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*
- (2) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

#### **Comment**

The proposed development remains consistent with the development outcomes identified above having regard to the following:

- The proposed reconfiguration does not result in the creation of additional lots having areas less than 60 Ha as the proposed development seeks to realign the boundary of Lot 1;
- The area of land to be excised from Lot 3 and placed within Lot 1 consists of land with extremely low soil quality with renders that part of the site unfit for agricultural pursuits. The balance of Lot 3 will remain in a large rural land holding and will contain the existing mango orchard.

The reconfiguration of the land as proposed maintains the strategic outcome as detailed in item 1 above.

### **1.2.4 Element—Rural Areas**

#### **1.2.4.1 Specific outcomes**

*This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.*

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.*
- (2) Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*
- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*
- (4) Tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*



## **Comment**

The specific outcomes for rural areas with emphasis of maintaining rural areas in large land holdings with lot sizes of 60 hectares or greater are understood and agreed.

As previously identified, that area of land proposed to be excised from Lot 3 and placed within Lot 1 is not used for agricultural purposes and has no ability to be used for agricultural purposes due to the poor soil quality. This is evidenced by the Agricultural land overlay map which does not place the area of land in Lot 3 as having any agricultural land qualities or purpose.

The proposed boundary realignment does not result in the fragmentation of good agricultural land or impact on the agricultural viability of Lot 3.

## **Planning Scheme**

The proposed development is to be assessed under Planning Scheme to the extent not amended by the TLPI.

The following discussion identifies the codes applicable to the development in addition those codes which were amended as a consequence of the introduction of the TLPI.

The following codes are identified as being relevant to the reconfiguration of land within the Rural zone:-

- Rural zone code;
- Reconfiguring a lot code;
- Hill & Slopes overlay code;
- Bushfire overlay code;
- Parking & access code;
- Works, services and infrastructure code

An assessment against the new assessment benchmarks introduced by the TLPI and the balance of the applicable codes has been undertaken and detailed below.

An assessment against the codes to the extent not suspended by the TLPI forms Attachment 3.

An assessment against the Landscaping code and Parking & access code is not contained at Attachment 3 as the codes are not considered relevant in this instance.

In response to the content of the applicable codes, the following summary is provided.

### **Rural zone code**

It is noted the TLPI amends the Rural zone code as follows:-

#### ***1.3 Rural zone code***

*This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.*

### **1.3.1 Purpose**

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

The proposed development is consistent with the planning intent of the Rural zone as the proposed reconfiguration does not result in the creation of new rural allotments with areas less than 60 ha.

The adjustment to the area of Lot 1 does not result in the fragmentation of rural land nor impact on the agricultural viability of Lot 3. The boundary realignment is inconsequential when considering the purpose of the rural zone as stated above.

### **Reconfiguring a lot code**

It is noted the TLPI amends the Reconfiguring a lot code as follows:-

### **1.3 Reconfiguring a lot code**

*This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.*

#### **1.3.1 Purpose**

- (1) Subdivision within the rural zone maintains lots equal to or larger than 60ha.*

#### **1.3.2 Assessment Criteria**

*This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.*

**1.0 1.4.2 Criteria for assessable development – Rural Zone**

<i>Performance outcomes</i>	<i>Acceptable outcomes</i>
<b>Area and frontage of lots – Rural Zone</b>	
<p><b>PO1.1</b>  <i>No lots are created with an area of less than 60ha</i>  <i>Note: This also applies to applications for boundary realignment.</i></p>	<p><b>AO1.1</b>  <i>No acceptable outcome is provided</i></p>
<p><b>PO1.2</b>  <i>No lots are created with a frontage less than 400m</i>  <i>Note: This also applies to applications for boundary realignment.</i></p>	<p><b>AO1.2</b>  <i>No acceptable outcome is provided</i></p>
<p><b>PO1.3</b>  <i>Proposed lots are;</i></p> <ul style="list-style-type: none"> <li><i>a. Able to accommodate all buildings, structures and works associated with the rural use; and</i></li> <li><i>b. Suitable to allow the site to be provided with sufficient access</i></li> </ul> <p><i>Note: This also applies to applications for boundary realignment.</i></p>	<p><b>AO1.3</b>  <i>No acceptable outcome is provided</i></p>

*Note –The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI.*

While the proposed subdivision does not satisfy this individual purpose statement, the adjustment of boundaries as proposed has merit for the reasons already established in this report.

Notwithstanding the proposed lot sizes, the proposed boundary realignment in keeping with the development outcomes nominated for the rural zone and will have no impact on the continued use of good agricultural land for agricultural purposes.

**Bushfire overlay code**

The area of land containing the remnant vegetation is also identified as being Medium Potential Bushfire Intensity with a significant proportion of proposed Lot 1 being identified a Potential Impact Buffer area.

Any development to take place on proposed Lot 1 is able to comply with the Acceptable Outcomes of the Bushfire overlay code at the time of seeking building approval.

The overlay code is of little relevance to proposed Lot 3.

### **Works, Services and Infrastructure code**

The proposed development is able to demonstrate suitable compliance with the works, services and infrastructure code to the extent relevant to the proposed boundary realignment in a rural area.

Both proposed lots are adequately serviced by road infrastructure. An access easement will be created over Lot 1 in favour of Lot 3.

Water supply for Lot 1 will be provided via water tank which will be installed as part of a future construction of a house with wastewater being disposed onsite. These aspects of development will be further investigated and determined at the time of constructing a dwelling on the site which is the same process which applies when seeking to build on existing vacant rural allotments.

### **Conclusion & Recommendations**

This submission provides a description of the site, the proposed subdivision and addresses Council's requirements and expectations with respect to the reconfiguration of land within the Rural zone.

This submission demonstrates that the proposal complies with the overall purpose and outcomes for the rural zone having regard to the nature and characteristics of the land to be reconfigured and the ongoing viability of Lot 3.

The proposed development is entirely consistent with the intent of the rural zone in so far as maintaining large viable rural land holdings while not fragmenting or alienating productive rural lands.

It would be appreciated if draft conditions could be forwarded for review and discussion prior to finalising the decision.

The proposed development has planning merit and the application is recommended to Council for approval.

Yours Sincerely



Neil Beck  
Town Planner

0477006782

## **Attachments**

1. DA Form 1 & Owner's Consent
2. Proposal Plan
3. Assessment Against Applicable Codes
4. Title Searches

**ATTACHMENT 1 - DA FORM 1 & OWNER'S CONSENT**

# 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.

**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) <i>(individual or company full name)</i>	MR JAN VAN NIEKERK
Contact name <i>(only applicable for companies)</i>	C/- NEIL BECK
Postal address <i>(P.O. Box or street address)</i>	32 YARUN CLOSE
Suburb	WONGA BEACH
State	QUEENSLAND
Postcode	4873
Country	AUSTRALIA
Contact number	0477006782
Email address <i>(non-mandatory)</i>	NEILRB11@OUTLOOK.COM
Mobile number <i>(non-mandatory)</i>	0477006782
Fax number <i>(non-mandatory)</i>	-
Applicant's reference number(s) <i>(if applicable)</i>	-

### 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
		110	HORSE CREEK ROAD	MUTCHILBA
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		1 & 3	RP723067	MAREEBA SHIRE COUNCIL
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

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

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

Name of airport:



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

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

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

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

Material change of use     Reconfiguring a lot     Operational work     Building work

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

Development permit     Preliminary approval     Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment     Impact assessment *(requires public notification)*

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

**ROL – BOUNDARY REALIGNMENT**

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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>

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?	
TWO	

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

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				2 – RURAL 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> )
1 on RP723067	1.599Ha	1	4.3 Ha
3 on RP723067	59.388 Ha		56.5 Ha

**12.2) What is the reason for the boundary realignment?**

Refer to Planning Report

**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
Proposed	Approx 8m	Approx 300m	Access	Lot 3

**Division 3 – Operational work**

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

**14.1) What is the nature of the operational work?**

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

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

Yes – specify number of new lots: \_\_\_\_\_

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?**

- Yes – a copy of the decision notice is attached to this development application
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- 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> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> <li>• <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i></li> <li>• <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i></li> </ul>
<i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>

## PART 7 – FURTHER DETAILS

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

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

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

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

### **Clearing native vegetation**

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

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

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

### **Environmental offsets**

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

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

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](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	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

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

A.C.N. - 167122287 ~~JPK FARMING PTY LTD~~ DBC RSA HOLDINGS PTY LTD

as owners of the premises identified as follows:

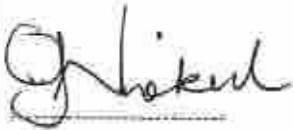
Lot 1 & Lot 3 on RP723067 being 110 Horse Creek Road Mutchilba

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

Neil Beck

on the premises described above for:

Reconfiguring a Lot (Boundary Realignment)



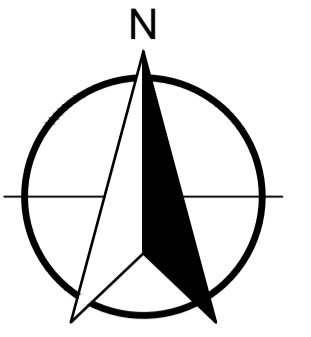
(Jan Gysbert van Niekerk)  
(Director)



(Jakobus Hendrik van Niekerk)  
(Director)



Dated 01 / 06 / 2023

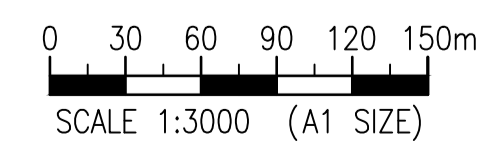
# ATTACHMENT 2 - PROPOSAL PLAN



**PLAN**  
SCALE 1:3000

**LEGEND**

-  PROPOSED BOUNDARY REALIGNMENT
-  ACCESS EASEMENT A & B (GENERALLY FOLLOW EXISTING ROAD AND PROVIDE ACCESS TO LOT3 RP723067)



Client					<b>NEIL BECK</b>				
Project					<b>HORSE CREEK ROAD LOT REALIGNMENT</b>				
Title					<b>LOT 1&amp;3 RP723067 BOUNDARY REALIGNMENT</b>				
JOB No.	Scale (A1 size)	Date	Drawing No.	Revision					
	1:3000	5 JUNE 2023							

## Attachment 3 - Assessment against Applicable Codes

### 6.2.9.3 Criteria for assessment

Table 6.2.9.3—Rural zone code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Height</b>			
<p><b>PO1</b> 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>AO1.1</b> Development, other than buildings used for rural activities, has a maximum building height of:</p> <p>(a) 8.5 metres; and</p> <p>(b) 2 storeys above ground level.</p>	N/A	No new buildings being proposed
	<p><b>AO1.2</b> Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.</p>	N/A	No new buildings being proposed
<b>Siting, where not involving a Dwelling house</b>			
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO2</b> Development is sited in a manner that considers and respects:</p> <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) air circulation and access to natural breezes;</li> <li>(e) appearance of building bulk; and</li> <li>(f) relationship with road corridors.</li> </ul>	<p><b>AO2.1</b></p> <p>Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> <li>(a) 40 metres from a frontage to a State-controlled road; and</li> <li>(b) 10 metres from a boundary to an adjoining lot.</li> </ul>	✓	
	<p><b>AO2.2</b></p> <p>Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.</p>	N/A	
	<p><b>AO2.3</b></p> <p>Buildings and structures, except where a Roadside stall, include a minimum setback of:</p> <ul style="list-style-type: none"> <li>(a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and</li> <li>(b) 100 metres from a frontage to any other road that is not a State-controlled road;</li> </ul>	N/A	
<b>Accommodation density</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO3</b> The density of Accommodation activities:</p> <p>(a) respects the nature and density of surrounding land use;</p> <p>(b) is complementary and subordinate to the rural and natural landscape values of the area; and</p> <p>(c) is commensurate to the scale and frontage of the site.</p>	<p><b>AO3.1</b></p> <p>Residential density does not exceed one dwelling house per lot.</p>	✓	Will comply
	<p><b>AO3.2</b></p> <p>Residential density does not exceed two dwellings per lot and development is for:</p> <p>(a) a secondary dwelling; or</p> <p>(b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m<sup>2</sup>; or</p> <p>(c) Rural worker's accommodation.</p>	N/A	
<b>For assessable development</b>			
<b>Site cover</b>			
<p><b>PO4</b> Buildings and structures occupy the site in a manner that:</p> <p>(a) makes efficient use of land;</p> <p>(b) is consistent with the bulk and scale of buildings in the surrounding area; and</p> <p>(c) appropriately balances built and natural features.</p>	<p><b>AO4</b> No acceptable outcome is provided.</p>	N/A	



Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO5</b> Development complements and integrates with the established built character of the Rural zone, having regard to:</p> <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>	<p><b>AO5</b> No acceptable outcome is provided.</p>	<p>N/A</p>	

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Amenity</b>			
<p><b>PO6</b> Development must not detract from the amenity of the local area, having regard to:</p> <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>	<p><b>AO6</b> No acceptable outcome is provided.</p>	✓	Complies – No change to the rural nature of the area is being proposed.
<p><b>PO7</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <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>	<p><b>AO7</b> No acceptable outcome is provided.</p>	✓	Development will not have any negative environmental impacts

**Table 8.2.3.3—Bushfire hazard overlay code — For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Water supply for fire-fighting purposes</b>			
<p><b>PO1</b> Development where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b> maintains the safety of people and property by providing an adequate, accessible and reliable water supply for fire-fighting purposes which is safely located and has sufficient flow and pressure characteristics.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p><b>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</b></p> <p><b>AO1.1</b> Where in a reticulated water service area, the on-site water supply has flow and pressure characteristics of 10 litres a second at 200 kPa.</p> <p>OR</p>	N/A	
	<p><b>AO1.2</b> Where access to the reticulated water network is not available, a minimum on site water storage of 5,000 litres is provided that must comprise:</p> <p>(a) a separate tank; or (b) a reserve section in the bottom part of the main water supply tank; or (c) a dam; or (d) a swimming pool.</p> <p>Note—Where a water tank is provided for fire-fighting purposes it is fitted with standard rural fire brigade fittings and the tank is provided with a hardstand area for heavy vehicles.</p>	✓	Will comply. Future dwelling on Lot 1 will be provided with necessary water storage.
<b>For assessable development</b>			
<b>Land use</b>			
<p><b>PO2</b> Development within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b> is appropriate to the bushfire hazard risk having regard to the:</p> <p>(a) the bushfire risk compatibility of development; (b) the vulnerability of and safety risk to persons associated with the</p>	<p><b>AO2</b> All buildings, structures, infrastructure and facilities associated with the following uses are located outside any area of the site located within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b>:</p> <p>(a) child care centre; or (b) community care centre; or (c) correctional facility; or (d) educational establishment; or</p>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>(c) use; and consequences of bushfire in regard to impacts on essential infrastructure, buildings and structures.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>(e) emergency services; or (f) hospital; or (g) residential care facility; or (h) retirement facility; or (i) rooming accommodation; or (j) shopping centre; or (k) tourist park; or (l) tourist attraction.</p>		
<b>Lot design</b>			
<p><b>PO3</b> Reconfiguring a lot within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b> minimises the potential adverse impacts of bushfire on the safety of people, property and the environment through lot design that:</p> <p>(a) is responsive to the nature and extent of bushfire risk; and (b) allows efficient emergency access to buildings for fire-fighting appliances.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p><b>Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o)</b></p> <p><b>AO3.1</b> No new lots are created.</p> <p>OR</p> <p><b>AO3.2</b> All lots include a building envelope that achieves a radiant heat flux level of 29kW/m<sup>2</sup> at the perimeter of the building envelope.</p> <p>Note—Where a radiant heat flux of 29kW/m<sup>2</sup> is achieved and this relies on cleared or maintained land external to the land the subject of the development application it must be demonstrated that land external to the site will be maintained to a standard that does not exceed the level of bushfire hazard identified in a Bushfire hazard management plan.</p>	<p>Considered to comply or can be conditioned to comply.</p>	<p>Assessment is considered to be limited to Lot 1</p> <p>As detailed in the report, further consideration of this issue is best deferred to the building application stage. At present, the future location of a dwelling on Lot 1 is proposed.</p> <p>It is acknowledged and accepted that the overlay code will need to be complied with at the time of seeking to construct a dwelling on Lot 1.</p>
<b>Firebreaks and access</b>			
<p><b>PO4</b> In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b>, vehicular access is designed to mitigate against bushfire hazard by:</p> <p>(a) ensuring adequate access for fire-fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents</p>	<p><b>AO4.1</b> In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b>, roads are designed and constructed:</p> <p>(a) with a maximum gradient of 12.5%; (b) to not use cul-de-sacs; and (c) a constructed road width and weather standard complying with Planning</p>	<p>✓</p>	<p>Suitable access is available by the existing access driveway / road servicing the two allotments.</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; and providing for the separation of developed areas and adjacent bushland.</p> <p>(c)</p> <p>Note—Where it is not practicable to provide firebreaks in accordance with A04.2 Fire Maintenance Trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation;</li> <li>ii. the minimum cleared width not less than 6 metres;</li> <li>iii. the formed width is not less than 2.5 metres;</li> <li>iv. the formed gradient is not greater than 15%;</li> <li>v. vehicular access is provided at both ends;</li> <li>vi. passing bays and turning areas are provided for fire-fighting appliances located on public land.</li> </ul> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>Scheme Policy 4 - FNQROC Regional Development Manual.</p> <p><b>A04.2</b> In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b>, firebreaks are provided:</p> <ul style="list-style-type: none"> <li>(a) consisting of a perimeter road that separates lots from areas of bushfire hazard;</li> <li>(b) a minimum cleared width of 20 metre;</li> <li>(c) a maximum gradient of 12.5%; and</li> <li>(d) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual.</li> </ul>	<p>✓</p>	<p>This aspect is best addressed at the time of seeking to build on Lot 1.</p>
<b>Hazardous materials</b>			
<p><b>PO5</b> Public safety and the environment are not adversely affected by the detrimental impacts of bushfire of hazardous materials manufactured or stored in bulk.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p><b>A05</b> The processing or storage of dangerous goods or hazardous materials is not undertaken in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b>.</p>	<p>N/A</p>	
<b>Landscaping</b>			
<p><b>PO6</b> Landscaping within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the</p>	<p><b>A06</b> No acceptable outcome is provided.</p>	<p>N/A</p>	<p>No landscaping is being proposed</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>Bushfire hazard overlay maps (OM-003a-o)</b> does not result in a material increase in the extent, duration or severity of bushfire hazard having regard to:</p> <ul style="list-style-type: none"> <li>(a) fire ecology;</li> <li>(b) slope of site; and</li> <li>(c) height and mix of plant species.</li> </ul> <p>Note—Frost hollows and the associated grass kill facilitates a rapid curing of fuel and exacerbates bushfire hazard.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>			
<b>Infrastructure</b>			
<p><b>PO7</b> Infrastructure services located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b> are protected from damage or destruction in the event of a bushfire.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p><b>A07</b> The following infrastructure services are located below ground:</p> <ul style="list-style-type: none"> <li>(a) water supply;</li> <li>(b) sewer;</li> <li>(c) electricity;</li> <li>(d) gas; and</li> <li>(e) telecommunications</li> </ul>	N/A	No urban services are available to the site
<b>Private driveways</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO8</b> All premises located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the <b>Bushfire hazard overlay maps (OM-003a-o)</b> are provided with vehicular access that enables safe evacuation for occupants and easy access by fire-fighting appliances.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p><b>A08</b></p> <p>Private driveways:</p> <ul style="list-style-type: none"> <li>(a) do not exceed a length of 60 metres from the street frontage;</li> <li>(b) do not exceed a gradient of 12.5%;</li> <li>(c) have a minimum width of 3.5 metres;</li> <li>(d) have a minimum vertical clearance of 4.8 metres;</li> <li>(e) accommodate turning areas for fire-fighting appliances in accordance with the Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and</li> <li>(f) serve no more than three dwellings or buildings.</li> </ul>	<p>✓</p>	<p>Suitable access exists to service Lot 1.</p>

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

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Area and frontage of lots</b>			
<p><b>PO1</b></p> <p>Lots include an area and frontage that:</p> <p>(a) is consistent with the design of lots in the surrounding area;</p> <p>(b) allows the desired amenity of the zone to be achieved;</p> <p>(c) is able to accommodate all buildings, structures and works associated with the intended land use;</p> <p>(d) allow the site to be provided with sufficient access;</p> <p>(e) considers the proximity of the land to:</p> <p>(i) centres;</p> <p>(ii) public transport services; and</p> <p>(iii) open space; and</p> <p>(f) allows for the protection of environmental features; and</p> <p>(g) accommodates site constraints.</p>	<p><b>AO1.1</b></p> <p>Lots provide a minimum area and frontage in accordance with <b>Table 9.4.4.3B</b>.</p>	N/A	<p>Suspended by introduction of TLPI</p> <p>Refer to comments in the Planning Report</p>
<b>Existing buildings and easements</b>			
<p><b>PO2</b></p> <p>Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <p>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</p> <p>(b) any continuing use is not compromised by the reconfiguration.</p>	<p><b>AO2.1</b></p> <p>Each land use and associated infrastructure is contained within its individual lot.</p>	✓	An easement being created over Lot 1 in favour of Lot 3.
	<p><b>AO2.2</b></p> <p>All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	✓	Complies



Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO3</b></p> <p>Reconfiguring a lot which contains an existing easement ensures:</p> <p>(a) future buildings, structures and accessways are able to be sited to avoid the easement; and</p> <p>(b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</p>	<p><b>AO3</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Boundary realignment</b>			
<p><b>PO4</b></p> <p>The boundary realignment retains all attendant and existing infrastructure connections and potential connections.</p>	<p><b>AO4</b></p> <p>No acceptable outcome is provided.</p>	✓	Complies
<b>Access and road network</b>			
<p><b>PO5</b></p> <p>Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <p>(a) safety;</p> <p>(b) drainage;</p> <p>(c) visual amenity;</p> <p>(d) privacy of adjoining premises; and</p> <p>(e) service provision.</p>	<p><b>AO5</b></p> <p>No acceptable outcome is provided.</p>	✓	Suitable access arrangements exist for both proposed lots. Access arrangements are consistent with the standard of the rural access driveways for rural lots in the general vicinity and more broadly.

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO6</b></p> <p>Reconfiguring a lot ensures that access to a lot can be provided that:</p> <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>	<p><b>AO6</b></p> <p>Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	✓	As above
<p><b>PO7</b></p> <p>Roads in the Industry zone are designed having regard to:</p> <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>	<p><b>AO7</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Rear lots</b>			
<p><b>PO8</b></p> <p>Rear lots are designed to:</p> <ul style="list-style-type: none"> <li>(a) provide a high standard of amenity for residents and other users of the site;</li> <li>(b) provide a high standard of amenity for adjoining properties; and</li> <li>(c) not adversely affect the safety and efficiency of the road from which access is gained.</li> </ul>	<p><b>AO8.1</b></p> <p>Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p>	N/A	
	<p><b>AO8.2</b></p> <p>No more than two rear lots are created behind any lot with a road frontage.</p>		

Performance outcomes	Acceptable outcomes	Complies	Comments
	<p><b>A08.3</b></p> <p>Access to lots is via an access strip with a minimum width of:</p> <p>(a) 4 metres where in the Low density residential zone or Medium density residential zone; or</p> <p>(b) 8 metres otherwise.</p>		
	<p><b>A08.4</b></p> <p>A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note—Figure A provides further guidance in relation to the desired outcome.</p>		
	<p><b>A08.5</b></p> <p>No more than 1 in 10 lots created in a new subdivision are rear lots.</p>		
	<p><b>A08.6</b></p> <p>Rear lots are not created in the Centre zone or the Industry zone.</p>		
<b>Crime prevention and community safety</b>			
<p><b>PO9</b></p> <p>Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to:</p> <p>(a) sightlines;</p> <p>(b) the existing and intended pedestrian movement network;</p> <p>(c) the existing and intended land use pattern; and</p> <p>(d) potential entrapment locations.</p>	<p><b>A09</b></p> <p>No acceptable outcome is provided.</p>	<p>✓</p>	<p>Not considered relevant to rural subdivision</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Pedestrian and cycle movement network</b>			
<p><b>PO10</b></p> <p>Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.</p>	<p><b>AO10</b></p> <p>No acceptable outcome is provided.</p>	✓	Not considered relevant to rural subdivision
<b>Public transport network</b>			
<p><b>PO11</b></p> <p>Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <p>(a) does not prejudice the future provision of the identified infrastructure;</p> <p>(b) appropriately treats the common boundary with the future corridor; and</p> <p>(c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement.</p>	<p><b>AO11</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Residential subdivision</b>			
<p><b>PO12</b></p> <p>Residential lots are:</p> <p>(a) provided in a variety of sizes to accommodate housing choice and diversity; and</p> <p>(b) located to increase variety and avoid large areas of similar lot sizes.</p>	<p><b>AO12</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Rural residential zone</b>			
<p><b>PO13</b></p> <p>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.</p>	<p><b>AO13</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Additional provisions for greenfield development only</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO14</b></p> <p>The subdivision design provides the new community with a local identity by responding to:</p> <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>	<p><b>AO14</b></p> <p>No acceptable outcome provided.</p>	N/A	
<p><b>PO15</b></p> <p>The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p><b>AO15</b></p> <p>No acceptable outcome provided.</p>	N/A	
<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>	N/A	
<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>	N/A	
<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>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO19</b></p> <p>Provision is made for sufficient open space to:</p> <p>(a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected;</p> <p>(b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and</p> <p>(c) meet regional, district and neighbourhood open space requirements.</p>	<p><b>AO19.1</b></p> <p>A minimum of 10% of the site area is dedicated as open space.</p>	N/A	
	<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>	N/A	
<p><b>PO20</b></p> <p>A network of parks and community land is provided:</p> <p>(a) to support a full range of recreational and sporting activities;</p> <p>(b) to ensure adequate pedestrian, cycle and vehicle access;</p> <p>(c) which is supported by appropriate infrastructure and embellishments;</p> <p>(d) to facilitate links between public open spaces;</p> <p>(e) which is co-located with other existing or proposed community infrastructure;</p> <p>(f) which is consistent with the preferred open space network; and</p> <p>(g) which includes a diversity of settings;</p>	<p><b>AO20</b></p> <p>No acceptable outcome is provided.</p>	N/A	

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

**and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Water supply</b>			
<p><b>PO1</b> Each lot has an adequate volume and supply of water that:</p> <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>	<p><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 – FNQROC Regional Development Manual other than where 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 water supply service area.</li> </ul>	N/A	
	<p><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:</p> <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>	✓	Requirement will be complied with at the time of constructing a dwelling on proposed Lot 1
<b>Wastewater disposal</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO2</b> Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <p>(a) meets the needs of users;</p> <p>(b) is adequate for fire-fighting purposes;</p> <p>(c) ensures the health, safety and convenience of the community; and</p> <p>(d) minimises adverse impacts on the receiving environment.</p>	<p><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:</p> <p>(a) in the Conservation zone, Rural zone or Rural residential zone; and</p> <p>(b) outside a reticulated sewerage service area.</p>	✓	No reticulated sewer system available
	<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> <p>(a) in the Conservation zone, Rural zone or Rural residential zone; and</p> <p>(b) outside a reticulated sewerage service area.</p>	✓	Adequate area available on site to dispose of effluent. An onsite wastewater report will be lodged and plumbing approval obtained prior to the issue of a Building Approval for any structure having a water closet on proposed Lot 1 Existing dwelling on Lot 3 serviced by onsite waste water facility .
<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>	N/A	



Performance outcomes	Acceptable outcomes	Complies	Comments
	<p><b>AO3.2</b> On-site drainage systems are constructed:</p> <p>(a) to convey stormwater from the premises to a lawful point of discharge; and</p> <p>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	✓	Will comply at a later date for proposed Lot 1
<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>(a) is connected to the electricity supply network; or</p> <p>(b) has arranged a connection to the transmission grid; or</p> <p>(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:</p> <p>(i) it is approved by the relevant regulatory authority; and</p> <p>(ii) it can be demonstrated that no air or noise emissions; and</p> <p>(iii) it can be demonstrated that no adverse impact on visual amenity will occur.</p>	✓	Reticulated power supply is available.
<b>Telecommunications infrastructure</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<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.	✓	Complies
<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 in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	N/A	
<b>Excavation or filling</b>			
<b>PO7</b> Excavation or filling must not have an adverse impact on the:  (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises.	<b>AO7.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	N/A	No excavation or filling works are proposed.
	<b>AO7.2</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.	N/A	No excavation or filling works are proposed.
	<b>AO7.3</b> Earthworks batters:  (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained.	N/A	No excavation or filling works are proposed

Performance outcomes	Acceptable outcomes	Complies	Comments
	<p><b>AO7.4</b></p> <p>Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <p>(a) adjoining premises; or  (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</p>	N/A	No excavation or filling works are proposed
	<p><b>AO7.5</b></p> <p>All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	✓	
	<p><b>AO7.6</b></p> <p>Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	N/A	
	<p><b>AO7.7</b></p> <p>Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	✓	
<b>For assessable development</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Transport network</b>			
<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.	<b>AO8.1</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.	✓	Access to road network available
	<b>AO8.2</b> Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	N/A	
<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.	✓	No assets being donated to Council
<b>Stormwater quality</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO10</b></p> <p>Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> <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</li> </ul>	<p><b>AO10.1</b></p> <p>The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> <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>	<p>✓</p>	<p>Is of little relevance to rural subdivision.</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
safety.	<p><b>AO10.2</b></p> <p>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 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>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO11</b></p> <p>Storage areas for stormwater detention and retention:</p> <p>(a) protect or enhance the environmental values of receiving waters;</p> <p>(b) achieve specified water quality objectives;</p> <p>(c) where possible, provide for recreational use;</p> <p>(d) maximise community benefit; and</p> <p>(e) minimise risk to public safety.</p>	<p><b>AO11</b></p> <p>No acceptable outcome is provided.</p>	N/A	
<b>Excavation or filling</b>			
<p><b>PO12</b></p> <p>Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p><b>AO12.1</b></p> <p>Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	N/A	
	<p><b>AO12.2</b></p> <p>Transportation of fill to or from the site does not occur:</p> <p>(a) within peak traffic times; and</p> <p>(b) before 7am or after 6pm Monday to Friday;</p> <p>(c) before 7am or after 1pm Saturdays; and</p> <p>(d) on Sundays or Public Holidays.</p>	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
<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.	✓	See comments above
	<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>	✓	Suitable access arrangements exist for both proposed lots. Access arrangements are consistent with the standard of the rural access driveways for rural lots in the general vicinity and more broadly.
<b>Weed and pest management</b>			
<b>PO15</b> Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	<b>AO15</b> No acceptable outcome is provided.	N/A	
<b>Contaminated land</b>			



Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO16</b></p> <p>Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants</p>	<p><b>AO16</b></p> <p>Development is located where:</p> <p>(a) soils are not contaminated by pollutants which represent a health or safety risk to users; or</p> <p>(b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	✓	Soils are not contaminated
<b>Fire services in developments accessed by common private title</b>			
<p><b>PO17</b></p> <p>Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p><b>AO17.1</b></p> <p>Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of:</p> <p>(a) 120 metres for residential development; and</p> <p>(b) 90 metres for any other development.</p>	N/A	
	<p><b>AO17.2</b></p> <p>Fire hydrants are located at all intersections of accessways or private roads held in common private title.</p>	N/A	

# Attachment 4 – Title Searches

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b> 20816152	<b>Search Date:</b> 01/06/2023 17:28
<b>Date Title Created:</b> 21/10/1970	<b>Request No:</b> 44614697
<b>Previous Title:</b> 20772009	

### ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 723067  
Local Government: MAREEBA

### REGISTERED OWNER

Dealing No: 715670122 21/03/2014

DBC RSA HOLDINGS PTY LTD A.C.N. 138 821 191 TRUSTEE  
UNDER INSTRUMENT 715670122

### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20772009 (Lot 1 on RP 723067)
2. MORTGAGE No 718593635 22/02/2018 at 10:56  
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

### ADMINISTRATIVE ADVICES

NIL

### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b> 20816153	<b>Search Date:</b> 01/06/2023 17:30
<b>Date Title Created:</b> 21/10/1970	<b>Request No:</b> 44614781
<b>Previous Title:</b> 20772009	

#### ESTATE AND LAND

Estate in Fee Simple

LOT 3 REGISTERED PLAN 723067  
Local Government: MAREEBA

#### REGISTERED OWNER

Dealing No: 715670122 21/03/2014

DBC RSA HOLDINGS PTY LTD A.C.N. 138 821 191 TRUSTEE  
UNDER INSTRUMENT 715670122

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20772009 (Lot 3 on RP 723067)
2. MORTGAGE No 718593635 22/02/2018 at 10:56  
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*