

8.1 W & R BLUNDELL - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 30 & 31 ON SP284537 - 37 & 50 COBRA ROAD, MAREEBA - RAL/23/0015

Date Prepared: 8 January 2024
Author: Coordinator Planning Services
Attachments: 1. Proposal Plans

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	W & R Blundell	ADDRESS	37 & 50 Cobra Road, Mareeba
DATE LODGED	2 November 2023	RPD	Lots 30 & 31 on SP284537
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		
FILE NO	RAL/23/0015	AREA	Lot 30 – 67.664 ha Lot 31 – 30.92 ha
LODGED BY	U&i Town Plan	OWNER	Lot 30 – WR & R Blundell Lot 31 – R & J Perkes
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016, as amended by TLPI No. 01 of 2021		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

The applicants propose to reconfigure the common boundary between both allotments, by way of boundary realignment only (no additional allotment/s created). The boundary realignment will transfer approximately 13.63 hectares of agricultural land from proposed Lot 87 and include it as part of proposed Lot 88.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 as amended by TLPI No. 01 of 2021, and is in conflict with certain purpose statements in the Rural zone code, as well as performance outcome PO1.1 of the Reconfiguring a lot code which seek to discourage the creation of any lot below 60 hectares within the Rural zone.

Existing Lot 31 is already below 60 hectares and will remain below 60 hectares following the boundary realignment. No new lot will be created below 60 hectares.

The Mareeba Shire Council Planning Scheme 2016 contains a hierarchy of assessment benchmarks.

The Strategic Framework are the highest order assessment benchmarks contained in the Planning Scheme and hold more weight than the Rural zone code and reconfiguring a lot code. An officer assessment has determined that despite the identified conflicts with the lower order Rural zone code and reconfiguring a lot code provisions mentioned above, the proposed boundary realignment meets the intent of the Strategic Framework, in that the development will reduce agricultural land fragmentation and does not alienate productive agricultural land.

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	W & R Blundell	ADDRESS	37 & 50 Cobra Road, Mareeba
DATE LODGED	2 November 2023	RPD	Lots 30 & 31 on SP284537
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PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
SP284537 (as amended)	Plan of Lots 30 & 31	-	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

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

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

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

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

- 3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

3.6 Charges

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

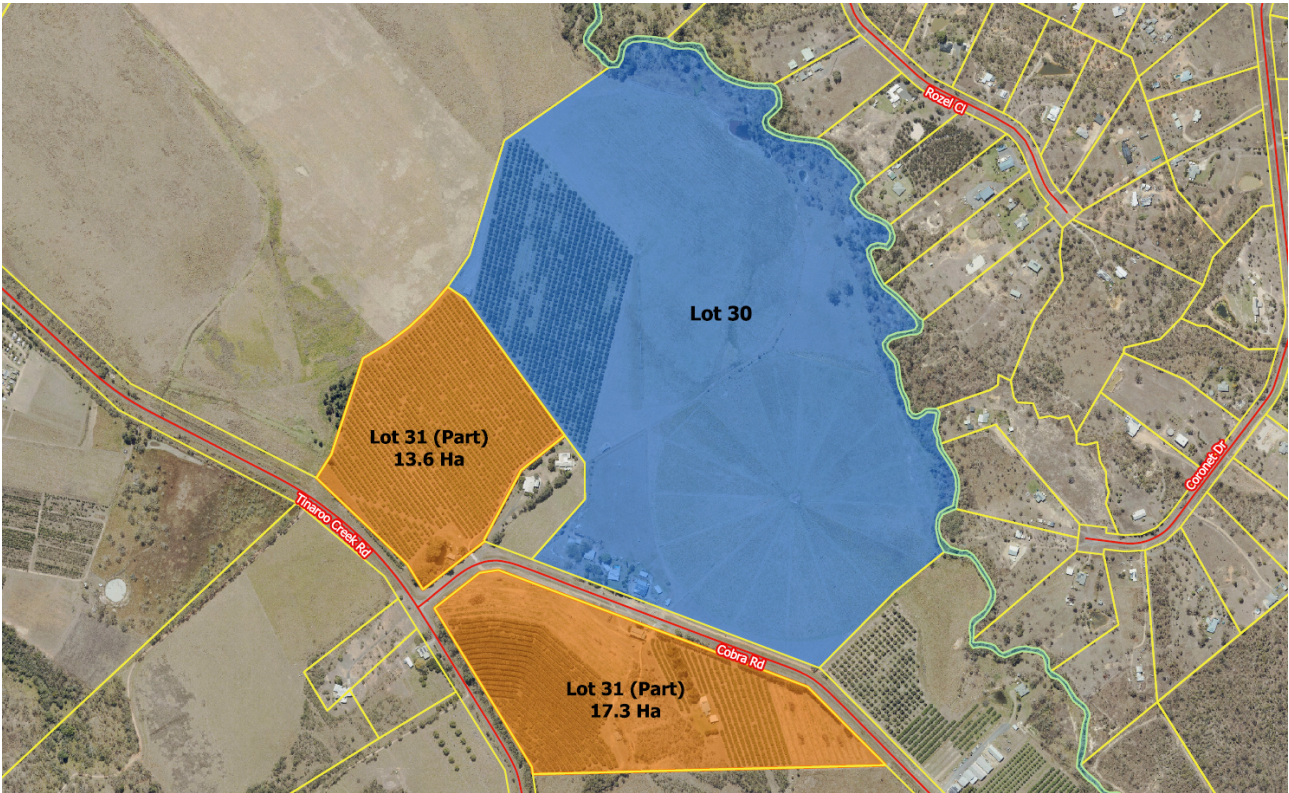
The subject site comprises of the following allotments:

- Lot 30 on SP284537, situated at 37 Cobra Road, Mareeba, having an area of 67.664 hectares, with a frontage of 566 metres to Cobra Road; and
- Lot 31 on SP284537, situated at 50 Cobra Road, Mareeba, having an area of 30.92 hectares, with frontages of approximately 629 metres to Tinaroo Creek Road and 950 metres to Cobra Road.

Tinaroo Creek Road and Cobra Road are both formed to bitumen sealed standard for the entire frontage of both allotments. Access to both allotments is obtained directly off these roads.

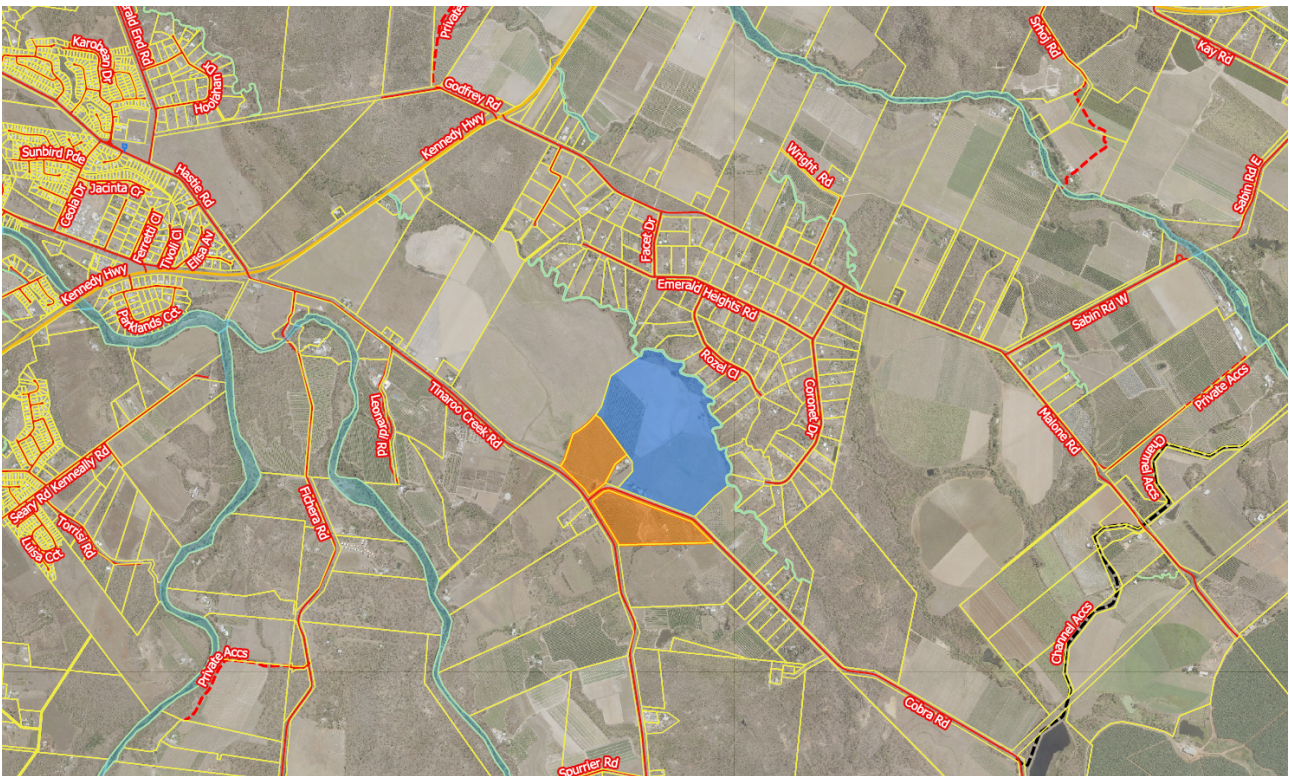
A farm residence, caretaker's residence and multiple farm sheds are established on Lot 31. A farm residence and multiple farm sheds are established on Lot 30. The majority of both allotments has been cleared for farming purposes, with a narrow belt of remnant vegetation remaining along Cobra Creek. Cobra Creek forms the north-eastern boundary of Lot 30. Extensive agriculture and horticulture activities are carried out over the majority of both allotments.

Adjoining properties are used for various rural purposes including agriculture, grazing and rural living. The Emerald Heights rural residential estate is located immediately to the east on the opposite side of Cobra Creek.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

On 16 August 2016, Council by delegated authority issued a development permit DA/16/0049 for Reconfiguring a Lot – Boundary Realignment over Lot 20 on SP184955 and Lot 22 on SP227510, situated at 37 & 50 Cobra Road, Mareeba.

The boundary realignment was finalised with the registration of survey plan SP284537 on 25 October 2016.

The current application proposes to reverse the change made under DA/16/0049 by returning both lots to the configuration they were in at the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016.

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The proposed allotments are:

- Lot 87, an area of 17.29 hectares, frontages of 953 metres to Cobra Road and 343 metres to Tinaroo Creek Road;
- Lot 88, an area of 81.294 hectares, 710 metres frontage to Cobra Road and 285 metres frontage to Tinaroo Creek Road.

The realignment would move approximately 13.63 hectares from existing Lot 31 and include this area as part of proposed Lot 30. The area to be transferred includes a maturing lime tree orchard and associated caretaker's residence.

The transfer of the 13.63 hectare portion into Lot 31 allows it to be farmed in conjunction with a similarly sized orchard (within Lot 31) directly to the north-east.

REGIONAL PLAN DESIGNATION

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

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

<p>Strategic Framework:</p>	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Rural Area <ul style="list-style-type: none"> - Rural Agricultural Area - Rural Other <p>Natural Environment Elements</p> <ul style="list-style-type: none"> • Biodiversity Areas
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	Transport Elements <ul style="list-style-type: none"> Principal Cycle Routes
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Hill and slope overlay

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement Pattern and built environment

3.3.1 Strategic outcomes

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

Comment

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

In their current configuration, existing Lot 31 is already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment will transfer approximately 13.63 hectares of agricultural land from proposed Lot 87 and include it as part of proposed Lot 88.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land as all agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks. The removal of this common boundary is a reduction in fragmentation.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

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

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

Comment

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

In their current configuration, existing Lot 31 is already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The proposed boundary realignment will not result in any new or additional rural living allotment.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land as all agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks. The removal of this common boundary is a reduction in fragmentation.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

The proposed development does not conflict with Strategic Outcome 6.

3.3.11 Element - Rural areas

3.3.11.1 Specific outcomes

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

Comment

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

In their current configuration, existing Lot 31 is already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land as all agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks. The removal of this common boundary is a reduction in fragmentation.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

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

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

Comment

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

In their current configuration, existing Lot 31 is already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land as all agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks. The removal of this common boundary is a reduction in fragmentation.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

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

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

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

Comment

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

The proposed development does not compromise Strategic Outcome 6.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code

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

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	<p>The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as both lots will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	<p>The application conflicts with the following performance outcome:</p> <ul style="list-style-type: none"> • PO1.1

	Despite conflicting with the abovementioned performance outcome, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition of approval will be included requiring all development works be designed and constructed/upgraded in accordance with FNQROC Development Manual standards.

(E) Adopted Infrastructure Charges Notice

Not applicable as the proposed development is for a boundary realignment and no additional vacant allotment will be created.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 22 November 2023 to 13 December 2023. The applicant submitted the notice of compliance on 15 December 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

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

6.2.9 Rural zone code

6.2.9.2 Purpose

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

Comment

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone.

In their current configuration, existing Lot 31 is already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment will transfer approximately 13.63 hectares of agricultural land from proposed Lot 87 and include it as part of proposed Lot 88.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land as all agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks. The removal of this common boundary is a reduction in fragmentation.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

Despite not complying with Purpose (3)(a) of the Rural zone code, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will reduce fragmentation and does not compromise or alienate productive agricultural land.

9.4.4 Reconfiguring a lot code

Area and frontage of lots - Rural zone

PO1.1

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

Note: This also applies to applications for boundary realignment

AO1.1

No acceptable outcome is provided.

Comment

The application conflicts PO1.1 as the area of proposed Lot 87 will be less than 60 hectares.

The application will not result in the creation of a new lot less than 60 hectares as Lot 31 (proposed Lot 87) is already less than 60 hectares (30.92 hectares).

The boundary realignment will move 13.63 hectares of agricultural land from existing Lot 31 into Lot 30.

The 13.63 hectares includes a farm dam, caretaker's residence and an orchard which is established over the majority of the land.

The boundary realignment does not result in the loss (alienation) of any agricultural land.

All agricultural land on both allotments will continue to be used for agriculture following the realignment.

The proposed boundary realignment will improve the efficiency of the horticultural activities on Lot 30 and the northern portion of Lot 31 by allowing interconnection of farming activities and irrigation infrastructure.

The extinguishment of the common boundary between Lot 30 and the northern portion of Lot 31 frees up approximately 350m by 10m (3,500m²) of land for agricultural activities. This land would otherwise be set aside for fencing and firebreaks.

Sufficient town planning grounds to approve the application despite the conflict with PO1.1.

The boundary realignment will reverse a 2016 boundary realignment and return each lot to the state it was in at the commencement of the planning scheme in July 2016.

Despite not complying with PO1.1, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will reduce fragmentation and does not compromise or alienate productive agricultural land.