

From: Stephen Whitaker
Sent: 18 Jan 2018 17:09:58 +1000
To: Info (Shared);Planning (Shared)
Cc: Dominic Hammersley;Brian Millard
Subject: New Development Application for ROL under Superseded Planning Scheme - 77 Barnwell Road - Easton and Martin
Attachments: Attachment C.PDF, Attachment D.PDF, Attachment E.PDF, Attachment F.PDF, Attachment G.PDF, Attachment H.PDF, Town Planning Report.pdf, Attachment A.PDF, Attachment B.PDF

Good Afternoon,

On behalf of the Applicants, Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin, please find attached a superseded planning scheme application made over land at 77 Barnwell Road, Kuranda seeking a Development Permit for Reconfiguring a Lot.

Please don't hesitate to contact us should you have any queries in relation to this application.

Kind Regards,
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Attachment C

Statement of Code Compliance

Statement of Code Compliance

Mareeba Shire Planning Scheme 2004

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|---|---|
| 1 | Myola Zone Code |
| 2 | Reconfiguring a Lot Code |
| 3 | Natural and Cultural Heritage Features Overlay Code |
| 4 | Natural Disaster – Bushfire Overlay Code |

1. Myola Zone Code

4.125 Building Siting, Scale and Amenity

Not Applicable – The proposed development involves the reconfiguration of the site and does not involve the siting of any buildings.

4.126 Reconfiguring a Lot

Specific Outcomes	Probable Solutions	Response
For Code Assessable Development		
For Myola Precinct “A”		
<p>S1 Each new lot intended for residential use has adequate area to allow for:</p> <ul style="list-style-type: none"> (i) a dwelling house and ancillary buildings and structures to be erected in a location that is convenient and, as far as practicable, avoids placing people and works at risk from flooding or other hazard; and (ii) protection of ridgelines and waterways as identified on Map N1, and (iii) minimal clearing of vegetation; and (iv) reasonable vehicular access for a car from the road to the dwelling site. 	<p>PS1.1 If the site:</p> <ul style="list-style-type: none"> (a) is not located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; and (b) does not include ridgelines, waterways or scenic areas as identified on Map N1; and (c) has a gradient of less than 15%; <p>each new lot or separate part of a lot intended for residential use, has the following:</p> <ul style="list-style-type: none"> (i) a minimum area of 600m² and maximum area of 1,000m²; and (ii) a minimum frontage of 20m; <p>OR</p> <p>PS1.2 If the site:</p> <ul style="list-style-type: none"> (a) is located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; or (b) includes ridgelines, waterways or scenic areas as identified on Map N1; and (c) has a gradient greater than 15%; and <p>each new lot intended for residential use, has the following :</p> <ul style="list-style-type: none"> (i) a minimum area of 4,000m²; and (ii) a minimum frontage of 50m. 	<p>R1.1 Not Applicable</p> <p>The site includes ridgelines and waterways and includes areas with a gradient greater than 15%. PS1.1 is therefore not applicable in this instance.</p> <hr/> <p>R1.2 Complies</p> <p>The extent of the proposed development located within Precinct A is limited to a small area in the west of the site. Lots within this area (part of Lot 8 and Lot 9) have a land area exceeding 4,000m² and includes frontages exceeding 50 metres.</p>
<p>S2 Each new lot is capable of being connected to the following:</p> <ul style="list-style-type: none"> (i) reticulated water supply; 	<p>PS2 No acceptable solution prescribed.</p>	<p>R2 Alternative Solution (as no Acceptable Outcome is provided)</p>

Specific Outcomes	Probable Solutions	Response
(ii) reticulated sewerage infrastructure; (iii) urban drainage system; (iv) underground power supply; and telecommunications.		<p>The extent of the proposed development located within Precinct A is limited to a small area in the west of the site. The manner in which infrastructure services will be provided to the site is consistent with that intended to occur in Precinct C, within which the majority of the site is designated.</p> <p>The proposed residential lots are capable of being connected to an appropriate level of infrastructure services. With respect to sewerage infrastructure, it is acknowledged that on-site sewerage infrastructure is proposed. The proposed lots are, however, capable of being provided with a connection to a reticulated sewerage infrastructure network in the future, therefore complying with S2.</p> <p>The proposed development involves a non-urban residential subdivision of the site. The Overall Outcomes of the zone code applicable to Precinct A contemplate urban residential development in this precinct and this is reflected in the level of infrastructure services intended under S2 (i.e. a higher level of wastewater treatment was contemplated in support of urban subdivision).</p> <p>The proposed development does not prevent the future development of the site for urban residential purposes, such as through the further subdivision of the proposed lots or the intensification of their use, at which time, urban infrastructure services, such as connections to a reticulated sewerage network, are capable of being provided.</p>
S3 New roads are to an urban standard.	PS3 New roads are designed and constructed in accordance with the Planning Scheme Policy 4- Development Manual.	R3 Can Comply The proposed subdivision layout has been designed to facilitate the delivery of roads consistent with relevant FNQROC standards.
S4 New lots are designed to ensure vegetation is retained and wild life corridors (wildlife corridors are identified as Category B on Map V1) are maintained and not obstructed.	PS4 Subdivision layout design retains vegetation and community of trees to facilitate free and uninterrupted movements of wildlife.	R4 Complies The proposed lot layout has been specifically designed to retain vegetated corridors, particularly along waterways. These corridors will support movement of wildlife through the site.
S5 Accessible and convenient public open space is provided for the recreation and well being of the community.	PS5.1 Land for parks and recreation is provided in accordance with Planning Scheme Policy 5 - Open Space Contribution or	R5 Alternative Solution The proposed development will be subject to infrastructure charges calculated in accordance with

Specific Outcomes	Probable Solutions	Response
	<p>PS5.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution.</p> <p>PS5.3 Access is in accordance with AS1428-Design for Access and Mobility to infrastructure associated with development of public open space for community recreation use.</p>	Council's resolution. The proposed development involves the provision of extensive drainage reserves which have the capacity to support a range of recreational functions.
S6 Augmentation of the road network servicing the development is provided	P6.1 A cash contribution is paid as laid out in the Planning Scheme Policy 6 -Augmentation of the Road Network101	R6 Alternative Solution The proposed development will be subject to infrastructure charges calculated in accordance with Council's resolution.
For Myola Precinct "B"		
<p>S1 Each new lot intended for residential use has adequate area to allow for:</p> <p>(i) a dwelling house and ancillary buildings and structures to be erected in a location that is convenient and, as far as practicable, avoids placing people and works at risk from flooding or other hazard; and</p> <p>(ii) protection of ridgelines and waterways as identified on Map N1, and</p> <p>(iii) minimal clearing of vegetation; and</p> <p>(iv) reasonable vehicular access for a car from the road to the dwelling site.</p>	<p>PS1.1 If the site:</p> <p>(a) is not located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; and</p> <p>(b) does not include ridgelines, waterways or scenic areas as identified on Map N1; and</p> <p>(c) has a gradient of less than 15%;</p> <p>each new lot or separate part of a lot intended for residential use, has the following:</p> <p>(i) a minimum area of 600m² and maximum area of 1,000m²; and</p> <p>(ii) a minimum frontage of 20m;</p> <p>OR</p> <p>PS1.2 If the site:</p> <p>(a) is located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; or</p> <p>(b) includes ridgelines, waterways or scenic areas as identified on Map N1;and</p> <p>(c) has a gradient greater than 15%;and</p> <p>each new lot intended for residential use, has the following :</p> <p>(i) a minimum area of 4,000m²; and</p> <p>(ii) a minimum frontage of 50m.</p>	<p>R1 Not Applicable</p> <p>The site is not located within Myola Precinct B.</p>
<p>S2 Each new lot is capable of being connected to the following:</p> <p>(i) reticulated water supply;</p>	PS2 No acceptable solution prescribed.	<p>R2 Not Applicable</p> <p>The site is not located within Myola Precinct B.</p>

Specific Outcomes	Probable Solutions	Response
(ii) reticulated sewerage infrastructure; (iii) urban drainage system; (iv) underground power supply; and telecommunications.		
S3 Each new lot is capable of being accessed, via a road crossing of Barron River directly linking Precinct A and Precinct B, with a flood immunity of greater than Q10.	PS3 No acceptable solution prescribed.	R3 Not Applicable The site is not located within Myola Precinct B.
S4 New roads are constructed to an urban standard.	PS4 New roads are designed and constructed in accordance with the Planning Scheme Policy 4- Development Manual.	R4 Not Applicable The site is not located within Myola Precinct B.
S5 New lots are designed to ensure vegetation is retained and wild life corridors (wildlife corridors are identified as Category B on Map V1) are maintained and not obstructed.	PS5 Subdivision layout design retains vegetation and community of trees to facilitate free and uninterrupted movements of wildlife.	R5 Not Applicable The site is not located within Myola Precinct B.
S6 Accessible and convenient public open space is provided for the recreation and well being of the community.	PS6.1 Land for parks and recreation is provided in accordance with Planning Scheme Policy 5 - Open Space Contribution or PS6.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution PS6.3 Access is in accordance with AS1428-Design for Access and Mobility to infrastructure associated with development of public open space for community recreation use.	R6 Not Applicable The site is not located within Myola Precinct B.
S7 Augmentation of the road network servicing the development is provided	PS7 A cash contribution is paid as laid out in the Planning Scheme Policy 6 -Augmentation of the Road Network	R7 Not Applicable The site is not located within Myola Precinct B.
For Myola Precinct "C"		
S1 Each new lot intended for residential use has adequate area to allow for: (i) a dwelling house and ancillary buildings and structures to be erected in a location that is convenient and, as far as practicable, avoids placing people and works at risk from flooding or other hazard; and (ii) protection of ridgelines and waterways as identified on Map N1, and	PS1.1 If the site: (a) is not located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; and (b) does not include ridgelines, waterways or scenic areas as identified on Map N1; and (c) has a gradient of less than 15%; each new lot or separate part of a lot intended for residential use, has the following:	R1.1 Not Applicable The site includes ridgelines and waterways and includes areas with a gradient greater than 15%. PS1.1 is therefore not applicable in this instance.

Specific Outcomes	Probable Solutions	Response
<p>(iii) minimal clearing of vegetation; and (iv) reasonable vehicular access for a car from the road to the dwelling site.</p>	<p>(i) a minimum area of 4000m² to 2 hectares with an average of 8000m² and (ii) a minimum frontage of 50m; OR</p> <p>PS1.2 If the site:</p> <p>(a) is located within Category B vegetation area as identified on Significant Vegetation Overlay Map V1; or (b) includes ridgelines, waterways or scenic areas as identified on Map N1;and (c) has a gradient greater than 15%;and each new lot intended for residential use, has the following :</p> <p>(i) a minimum area of 4,000m² to 2 hectares with an average of 8000 m² ; and (ii) a minimum frontage of 50m.</p>	<p>R1.2 Alternative Solution</p> <p>The extent of the proposed development located within Precinct C includes lots with a land area of 4,000m² or greater. The average lot size in this area is 10,547m², well above the 8,000m² discussed in PS1.2. In most instances, a minimum frontage of 50 metres has been provided. In select instances, the frontage of the proposed lots is less than 50 metres.</p> <p>In instances where a frontage of less than 50 metres is proposed it is noted that:</p> <ul style="list-style-type: none"> • Sufficient land area exists to improve the sites with a dwelling house and associated infrastructure, where in many instances the proposed lots are well above the minimum size of 4,000m²; • The proposed lots are appropriately located and designed to ensure that residents are not subject to danger associated with natural hazards. • The proposed lot layout has been specifically designed to avoid and protect areas of significant vegetation, particularly along waterways. • The large size of lots proposed will allow for the retention of vegetation within lots, if desired, whilst providing land for residential improvements. • The proposed lot layout has been designed in response to the natural slope of the site. • All lots are provided with sufficient frontage to achieve vehicular access from a road. <p>On this basis, it is considered that the proposed development achieves compliance with S1.</p>

Specific Outcomes	Probable Solutions	Response
<p>S2 Each new lot is capable of being connected to the following:</p> <p>(a) a suitable potable water supply; and</p> <p>(b) a suitable sewerage disposal system; and</p> <p>(c) an appropriate urban drainage system; and</p> <p>(d) underground power supply; and telecommunications.</p>	<p>PS2.1 Lots are connected to reticulated water and sewerage to the standards as stated in Planning Scheme Policy 4 - Development Manual (sections D6 and D7) in towns where these services are available;</p> <p>OR</p>	<p>R2.1 Not Applicable</p> <p>The proposal will comply with PS2.2.</p>
	<p>PS2.2</p> <p>(i) Lots are provided with a water supply in accordance with Planning Scheme Policy 1 – Water Supply (Outside Reticulated Water Supply Areas); and</p> <p>(ii) On site sewage disposal facilities are provided in accordance with the Plumbing and Drainage Act 2002.</p>	<p>R2.2 Will Comply</p> <p>The proposed lots are intended to be serviced by a reticulated water supply network and on-site sewerage systems, at the time of Dwelling House development.,</p>
	<p>PS2.3 Lots are provided with underground electricity and telephone supplies.</p>	<p>R2.3 Can Comply</p> <p>Appropriate electrical and telecommunications connections will be provided to each lot.</p>
	<p>PS2.4 Stormwater drainage systems are provided in accordance with the Planning Scheme Policy 4 – Development Manual S4.</p>	<p>R2.4 Can Comply</p> <p>Stormwater drainage infrastructure can be provided in compliance with PS2.4.</p>
<p>S3 New roads are constructed to an urban standard.</p>	<p>PS3 New roads are designed and constructed in accordance with the Planning Scheme Policy 4- Development Manual.</p>	<p>R3 Can Comply</p> <p>The proposed subdivision layout has been designed to facilitate the delivery of roads consistent with relevant FNQROC standards.</p>
<p>S4 New lots are designed to ensure vegetation is retained and wild life corridors (wildlife corridors are identified as Category B on Map V1) are maintained and not obstructed.</p>	<p>PS4 Subdivision layout design retains vegetation and community of trees to facilitate free and uninterrupted movements of wildlife.</p>	<p>R4 Complies</p> <p>The proposed lot layout has been specifically designed to retain vegetated corridors, particularly along waterways. These corridors will support movement of wildlife through the site.</p>
<p>S5 Accessible and convenient public open space is provided for the recreation and well being of the community.</p>	<p>PS5.1 Land for parks and recreation is provided in accordance with Planning Scheme Policy 5 - Open Space Contribution or.104</p>	<p>R5 Alternative Solution</p> <p>The proposed development will be subject to infrastructure charges calculated in accordance with Council's resolution. The proposed development involves the provision of extensive drainage reserves which have the capacity to support a range of recreational functions.</p>
	<p>PS5.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution</p>	
	<p>PS5.3 Access is in accordance with AS1428-Design for Access and Mobility to infrastructure associated with development of public open space for community recreation use.</p>	

Specific Outcomes	Probable Solutions	Response
S6 Augmentation of the road network servicing the development is provided	PS6 A cash contribution is paid as laid out in the Planning Scheme Policy 6 -Augmentation of the Road Network	R6 Alternative Solution The proposed development will be subject to infrastructure charges calculated in accordance with Council's resolution.
For Myola Precinct "D"		
S1 A choice of residential allotments are provided on steeper and heavily vegetated land and provided with most conventional urban services such as underground power, sealed roads, urban drainage but not connected to reticulated water and sewerage	PS1 (i) The minimum lot size is 2 hectares, with an average area of 4 hectares; and (ii) The minimum frontage is eighty (80) metres.	R1 Not Applicable The site is not located within Myola Precinct D.
S2 New roads are constructed to an urban standard.	PS2 New roads are designed and constructed in accordance with the Planning Scheme Policy 4- Development Manual.	R2 Not Applicable The site is not located within Myola Precinct D.
S3 Waterways within the precinct are retained in their natural state to protect scenic and environmental values.	PS3 Riparian buffers may be considered as Open Space contribution where appropriate and is retained or restored to a natural condition and included in the Conservation zone	R3 Not Applicable The site is not located within Myola Precinct D.
S4 New lots are designed to ensure vegetation is retained and wild life corridors (wildlife corridors are identified as Category B on Map V1) are maintained and not obstructed.	PS4 Subdivision layout design retains vegetation and community of trees to facilitate free and uninterrupted movements of wildlife.	R4 Not Applicable The site is not located within Myola Precinct D.
S5 Each new lot is capable of being connected to the following: (a) a suitable potable water supply; and (b) a suitable sewerage disposal system; and (c) an appropriate urban drainage system; and (d) underground power supply; and telecommunications.	PS5.1 (i) Lots are provided with a water supply in accordance with Planning Scheme Policy 1 – Water Supply (Outside Reticulated Water Supply Areas); and (ii) On site sewage disposal facilities are provided in accordance with the Plumbing and Drainage Act 2002; and PS5.2 Lots are provided with underground electricity and telephone supplies; and PS5.3 Stormwater drainage systems are provided in accordance with the Planning Scheme Policy 4 – Development Manual S4.	R5 Not Applicable The site is not located within Myola Precinct D.
S6 Accessible and convenient public open space is provided for the recreation and well being of the community.	PS6.1 Land for parks and recreation is provided in accordance with Planning Scheme Policy 5 - Open Space Contribution or.107	R6 Not Applicable The site is not located within Myola Precinct D.

Specific Outcomes	Probable Solutions	Response
	<p>PS6.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution</p> <p>PS6.3 Access is in accordance with AS1428-Design for Access and Mobility to infrastructure associated with development of public open space for community recreation use.</p>	
S7 Augmentation of the road network servicing the development is provided	PS7 A cash contribution is paid as laid out in the Planning Scheme Policy 6 -Augmentation of the Road Network	R7 Not Applicable The site is not located within Myola Precinct D.
For Myola Precinct "E"		
S1 The area is retained in its existing state to protect scenic and environmental values.	PS1 No further reconfiguration is permitted.	R1 Not Applicable The site is not located within Myola Precinct E.

2. Reconfiguring a Lot Code

Specific Outcomes	Probable Solutions	Response
For all Zones in Part 4 - Zones		
<p>S1 Vehicular access</p> <p>Each new lot has appropriate vehicular access to a road that does not significantly detract from the function of the road; and complies with the Planning Scheme Policy 4 - Development Manual.</p>	<p>PS1</p> <p>No probable solution provided.</p>	<p>R1 Alternative Solution (as no Probable Solution is provided)</p> <p>The proposed development delivers a local road network that facilitates the provision of appropriate access to the proposed residential lots. Access to local roads can be provided in accordance with appropriate standards.</p>
<p>S2 On-site services and facilities</p> <p>Each new lot is provided with an appropriate level of the following:</p> <ul style="list-style-type: none"> i. water supply; and ii. sewage treatment; and iii. drainage; and iv. power supply; and v. telecommunications; and <p>complies with the Planning Scheme Policy 4 - Development Manual.</p>	<p>PS2</p> <p>No probable solution provided.</p>	<p>R2 Alternative Solution (as No Probable Solution is provided)</p> <p>The proposed lots will be provided with a reticulated water supply, appropriate drainage infrastructure, power connections and telecommunications connections commensurate to the nature and style of residential development proposed.</p> <p>On-site sewerage treatment will be provided in association with Dwelling House development.</p>
<p>S3 Works</p> <p>All works are carried out in accordance with the Planning Scheme Policy 4- Development Manual.</p>	<p>PS3</p> <p>No probable solution provided.</p>	<p>R3 Alternative Solution (as No Probable Solution is provided)</p> <p>Any works associated with the proposed development will be carried out in accordance with the relevant policies.</p>
Urban use (For Residential, Village and Rural Residential zone Reconfigurations)		
<p>S4 Urban use</p> <p>Each new lot intended for residential use has adequate useable area to allow for:</p> <ul style="list-style-type: none"> (i) a dwelling house and ancillary buildings and structures to be erected in a location that is convenient and, as far as practicable, avoids placing people and works at risk from flooding or other hazard; and (ii) adequate useable open space for the occupants; and (iii) reasonable vehicular access for a car from the road to a site for the dwelling house; and 	<p>PS4</p> <p>No probable solution provided.</p>	<p>R4 Not Applicable</p> <p>The proposed development is located in the Myola Zone.</p>

Specific Outcomes	Probable Solutions	Response
<p>(iv) for new reconfigurations creating in excess of twenty (20) lots, street networks are designed to ensure connected open space networks or streets to facilitate convenient bicycle and pedestrian trips; and</p> <p>(v) for reconfigurations including the opening of new roads, new road networks are designed with a hierarchy of streets and connectivity to ensure future bus servicing is practical; and</p> <p>complies with the Planning Scheme Policy 4-Development Manual.</p>		

3. Natural and Cultural Heritage Features Overlay Code

Specific Outcomes	Probable Solutions	Response
<p>S1 Cultural Heritage Places</p> <p>(a) significant elements of the mining history of Mareeba Shire are conserved; and</p> <p>(b) buildings, structures and operational works which demonstrate significant historical periods in the development of the Shire are conserved; and</p> <p>(c) known natural features which are significant to the indigenous cultural heritage of the Shire are protected.</p>	<p>PS1 No probable solution provided.</p>	<p>R1 Not Applicable</p> <p>The site does not contain a mapped cultural heritage place.</p>
<p>S2 Areas under the <i>Nature Conservation Act 1992</i></p> <p>Development within 100 metres of an identified area under the <i>Nature Conservation Act 1992</i> which has rare and threatened species recognised by the Act, has no significant adverse effects on the area, including those related to:</p> <p>(a) management of fire risk, including the use of natural firebreaks; or</p> <p>(b) changes to natural drainage; or</p> <p>(c) unmanaged public access; or</p> <p>(d) effluent disposal; or</p> <p>(e) changes to natural activities of animals with respect to the location and effects of uses, fencing, lighting and the like.</p>	<p>PS2 No probable solution provided.</p>	<p>R2 Not Applicable</p> <p>The site is not located within 100 metres of an area identified under the <i>Nature Conservation Act 1992</i>.</p> <p>Note: An identified area is taken to be a protected area under Section 14 of the <i>Nature Conservation Act 1992</i>.</p>
<p>S3 Wetlands and Waterways</p> <p>(a) There are no significant adverse effects on identified wetlands and identified waterways in terms of:</p> <p>(i) habitat; or</p> <p>(ii) water quality; or</p> <p>(iii) landscape quality.</p> <p>(b) For intensive agriculture, a buffer is maintained from the high bank of a waterway having regard to:</p> <p>(i) water quality, and</p> <p>(ii) fauna habitat corridor, and</p> <p>(iii) the retention of undisturbed vegetation, or</p> <p>(iv) revegetation of appropriate areas with local endemic species.</p>	<p>PS3 No probable solution provided.</p>	<p>R3 Alternative Solution (as No Probable Solution is provided)</p> <p>The proposed development has been designed to avoid the provision of residential lots within areas of waterways. Waterway areas have been retained through the creation of a drainage reserve. Development within a waterway is limited to a required road crossing.</p>

Specific Outcomes	Probable Solutions	Response
<p>S4 Conservation of Buildings and Places of Local Heritage Significance</p> <p>(i) Original in situ building fabric are preserved and restored; and</p> <p>(ii) material which is damaged or altered from its original state are repaired and replaced with contemporary materials consistent with existing built fabric; and</p> <p>(iii) The curtilage and setting of the building are protected from development which conflicts with the character or scale of the existing building/s.</p>	<p>PS4 No probable solution provided.</p>	<p>R4 Not Applicable</p> <p>The site does not contain a local heritage place.</p>
<p>S5 Respect for Form and Appearance of Natural Heritage Features and Cultural Heritage Features</p> <p>Development affecting Natural Heritage Features and Cultural Heritage Features does not adversely impact upon buildings and structures of historic significance.</p>	<p>PS5 No probable solution provided.</p>	<p>R5 Not Applicable</p> <p>The site does not contain any natural heritage features or cultural heritage features.</p>
<p>S6 Retention of Natural Heritage Features and Cultural Heritage Features</p> <p>Buildings or structures within a Natural Heritage Feature or Cultural Heritage Feature are retained in an undamaged state or are enhanced through conservation of building fabric or structures.</p>	<p>PS6 No probable solution provided.</p>	<p>R6 Not Applicable</p> <p>The site does not contain any natural heritage features or cultural heritage features.</p>
<p>S7 Mineral Resources are protected</p> <p>Mineral Resources are protected from conflicting land uses which may constrain the current or future utilisation of such resources.</p>	<p>PS7 No probable solution provided.</p>	<p>R7 Not Applicable</p> <p>The site is not designated as containing mineral resources.</p>

4. Natural Disaster – Bushfire Overlay Code

Specific Outcomes	Probable Solutions	Response
<p>S1 Development maintains the safety of people and property by mitigating the risk through:</p> <ul style="list-style-type: none"> • lot design and the siting of buildings; and • including firebreaks that provide adequate: <ul style="list-style-type: none"> - setbacks between buildings/structures and hazardous vegetation, and - access for firefighting/other emergency vehicles; • providing adequate road access for firefighting/other emergency vehicles and safe evacuation; and • providing an adequate and accessible water supply for firefighting purposes. 	<p>For Self Assessment</p> <p>PS1.1 Buildings and structures:</p> <p>(a) on lots greater than 2,500m²:</p> <ul style="list-style-type: none"> • are sited in locations of lowest hazard within the lot; and • achieve setbacks from hazardous vegetation¹⁶ of at least 15 metres; and <p>(b) on lots less than or equal to 2,500m²:</p> <ul style="list-style-type: none"> • are sited in locations of lowest hazard within the lot; and • achieve setbacks from hazardous vegetation of at least 5 metres. <hr/> <p>For Code Assessment:</p> <p>PS1.2 Buildings and structures:</p> <p>(a) on lots greater than 2,500m²:</p> <ul style="list-style-type: none"> • are sited in locations of lowest hazard within the lot; and • achieve setbacks from hazardous vegetation¹⁸ of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater; and • are located a minimum of 10 metres from any retained vegetation strips or small areas of vegetation; and • are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard. <p>(b) on lots less than or equal to 2,500m², maximise setbacks from hazardous vegetation.</p> <hr/> <p>For Self Assessment and Code Assessment:</p>	<p>R1 Alternative Solution</p> <p>Whilst it is acknowledged that the mapping accompanying the superseded planning scheme identifies the site as being within low and medium bushfire hazard areas, it is noted that since the drafting of the planning scheme, more accurate mapping of bushfire hazard has been undertaken and reflected in the State Planning Policy. It is also noted that this new hazard mapping is reflected in the current 2016 planning scheme. The new mapping shows that the site does not contain any area of mapped bushfire risk. On the basis of the new information available, it is considered that specific action in this regard is not necessitated.</p>

Specific Outcomes	Probable Solutions	Response
	<p>PS1.3 For uses involving new or existing buildings with a gross floor area greater than 50m², each lot has:</p> <ul style="list-style-type: none"> • a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow is 10 litres a second at 200 kPa); <p>OR</p> <ul style="list-style-type: none"> • an on-site water storage of not less than 5,000 litres (eg accessible dam or tank with fire brigade tank fittings, swimming pool). 	
	<p>For Code Assessment only:</p> <p>PS1.4 Lots are designed so that their size and shape allow for:</p> <ul style="list-style-type: none"> (a) efficient emergency access to buildings for fire-fighting appliances (e.g. by avoiding long narrow lots with long access drives to buildings); <p>AND</p> <ul style="list-style-type: none"> (b) setbacks and building siting in accordance with PS1.2 above. 	
	<p>For Code Assessment only:</p> <p>PS1.5 Firebreaks are provided by:</p> <ul style="list-style-type: none"> (a) a perimeter road that separates lots from areas of bushfire hazard and that road has: <ul style="list-style-type: none"> • a minimum cleared width of 20 metres; and • a constructed road width and weather standard complying with local government standards. <p>OR</p> <ul style="list-style-type: none"> (b) where it is not practicable to comply with PS1.5 (a), fire maintenance trails are located as close as possible to the boundaries of the lots and the adjoining bushland hazard, and the fire/maintenance trails: 	

Specific Outcomes	Probable Solutions	Response
	<ul style="list-style-type: none"> • have a minimum cleared width of 6 metres; AND • have a formed width and gradient, and erosion control devices to local government standards; AND • have vehicular access at each end; and provide passing bays and turning areas for fire-fighting appliances; AND • are either located on public land, or within an access easement that is granted in favour of the local government and Queensland Fire & Rescue Service. AND <p>(c) sufficient cleared breaks of 6 metres minimum width in retained bushland within the development (eg creek corridors and other retained vegetation) to allow burning of sections and access for bushfire response.</p>	
	<p>For Code Assessment only: PS1.6 Roads are designed and constructed in accordance with applicable local government and State government standards and:</p> <ul style="list-style-type: none"> (a) have a maximum gradient of 12.5%;and (b) exclude cul-de-sacs, except where a perimeter road isolates the development from hazardous vegetation or the cul-de-sacs are provided with an alternative access linking the cul-de-sacs to other through roads. 	
	<p>For Code Assessment only: PS1.7 Development complies with a Bushfire Management Plan for the premises.</p>	
For Code Assessment only:	For Code Assessment only:	R2 Not Applicable

Specific Outcomes	Probable Solutions	Response
S2 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	PS2 Development complies with a Bushfire Management Plan for the premises.	The proposed development does not involve the manufacturing or storage of hazardous materials in bulk.

Attachment D

Owner's Consent

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir / Madam

**DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT OVER LAND AT 77
BARNWELL ROAD, MYOLA (LOT 16 ON N157227)**

We, Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin as registered owners of land situated at 77 Barnwell Road, Myola more properly described as Lot 16 on N157227, consent to the making of the abovementioned development application over the land.



Name: ANDREW EASTON

Date

17/6/17



Name: ADRIENNE PETA EASTON

Date

27/6/17



Name: BARBARA COLBURN MARTIN

Date

27/6/17

Attachment E

Site Searches

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27772197

Search Date: 17/01/2018 16:39

Title Reference: 21287024

Date Created: 23/05/1985

Previous Title: 20770077

REGISTERED OWNER

Interest

Dealing No: 706456206 20/03/2003

ANDREW EASTON

ADRIENNE PETA EASTON

BARBARA COLBURN MARTIN

JOINT TENANTS INTER SE

TENANT IN COMMON

1/2

1/2

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 16

CROWN PLAN N157227

Local Government: MAREEBA

For exclusions / reservations for public purposes refer to
Plan CP N157227

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20250110 (POR 16V)
2. MORTGAGE No 709182770 01/12/2005 at 13:54
BENDIGO BANK LIMITED A.B.N. 11 068 049 178

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2018]

Requested By: D-ENQ CITEC CONFIRM



Department of Environment and Heritage Protection (EHP)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.ehp.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50431252 EMR Site Id: 17 January 2018
This response relates to a search request received for the site:
Lot: 16 Plan: N157227

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

Attachment F

Superseded Planning Scheme Request Decision



Mareeba
SHIRE COUNCIL

RECEIVED
25 JUL 2017

BY:

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: PreEng/17/0028

Our Ref: BM:nj

20 July 2017

A Easton
C/- Cardno
PO Box 1619
CAIRNS QLD 4870

Dear Applicant/s,

**NOTICE OF DECISION - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME
RECONFIGURING A LOT - SUBDIVISION (1 INTO 48 LOTS)
LOT 16 ON N157227
SITUATED AT 77 BARNWELL ROAD, KURANDA**

I refer to your request dated 30 June 2017 for the application of the now superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11) for the assessment of a future application for reconfiguring a lot - subdivision (1 into 48 Lots) over the abovementioned property.

In accordance with section 97 of the *Sustainable Planning Act 2009* (SPA) I wish to confirm that on 19 July 2017, Council, has approved your request. A code assessable development application is required to be submitted to Council for assessment for the proposed subdivision within six (6) months.

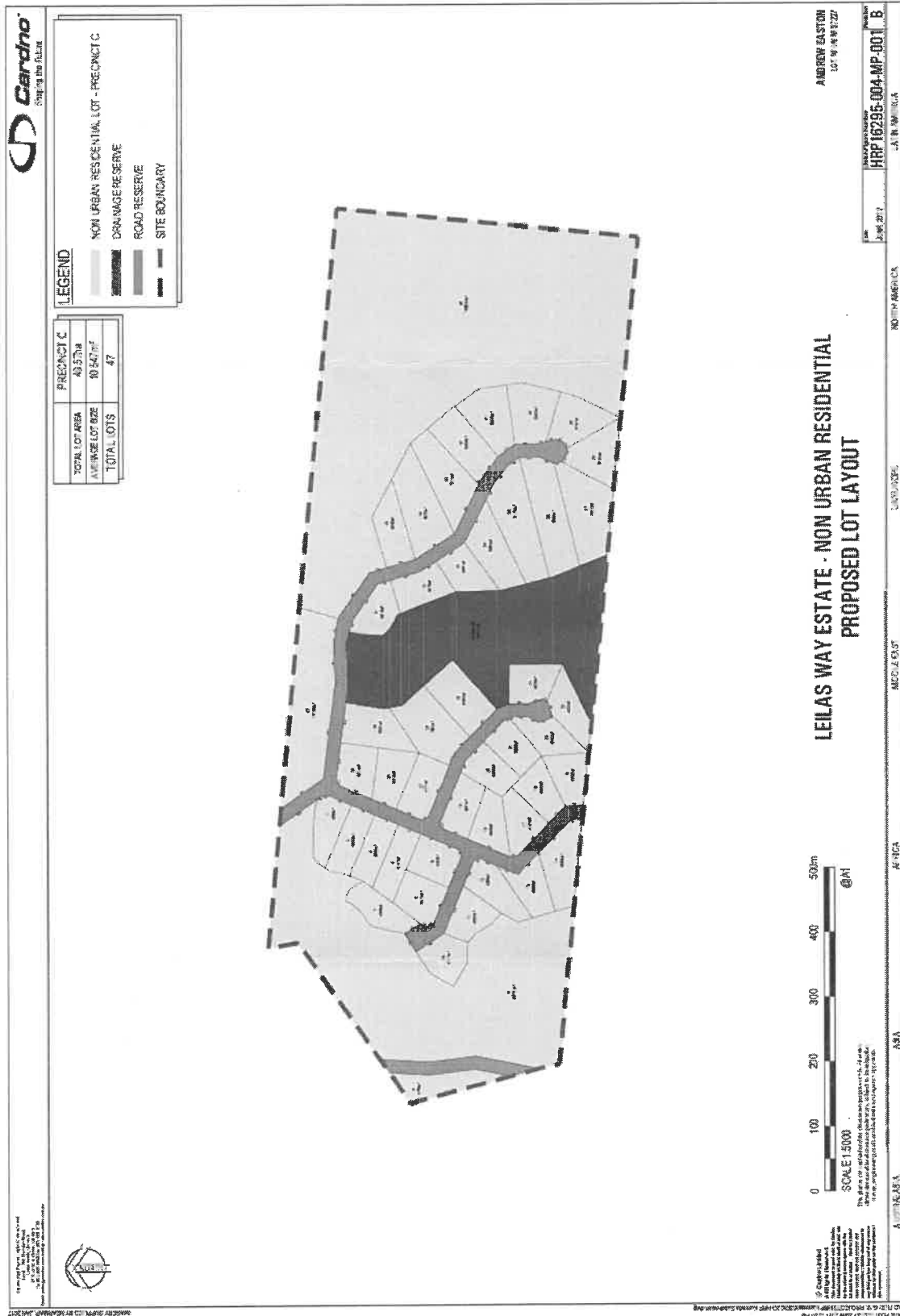
The plan of development for which this approval applies is limited to that which is shown on the attached plan (**Attachment 1**) and does not constitute an approval of the application of the superseded planning scheme for any other form or scale of development on the property. Furthermore, this approval is subject to the statutory timeframes included in sections 98, 99 and 100 of the SPA.

Should you require any further information, please contact Council's **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Attachment: 1. Proposed Plan of Development



Attachment G

State Planning Policy Response

1. Planning for Liveable Communities and Housing

Requirement	Response
Housing Supply and Diversity	
(1) Land for housing development and redevelopment in areas that are accessible and well-connected to services, employment and infrastructure are identified.	Not Applicable The outcome is not applicable to the assessment of a development application.
(2) The development of residential land is facilitated to address and cater for all groups in the current and projected demographic, economic and social profile of the local government area, including households on low to moderate incomes	Complies The proposed development provides for the delivery of additional residential lots within the greater Kuranda locality, supporting greater availability and diversity in housing supply.
(3) A diverse, affordable and comprehensive range of housing options in accessible and well-serviced locations, is facilitated through: (a) appropriate, responsive and proactive zoning (b) supporting an appropriate mix of lot sizes and dwelling types, including housing for seniors and people requiring assisted living (c) considering incentives to promote affordable and social housing outcomes, particularly in areas in close proximity to services and amenities.	Complies The proposed development provides a variety of lot sizes and supports the provision of a range of housing options which complement, whilst further diversifying, the available housing options within the local area.
(4) Best practice, innovative, and adaptable housing design and siting is provided for and encouraged.	Not Applicable The proposed development involves Reconfiguring a Lot and does not involve the design or construction of housing.
(5) Sufficient land for housing is provided in appropriate locations to support the projected nonresident workforce population associated with approved largescale mining, agriculture, industry or infrastructure projects.	Not Applicable The outcome is not applicable to the assessment of a development application.
Liveable Communities	
Built and natural environment:	Complies
(1) High quality urban design and place making outcomes are facilitated and promote: (a) affordable living and sustainable and complete communities (b) attractive, adaptable, accessible and inclusive built environments (c) personal safety and security (d) functional, accessible, legible and connected spaces (e) community identity through considering local features, character, needs and aspirations.	The proposed development has been designed in a manner that is responsive to its local context and character. This is evident in the retention of areas of significance vegetation and other environmental features, allowing a sense of place and community to be developed. The proposed development provides a functional and legible road network.

Requirement	Response
<p>(2) Vibrant places and spaces, and diverse communities that meet lifestyle needs are facilitated by:</p> <p>(a) good neighbourhood planning and centre design</p> <p>(b) a mix of land uses that meet the diverse demographic, social, cultural, economic and lifestyle needs of the community</p> <p>(c) consolidating urban development in and around existing settlements</p> <p>(d) higher density development in accessible and well-serviced locations</p> <p>(e) efficient use of established infrastructure and services</p> <p>(f) supporting a range of formal and informal sporting, recreational and community activities.</p>	<p>Complies</p> <p>The proposed development supports the use of well located land proximate to the established centre of Kuranda for residential purposes. The proposal will maximise the efficient use of existing services and facilities in and around Kuranda. The proposed development provides for the further diversification of the type of residential development provided around Kuranda, whilst complementing the existing land uses on adjoining and nearby land.</p>
<p>(3) Development is designed to:</p> <p>(a) value and nurture local landscape character and the natural environment</p> <p>(b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity</p> <p>(c) maintain or enhance opportunities for public access and use of the natural environment.</p>	<p>Complies</p> <p>The proposed development has been designed to integrate into the natural environment to allow for the retention of areas of environmental significance such as waterway corridors and important vegetation. The proposed development, once fully complete, will provide a drainage reserve to allow for the retention of the natural environment. The proposed development allows greater access to these areas, with them potentially being suitable for active transport/recreational usage if deemed appropriate.</p>
<p>Infrastructure and services:</p> <p>(4) Connected pedestrian, cycling and public transport infrastructure networks are facilitated and provided.</p>	<p>Complies</p> <p>The proposed development provides a legible and functional road network that supports the movement of cars, cyclists and pedestrians and is sufficient to accommodate the future delivery of public transport, if considered appropriate. The proposed development retains important environmental corridors within the site that may be suitable for future use as active transport corridors.</p>
<p>(5) Community facilities and services, including education facilities (state and non-state providers), health facilities, emergency services, arts and cultural infrastructure, and sport, recreation and cultural facilities are well-located, cost-effective and multi-functional.</p>	<p>Complies</p> <p>The proposed development is well-located to maximise the efficient use of a range of community services currently provided in the Kuranda area.</p>
<p>(6) Connection to fibre-optic telecommunications infrastructure (e.g. broadband) is supported in greenfield areas.</p>	<p>Can Comply</p>
<p>(7) All development accessed by common private title is provided with appropriate fire hydrant infrastructure and has unimpeded access for emergency service vehicles to protect people, property and the environment.</p>	<p>Not Applicable</p> <p>The proposed development does not involve the creation of common private title.</p>
<p>Assessment Benchmarks</p>	
<p>(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>

Requirement	Response
(2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.	Not Applicable The assessment benchmarks do not apply to the proposed development.
(3) Fire hydrants are suitably identified so that fire services can locate them at all hours.	Not Applicable The assessment benchmarks do not apply to the proposed development.

2. Planning for Economic Growth

Requirement	Response
Agriculture	
(1) Agriculture and agricultural development opportunities are promoted and enhanced in important agricultural areas (IAAs).	Not Applicable The site is not located in an Important Agricultural Area.
(2) Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by: (a) avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture (b) avoiding development that will have an irreversible impact on, or adjacent to, ALC Class A or Class B land (c) maintaining or enhancing land conditions and the biophysical resources underpinning ALC Class A or Class B land.	Not Applicable The site is not designated as Agricultural Land Classification (ALC) Class A or Class B.
(3) Fisheries resources are protected from development that compromises long-term fisheries productivity, sustainability and accessibility.	Complies The proposal will not impact on fisheries resources.
(4) Growth in agricultural production and a strong agriculture industry is facilitated by: (a) promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations (b) protecting existing intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture, from encroachment by development that is incompatible and/or would compromise the safe and effective operation of the existing activity (c) locating new development (such as sensitive land uses or land uses that present biosecurity risks for agriculture) in areas that avoid or minimise potential for conflict with existing agricultural uses through the provision of adequate separation areas or other measures (d) facilitating opportunities for co-existence with development that is complementary to agricultural uses that do not reduce agricultural productivity (e.g. on-farm processing, farm gate sales, agricultural tourism etc) (e) considering the provision of infrastructure and services necessary to support a strong agriculture industry and associated agricultural supply chains (f) ensuring development on, or adjacent to, the stock route network does not compromise the network's primary use for moving stock on foot, and other uses and values including grazing, environmental, recreational, cultural heritage, and tourism values.	Not Applicable The site is not located in an Important Agricultural Area. The site is not designated as Agricultural Land Classification (ALC) Class A or Class B.

Requirement	Response
Development and Construction	
<p>(1) A sufficient supply of suitable land for residential, retail, commercial, industrial and mixed use development is identified that considers:</p> <ul style="list-style-type: none"> (a) existing and anticipated demand (b) the physical constraints of the land (c) surrounding land uses (d) the availability of, and proximity to, essential infrastructure required to service and support such development. 	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
<p>(2) Appropriate infrastructure required to support all land uses is planned for and provided.</p>	<p>Complies</p> <p>Appropriate infrastructure will be provided to service the proposed lots.</p>
<p>(3) Mixed use development is achieved by appropriately zoning the land.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
<p>(4) An appropriate mix of lot sizes and configurations for residential, retail, commercial, mixed use and industrial development is provided for in response to the diverse needs of these uses and ancillary activities.</p>	<p>Complies</p> <p>The proposed development supports the provision of a range of residential lots which facilitate a further diversification of the offering of residential land within the local area.</p>
<p>(5) Efficient delivery of development is facilitated by the adoption of the lowest appropriate level of assessment for development that is consistent with the purpose of the zone.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
<p>(6) Land uses are consistent with the purpose of the zone.</p>	<p>Complies</p> <p>The proposal is consistent with the intent for the Myola Zone, as discussed in the Town Planning Report.</p>
<p>(7) State development areas and Priority Development Areas are:</p> <ul style="list-style-type: none"> (a) identified and appropriately considered in terms of their planning intent (b) supported by compatible and complementary land uses and services on surrounding land. 	<p>Not Applicable</p> <p>The site is not located in a State Development Area or a Priority Development Area.</p>
<p>(8) Public benefit outcomes on state-owned land are achieved by appropriately zoning the land.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
Mining and Extractive Resources	
<p>Extractive resources:</p> <p>(1) Key resource areas (KRAs) are identified, including the resource/processing area, separation area, transport route and transport route separation area.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>

Requirement	Response
<p>(2) KRAs are protected by:</p> <p>(a) maintaining the long-term availability of the extractive resource and access to the KRA</p> <p>(b) avoiding new sensitive land uses and other incompatible land uses within the resource/processing area and the related separation area of a KRA that could impede the extraction of the resource</p> <p>(c) avoiding land uses along the transport route and transport route separation area of a KRA that are likely to compromise the ongoing use of the route for the haulage of extractive materials</p> <p>(d) avoiding new development adjacent to the transport route that is likely to adversely affect the safe and efficient transportation of the extractive resource.</p>	<p>Not Applicable</p> <p>The site is not located within the vicinity of a Key Resource Area.</p>
<p>Mineral, coal, petroleum and gas resources:</p> <p>(3) The importance of areas identified as having valuable minerals, coal, petroleum and gas resources, and areas of mining and resource tenures are considered.</p>	<p>Not Applicable</p> <p>The site is not identified as having valuable minerals, coal, petroleum or gas resources and is not subject to mining or resource tenures.</p>
<p>(4) Opportunities for mutually beneficial co-existence between coal, minerals, petroleum and gas resource development operations and other land uses are facilitated.</p>	<p>Not Applicable</p>
<p>(5) The location of specified petroleum infrastructure is considered.</p>	<p>Not Applicable</p>
<p>Assessment Benchmarks</p>	
<p>(1) Development within a resource/processing area of a KRA will not impede the undertaking of an existing or future extractive industry development.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(2) Development of sensitive land uses and other potentially incompatible land uses is avoided within the separation area for a resource/processing area of a KRA, if it could impede the extraction of the resource.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(3) Development not associated with extractive industry in the transport route separation area of a KRA does not increase the number of people working or residing in the transport route separation area unless the development mitigates the impacts of noise, dust and vibration generated by the haulage of extractive materials along the transport route.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(4) Development adjacent to the transport route does not adversely affect the safe and efficient use of the transport route by vehicles transporting extractive resources.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>Tourism</p>	
<p>(1) The findings of state endorsed tourism studies and plans are considered and reflected where relevant.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>

Requirement	Response
<p>(2) Existing and potential opportunities, localities or areas appropriate for tourism development are identified and protected.</p>	<p>Complies</p> <p>The proposed development is located proximate to the township of Kuranda, which supports a high level of locally, regionally and nationally significant tourist activity. The proposed development will increase the population within the immediate catchment of the Kuranda township, providing conditions that are conducive to the development of further services and infrastructure within Kuranda which may also serve tourists and tourism activities.</p>
<p>(3) The delivery of sustainable tourism development is facilitated where it:</p> <p>(a) is complementary to and compatible with other land uses, including sensitive land uses</p> <p>(b) promotes the protection or enhancement of the character, landscape and visual amenity, and the economic, social, cultural and environmental values of the natural and built assets associated with the tourism development.</p>	<p>Not Applicable</p>
<p>(4) Appropriate infrastructure to support and enable tourism development is planned for.</p>	<p>Not Applicable</p>

3. Planning for The Environment and Heritage

Requirement	Response
Biodiversity	
(1) Development is located in areas to avoid significant impacts on matters of national environmental significance and considers the requirements of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	<p>Can Comply</p> <p>The proposed development has been designed to protect areas of environmental significance including regulated vegetation and waterway corridors.</p> <p>The proposed development may be referred to the Commonwealth Department of the Environment and Energy in accordance with the requirements of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, for determination of whether the development involves a controlled action and therefore requires Commonwealth approval. The approval process under the EPBC Act is separate to the development approval process to which this development application relates. The potential need for a Commonwealth approval to be obtained, or at the least advice in relation to a controlled action, does not prevent the issuing of a development approval pursuant to the <i>Planning Act 2016</i>.</p>
(2) Matters of state environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.	<p>Complies</p> <p>The proposed development has been designed to protect areas of environmental significance including regulated vegetation and waterway corridors.</p>
(3) Matters of local environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.	<p>Complies</p> <p>The proposed development has been designed to protect areas of environmental significance including regulated vegetation and waterway corridors.</p>
(4) Ecological processes and connectivity is maintained or enhanced by avoiding fragmentation of matters of environmental significance.	<p>Complies</p> <p>Key environmental corridors, such as along waterways, have been protected to ensure environmental connectivity is retained and ecological processes can continue. The proposed development involves the provision of large residential lots in a non-urban setting, which is conducive to the retention of further vegetation and the provision of extensive landscaping that may further enhance environmental connectivity in the area.</p>
(5) Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.	<p>Not Applicable</p> <p>The proposed development is not located in South East Queensland.</p>

Requirement	Response
Coastal Environment	
Protection of the coastal environment:	Not Applicable
(1) Coastal processes and coastal resources statewide, including in the Great Barrier Reef catchment, are protected by: (a) concentrating future development in existing urban areas through infill and redevelopment (b) conserving the natural state of landforms, wetlands and native vegetation in the coastal management district (c) maintaining or enhancing the scenic amenity and aesthetic values of important natural coastal landscapes, views and vistas	The proposed development is not located in the coastal environment.
(2) Development of canals, dry land marinas, artificial waterways or marine infrastructure avoids adverse impacts on coastal resources and processes.	Not Applicable The proposed development is not located in the coastal environment.
(3) Reclamation of land under tidal water is avoided other than for the purpose of: (a) coastal-dependent development, public marine development or community infrastructure, where there is no reasonable alternative; or (b) strategic ports, priority ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan, or statutory master plan; or (c) coastal protection works or work necessary to protect coastal resources or coastal processes.	Not Applicable The proposed development is not located in the coastal environment.
Development in the coastal environment:	Not Applicable
(4) Coastal-dependent development in areas adjoining tidal water is facilitated in preference to other types of development.	The proposed development is not located in the coastal environment.
(5) Opportunities for public use of and access to, and along, state coastal land is maintained or enhanced in a way that protects or enhances public safety and coastal resources.	Not Applicable The proposed development is not located in the coastal environment.
Cultural Heritage	
Aboriginal and Torres Strait Islander cultural heritage:	Can Comply
(1) Matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage are appropriately conserved and considered to support the requirements of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .	The proposed development will be constructed in accordance with the obligations of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .
World and national cultural heritage:	Complies
(2) Adverse impacts on the cultural heritage significance of world heritage properties and national heritage places prescribed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> are avoided.	The proposed development is located wholly outside the Wet Tropics World Heritage Area.
State cultural heritage:	Complies
(3) Adverse impacts on the cultural heritage significance of state heritage places are avoided.	The site is not located within the vicinity of a Queensland Heritage Place.

Requirement	Response
Local cultural heritage:	Not Applicable
(4) Local heritage places and local heritage areas important to the history of the local government area are identified, including a statement of the local cultural heritage significance of the place or area.	The outcome is not applicable to the assessment of a development application.
(5) Development of local heritage places or local heritage areas does not compromise the cultural heritage significance of the place or area by: (a) avoiding adverse impacts on the cultural heritage significance of the place or area; or (b) minimising and mitigating unavoidable adverse impacts on the cultural heritage significance of the place or area.	Not Applicable The proposed development does not relate to Local Heritage Place and is not located within the vicinity of a Local Heritage Place.
(6) The conservation and adaptive reuse of local heritage places and local heritage areas are facilitated so that the cultural heritage significance is retained.	Not Applicable The proposed development does not relate to Local Heritage Place and is not located within the vicinity of a Local Heritage Place.
Water Quality	
(1) Development facilitates the protection or enhancement of environmental values and the achievement of water quality objectives for Queensland waters.	Can Comply
(2) Land zoned for urban purposes is located in areas that avoid or minimise the disturbance to: (a) high risk soils (b) high ecological value aquatic ecosystems (c) groundwater dependent ecosystems (d) natural drainage lines and landform features.	Not Applicable The outcome is not applicable to the assessment of a development application.
(3) Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values of receiving waters arising from: (a) altered stormwater quality and hydrology (b) waste water (other than contaminated stormwater and sewage) (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilisation of nutrients and sediments.	Can Comply
(4) At the construction phase, development achieves the applicable stormwater management design objectives in table A (appendix 2).	Can Comply Appropriate controls will be put in place at the construction phase of the project.
(5) At the post-construction phase, development: (a) achieves the applicable stormwater management design objectives on-site, as identified in table B (appendix 2); or (b) achieves an alternative locally appropriate solution off-site that achieves an equivalent or improved water quality outcome to the relevant stormwater management design objectives in table B (appendix 2).	Can Comply Appropriate controls will be put in place at the construction phase of the project.

Requirement	Response
(6) Development in water resource catchments and water supply buffer areas avoids potential adverse impacts on surface waters and groundwaters to protect drinking water supply environmental values.	<p>Complies</p> <p>The proposed development has been designed to avoid the creation of new lots within established waterways and drainage lines. Appropriate management controls will be put in place during construction activities to prevent sediment run off.</p>
Assessment Benchmarks	
<p>(1) Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values arising from:</p> <p>(a) altered stormwater quality and hydrology</p> <p>(b) waste water</p> <p>(c) the creation or expansion of non-tidal artificial waterways</p> <p>(d) the release and mobilization of nutrients and sediments.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>

4. Planning for Safety and Resilience to Hazards

Requirement	Response
Emissions and Hazardous Activities	
Protection from emissions and hazardous activities:	Not Applicable
(1) Industrial development, major gas, waste and sewerage infrastructure, and sport and recreation activities are located, designed and managed to avoid or mitigate adverse impacts of emissions on sensitive land uses and the natural environment.	The proposed development does not involve industrial development, major gas, waste and sewerage infrastructure, or sport and recreation activities.
(2) Activities involving the use, storage and disposal of hazardous materials and prescribed hazardous chemicals, dangerous goods, and flammable or combustible substances are located and managed to minimise the health and safety risks to communities and individuals.	Not Applicable The proposed development does not involve the use, storage and disposal of hazardous materials and prescribed hazardous chemicals, dangerous goods, and flammable or combustible substances.
(3) Prescribed hazardous chemicals, stored in a flood hazard area (where exceeding the hazardous chemicals flood hazard threshold), are located to minimise the risk of inundation and dispersion.	Not Applicable The proposed development does not involve the storage of prescribed hazardous chemicals.
(4) Sensitive land uses are protected from the impacts of previous activities that may cause risk to people or property including: (a) former mining activities and related hazards (e.g. disused underground mines, tunnels and shafts) (b) former landfill and refuse sites (c) contaminated land.	Complies The site is not identified as a former mining site, a former landfill site or a former refuse site and is not identified as contaminated land.
Protection of industrial development, major infrastructure, and sport and recreation facilities from encroachment:	Complies
(5) Protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively: (a) Medium-impact, high-impact and special industries. (b) Extractive industries. (c) Hazardous chemical facilities. (d) Explosives facilities and explosives reserves. (e) High pressure gas pipelines. (f) Waste management facilities. (g) Sewage treatment plants. (h) Industrial land in a state development area, or an enterprise opportunity area or employment opportunity area identified in a regional plan. (i) Major sport, recreation and entertainment facilities. (j) Shooting facilities. (k) Motor sport facilities.	The proposed development is appropriately separated from types of uses described in outcome 5.

Requirement	Response
<p>Mitigation of adverse impacts from emissions and hazardous activities:</p> <p>(6) Development that is incompatible with the existing and approved land uses or areas included in policy 5 above, is located to avoid adverse impacts of environmental emissions, or health and safety risks, and where the impacts cannot be practicably avoided, development is designed to minimise the impacts.</p>	<p>Complies</p> <p>The proposed development is appropriately separated from types of uses described in outcome 5.</p>
<p>Acid sulfate soil affected areas:</p> <p>(7) Protect the natural and built environment, and human health from potential adverse impacts of acid sulfate soils by:</p> <p>(a) identifying areas with high probability of containing acid sulfate soils</p> <p>(b) providing preference to land uses that will avoid, or where avoidance is not practicable, minimise the disturbance of acid sulfate soils</p> <p>(c) including requirements for managing the disturbance of acid sulfate soils to avoid or minimise the mobilization and release of acid, iron or other contaminants.</p>	<p>Not Applicable</p> <p>The site is not located in an Acid Sulfate Soil affected area.</p>
<p>Natural Hazards, Risk and Resilience</p>	
<p>(1) Natural hazard areas are identified, including:</p> <p>(a) bushfire prone areas</p> <p>(b) flood hazard areas</p> <p>(c) landslide hazard areas</p> <p>(d) storm tide inundation areas</p> <p>(e) erosion prone areas.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
<p>(2) A fit-for-purpose risk assessment is undertaken to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazard areas.</p>	<p>Not Applicable</p> <p>The proposed development locates all residential lots outside the natural hazards shown in the SPP mapping.</p>
<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas:</p> <p>(3) Land in an erosion prone area is not to be used for urban purposes, unless the land is located in:</p> <p>(a) an urban area in a planning scheme; or</p> <p>(b) an urban footprint identified in a regional plan.</p>	<p>Not Applicable</p> <p>The site is not located in an Erosion Prone Area.</p>
<p>(4) Development in bushfire, flood, landslide, storm tide inundation or erosion prone natural hazard areas:</p> <p>(a) avoids the natural hazard area; or</p> <p>(b) where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>Complies</p> <p>The site is not identified as a natural hazard area in the SPP mapping. Whilst it is acknowledged that the site is identified as posing a bushfire risk by the planning scheme mapping, it is considered that the new scientific evidence upon which the SPP mapping has been based should be used to inform land use planning decisions. The mapping in the planning scheme is outdated, owing to the fact that it is a superseded planning scheme, and has been cleared based on a broad scale study, which has since been</p>

Requirement	Response
<p>(5) Development in natural hazard areas:</p> <p>(a) supports, and does not hinder disaster management capacity and capabilities</p> <p>(b) directly, indirectly and cumulatively avoids an increase in the exposure or severity of the natural hazard and the potential for damage on the site or to other properties</p> <p>(c) avoids risks to public safety and the environment from the location of the storage of hazardous materials and the release of these materials as a result of a natural hazard</p> <p>(d) maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard.</p>	<p>superseded by more detailed reviews and investigations. It is noted that the SPP mapping is reflected in the current planning scheme.</p> <p>Complies</p> <p>The site is not identified as a natural hazard area in the SPP mapping. Whilst it is acknowledged that the site is identified as posing a bushfire risk by the planning scheme mapping, it is considered that the new scientific evidence upon which the SPP mapping has been based should be used to inform land use planning decisions. The mapping in the planning scheme is outdated, owing to the fact that it is a superseded planning scheme, and has been cleared based on a broad scale study, which has since been superseded by more detailed reviews and investigations. It is noted that the SPP mapping is reflected in the current planning scheme.</p>
<p>(6) Community infrastructure is located and designed to maintain the required level of functionality during and immediately after a natural hazard event.</p>	<p>Not Applicable</p> <p>The proposed development does not involve community infrastructure.</p>
<p>(7) Coastal protection work in an erosion prone area is undertaken only as a last resort where coastal erosion or inundation presents an imminent threat to public safety or existing buildings and structures, and all of the following apply:</p> <p>(a) The building or structure cannot reasonably be relocated or abandoned.</p> <p>(b) Any erosion control structure is located as far landward as practicable and on the lot containing the property to the maximum extent reasonable.</p> <p>(c) Any increase in coastal hazard risk for adjacent areas from the coastal protection work is mitigated.</p>	<p>Not Applicable</p> <p>The site not located in an Erosion Prone Area.</p>
<p>Erosion prone areas within a coastal management district:</p> <p>(8) Development does not occur unless the development cannot feasibly be located elsewhere and is:</p> <p>(a) coastal-dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment⁶ of an existing permanent building or structure that cannot be relocated or abandoned.</p>	<p>Not Applicable</p> <p>The site not located in an Erosion Prone Area of a Coastal Management District.</p>
<p>(9) Development permitted in policy 8 above, mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>Not Applicable</p> <p>The site not located in an Erosion Prone Area of a Coastal Management District.</p>

Requirement	Response
Assessment Benchmarks	
<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere and is:</p> <p>(a) coastal-dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment⁹ of an existing permanent building or structure that cannot be relocated or abandoned.</p>	<p>Not Applicable</p> <p>The site not located in an Erosion Prone Area of a Coastal Management District.</p>
<p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>Not Applicable</p> <p>The site not located in an Erosion Prone Area of a Coastal Management District.</p>
<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>Complies</p> <p>The site is not identified as a natural hazard area in the SPP mapping. Whilst it is acknowledged that the site is identified as posing a bushfire risk by the planning scheme mapping, it is considered that the new scientific evidence upon which the SPP mapping has been based should be used to inform land use planning decisions. The mapping in the planning scheme is outdated, owing to the fact that it is a superseded planning scheme, and has been cleared based on a broad scale study, which has since been superseded by more detailed reviews and investigations. It is noted that the SPP mapping is reflected in the current planning scheme.</p>
<p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p>	<p>Complies</p> <p>The proposed development supports improved access to areas of potential Bushfire Hazard in the surrounding area through the provision of a new road network.</p>
<p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p>	<p>Complies</p> <p>The proposed development is located outside the natural hazard areas identified by the SPP mapping.</p>
<p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p>	<p>Not Applicable</p> <p>The proposed development does not involve hazardous materials.</p>
<p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>Complies</p>

5. Planning for Infrastructure

Requirement	Response
Energy and Water Supply	
(1) Existing and approved future major electricity infrastructure locations and corridors (including easements and electricity substations), and bulk water supply infrastructure locations and corridors (including easements) are protected from development that would compromise the corridor integrity, and the efficient delivery and functioning of the infrastructure.	Complies The proposed development does not compromise the corridor integrity, or the efficient delivery and functioning of any existing or future energy or water supply infrastructure.
(2) Major electricity infrastructure and bulk water supply infrastructure such as pump stations, water quality facilities and electricity substations, are protected from encroachment by sensitive land uses where practicable.	Complies The proposed development is not located within the vicinity of major electricity infrastructure or bulk water supply infrastructure
(3) Development of major electricity infrastructure and bulk water supply infrastructure avoids or otherwise minimises adverse impacts on surrounding land uses and the natural environment.	Not Applicable The proposed development does not relate to major electricity infrastructure or bulk water supply infrastructure.
(4) The development and supply of renewable energy at the regional, local and individual scale is enabled in appropriate locations.	Not Applicable The outcome is not applicable to the assessment of a development application.
Infrastructure Integration	
(1) The outcomes of significant infrastructure plans and initiatives by all levels of government are considered and reflected, where relevant.	Not Applicable The outcome is not applicable to the assessment of a development application.
(2) Development achieves a high level of integration with infrastructure planning to: <ul style="list-style-type: none"> (a) promote the most efficient, effective and flexible use of existing and planned infrastructure (b) realise multiple economic, social and environmental benefits from infrastructure investment (c) ensure consideration of future infrastructure needed to support infill and greenfield growth areas (d) optimise the location of future infrastructure within communities to provide greater access to facilities and services and enable productivity improvements. 	Complies The proposed development is appropriately located and designed to maximise the use of existing infrastructure and provide efficiencies in the delivery of new infrastructure.
(3) Development occurs: <ul style="list-style-type: none"> (a) in areas currently serviced by state and/or local infrastructure and associated services; or (b) in a logical and orderly location, form and sequence to enable the cost effective delivery of state and local infrastructure to service development. 	Complies The proposed development forms a logical extension of the existing greater Kuranda area, with adjoining and nearby land used for residential purposes of a variety of types, sizes and densities. Appropriate infrastructure connections, commensurate with the nature and scale of the development, are proposed to be provided.
(4) Existing and planned infrastructure is protected from development that would compromise the ability of infrastructure and associated services to operate safely and efficiently.	Can Comply

Requirement	Response
Transport Infrastructure	
<p>All transport infrastructure:</p> <p>(1) Transport infrastructure and existing and future transport corridors are reflected and supported through compatible land uses.</p>	<p>Complies</p> <p>Refer to Attachment K – Traffic Impact Assessment Report.</p>
<p>(2) Development is located in areas currently serviced by transport infrastructure, and where this cannot be achieved, development is facilitated in a logical and orderly location, form and sequence to enable cost-effective delivery of new transport infrastructure to service development.</p>	<p>Complies</p> <p>The proposed development, through the provision of new local roads, provides a logical extension of the road network, stemming from Barnwell Road and Myola Road.</p>
<p>(3) Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</p>	<p>Complies</p> <p>The proposed development is located proximate to the Kuranda township. It increases the population located to the west of the town in order to provide conditions that are conducive to the operation of public passenger transport services. The local road network is designed in a manner that allows direct and efficient connectivity to all lots and is also supportive of active transport. Key waterway corridors have been retained as drainage reserves within the proposed lot layout and may be suitable for future use as active transport corridors.</p>
<p>(4) Development is located and designed to mitigate adverse impacts on development from environmental emissions generated by transport infrastructure.</p>	<p>Complies</p> <p>The proposed development is located proximate to the Kuranda township to reduce resident travel for key services.</p>
<p>(5) A road hierarchy is identified that reflects the role of each category of road and effectively manages all types of traffic.</p>	<p>Complies</p> <p>The proposed development establishes an appropriate network of local roads to service the proposed new lots and provide access to the major road network.</p>
State transport infrastructure:	
<p>(6) Development in areas surrounding state transport infrastructure, and existing and future state transport corridors, is compatible with, or support the most efficient use of, the infrastructure and transport network.</p>	<p>Not Applicable</p> <p>The site is not located within the vicinity of state transport infrastructure or existing and future state transport corridors</p>
<p>(7) The safety and efficiency of existing and future state transport infrastructure, corridors, and networks is not adversely affected by development.</p>	<p>Complies</p> <p>Refer to Attachment K – Traffic Impact Assessment Report.</p>
Strategic Airports and Aviation Facilities	
<p>(1) Strategic airports and aviation facilities are identified, including the associated Australian Noise Exposure Forecast (ANEF) contours, obstacle limitation surfaces or height restriction zones, public safety areas, lighting area buffers, light restriction zones, wildlife hazard buffer zones, and building restricted areas.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>

Requirement	Response
<p>(2) The safety, efficiency and operational integrity of strategic airports are protected. Development and associated activities:</p> <p>(a) do not create incompatible intrusions, or compromise aircraft safety, in operational airspace</p> <p>(b) avoid increasing risk to public safety in a public safety area</p> <p>(c) are compatible with forecast levels of aircraft noise within the 20 ANEF contour or greater [as defined by Australian Standard 2021–2015: Acoustics—Aircraft noise intrusion—Building siting and construction (AS 2021), adopted 12 February 2015] and mitigate adverse impacts of aircraft noise.</p>	<p>Complies</p> <p>The proposed development is limited to Reconfiguring a Lot. The proposed lots are suitable for the development of low scale houses.</p>
<p>(3) Development complements the role of a strategic airport as an economic, freight and logistics hub, and enhances the economic opportunities that are available in proximity to a strategic airport.</p>	<p>Complies</p> <p>The proposal does not prevent the ongoing development of strategic airports.</p>
<p>(4) Aviation facilities are protected by avoiding development and associated activities within building restricted areas that may affect the functioning of the aviation facilities.</p>	<p>Complies</p> <p>The proposed development is limited to Reconfiguring a Lot. The proposed lots are suitable for the development of low scale houses.</p>
<p>(5) Key transport corridors (passenger and freight) linking strategic airports to the broader transport network are identified and protected.</p>	<p>Not Applicable</p> <p>The outcome is not applicable to the assessment of a development application.</p>
<p>Assessment Benchmarks</p>	
<p>(1) Development and associated activities do not create a permanent or temporary physical or transient intrusion into a strategic airport’s operational airspace, unless the intrusion is approved in accordance with the relevant federal legislation.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(2) Development and associated activities do not include light sources or reflective surfaces that could distract or confuse pilots within a light restriction zone or lighting area buffer.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(3) Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in a strategic airport’s operational airspace.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(4) Development and associated activities do not attract wildlife or increase wildlife hazards within a wildlife hazard buffer zone.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(5) Development and associated activities within a building restricted area do not interfere with the function of aviation facilities.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(6) Development does not increase the risk to public safety within a public safety area.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>
<p>(7) Development within the 20 ANEF contour or greater is appropriately located and designed to prevent adverse impacts from aircraft noise.</p>	<p>Not Applicable</p> <p>The assessment benchmarks do not apply to the proposed development.</p>

Requirement	Response
Strategic Ports	
All strategic ports:	Not Applicable
(1) Strategic ports, and associated strategic port land and core port land, are identified.	The outcome is not applicable to the assessment of a development application.
(2) Development complements the role of a strategic port as an economic, freight and logistics hub, and enhances the economic opportunities that are available in proximity to a strategic port.	Not Applicable The site is not located within the vicinity of a strategic port.
(3) Strategic ports are protected from development that may adversely affect the safety, viability or efficiency of existing and future port operations.	Not Applicable The site is not located within the vicinity of a strategic port.
(4) Development is located and designed to mitigate adverse impacts on the development from environmental emissions generated by port operations.	Not Applicable The site is not located within the vicinity of a strategic port.
(5) Key transport corridors (including freight corridors) linking strategic ports to the broader transport network are identified and protected.	Not Applicable The site is not located within the vicinity of a strategic port.
(6) Statutory land use plans for strategic ports and the findings of planning and environmental investigations undertaken in relation to strategic ports are considered.	Not Applicable The site is not located within the vicinity of a strategic port.
Priority ports:	Not Applicable
(7) For priority ports, development is also consistent with the requirements of priority port master plans and priority port overlays as these are approved under the <i>Sustainable Ports Development Act 2015</i> .	The site is not located within the vicinity of a strategic port.

Attachment H

Far North Queensland Regional Plan Factsheet



State Planning Regulatory Provisions for regional plans

On 26 October 2012 the *Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* were repealed.

The State Planning Regulatory Provisions (SPRP) for the Mackay Isaac Whitsunday and Wide Bay Burnett regional plans ceased to have effect from 11 July 2012 and 16 May 2012, respectively.

The SPRP for the *South East Queensland Regional Plan 2009-2031* remains in force pending the upcoming review of that plan.

Objective

The removal of the SPRP will return decision-making power to local governments so they may determine if a development proposal is an appropriate outcome for their area.

Development assessment

The effects of removal of the SPRP are:

- (1) Applications for material change of use (MCU) and reconfiguring a lot (RoL) will no longer require referral to the Department of State Development, Infrastructure and Planning (DSDIP).

Where referral advice was requested prior to the repeal of the SPRP, DSDIP will advise it has no requirements.

If a concurrence agency response has been issued but the application not yet decided, upon request DSDIP will issue new advice indicating it has no requirements, pursuant to section 290 of the *Sustainable Planning Act 2009* (SPA).

- (2) Any MCU or RoL application must be decided in the context of applicable provisions of the relevant regional plan and planning scheme, and other relevant instruments as required under SPA.

Land use categories

In the absence of the SPRP, the Urban Footprint, Rural Living Area and Regional Landscape and Rural Production Area are as defined in the regional plan mapping. Local governments are responsible for the interpretation of the boundary of these areas when preparing or amending their planning schemes or assessing development proposals.

Plan making

The removal of the SPRP does not change the policy of the regional plans which must be appropriately integrated into planning schemes.



Our Ref HRP16295
Contact Dominic Hammersley

18 January 2018

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Development Assessment

Delivery via email: info@msc.qld.gov.au

Dear Sir/Madam,

SUPERSEDED PLANNING SCHEME APPLICATION SEEKING A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE (1) INTO 48 LOTS) OVER LAND AT 77 BARNWELL ROAD, KURANDA MORE PROPERLY DESCRIBED AS LOT 16 ON N157227

We act for Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin ('the Applicants').

On behalf of the Applicants, please accept this correspondence and the accompanying attachments as a properly made superseded planning scheme application pursuant to Sections 29, 50 and 51 of the *Planning Act 2016* ('the PA') seeking a Development Permit for Reconfiguring a Lot (One (1) into 48 Lots).

Please find **enclosed** the following documentation associated with this development application:

- (a) Attachment A: Application Form
- (b) Attachment B: Proposal Plans
- (c) Attachment C: Statement of Code Compliance prepared by Cardno;
- (d) Attachment D: Owner's Consent;
- (e) Attachment E: Site Searches;
- (f) Attachment F: Superseded Planning Scheme Request Decision;
- (g) Attachment G: State Planning Policy Response prepared by Cardno; and
- (h) Attachment H: Far North Queensland Regional Plan Factsheet.

The following sections of this letter discuss the relevant details of the development application, including the site, the proposed development and the applicable statutory town planning framework, and provide an assessment of the proposal against this framework.

We understand that the relevant application fee in this instance is \$7,395.00, being the fee for a Reconfiguring a Lot involving between 26 and 50 lots, calculated in accordance with Mareeba Shire Council's Fees and Charges Register 2017-2018. The application fee has been paid electronically by the Applicants prior to lodgement.

Cardno (Qld) Pty Ltd
ABN 57 051 074 992

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Australia

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1. THE SITE

The development application relates to land at 77 Barnwell Road, Kuranda ('the site'). The site is more properly described as Lot 16 on N157227 and includes a land area of 57.617 hectares. The site is currently used for rural activities and is improved with a dwelling house and associated outbuildings.

Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin are the registered owners of the site. The site does not benefit from, and is not burdened by, any easements. The site is not located on the Environmental Management Register ('the EMR') or the Contaminated Land Register ('the CLR').

For further detail refer to **Attachment E - Site Searches**.

2. PROPOSED DEVELOPMENT

2.1. Nature and Scale of Proposal

The proposed development involves the subdivision of the site into 48 lots, comprising:

- 47 lots intended for non-urban residential purposes; and
- one (1) drainage reserve.

The minimum lot size within the development is 4,018m².

For further detail refer to **Attachment B – Proposal Plans**.

2.2. Staging, Delivery and Timing

The proposed development will be delivered in two stages. Stage 1 involves 31 residential lots, comprising those located in the west of the site. Stage 2 involves the balance of the development, consisting of 16 residential lots and a drainage reserve, located in the east of the site.

For further detail refer to **Attachment B – Proposal Plans**.

2.3. Infrastructure and Services

Access to the development will be provided from Leilas Way to the north, connecting with a new road within the site, and Barnwell Road, for access to proposed Lots 8 and 9. New local roads are provided throughout the site to provide access to individual lots.

Infrastructure services will be provided to all lots as follows:

- **Water:** Connections to the existing reticulated water network are proposed to be provided. It is anticipated that site water connections will be from the existing Kuranda Water Storage Reservoir.
- **Sewer:** On-site sewerage treatment arrangements are proposed for each proposed lot. Sufficient land area is provided within each lot to accommodate on-site treatment.
- **Electricity:** A connection to the electricity transmission network will be provided to each lot.
- **Telecommunications:** A telecommunications connection will be provided to each proposed lot in accordance with relevant service provider standards.
- **Stormwater:** Appropriate stormwater infrastructure will be provided. The site is benefited with a numbers of waterways that provide an established natural drainage system.

2.4. Environmental Protection and Management

The proposed development has been designed to respond to the existing natural environment and minimise its actual and potential impact on the existing natural environment. The proposed lot boundaries have been located to avoid the potential for clearing of remnant vegetation to occur as a result of existing legislative clearing exemptions¹. Remnant vegetation will be retained within the proposed lots, while drainage reserves are proposed to allow for the retention of regrowth vegetation associated with established waterways.

3. STATUTORY TOWN PLANNING FRAMEWORK

3.1. Planning Act 2016

The *Planning Act 2016* ('the PA') is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The PA is supported by the *Planning Regulation 2017* ('the PR').

The following sections of this report discuss the parts of the PA and PR applicable to the assessment of a development application.

3.1.1. *Approval and Development*

Pursuant to Sections 49, 50 and 51 of the PA, the development application seeks a Development Permit for Reconfiguring a Lot (One (1) into 48 Lots).

The Applicants seek a currency period of 10 years for any development approval issued as a result of the development application, to support the delivery of the development in two stages as discussed in Section 2.2 of this report. It is noted that under the PA, the currency period of a development approval cannot be extended by virtue of the obtaining of a related approval (such as an Operational Works approval), as could be achieved under the now repealed *Sustainable Planning Act 2009* (commonly referred to as the "rolling forward" provisions). The absence of the ability to "roll forward" a currency period means that Operational Works must be completed within the currency period for the Reconfiguring a Lot.

3.1.2. *Application*

The proposed development is:

- development which is located completely in a single local government area;
- is development made assessable under a local categorising instrument, as discussed in Section 5.3; and
- that is Reconfiguring a Lot, other than a lot that is, or includes, airport land.

In accordance with Section 48 of the PA and Section 21 and Schedule 8, Table 2, Item 1 of the PR, the development application is required to be made to the applicable local government, in this instance being Mareeba Shire Council.

3.1.3. *Referral*

Section 52(2) of the PA and Section 22 and Schedules 9 and 10 of the PR provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided.

¹ The extent to which vegetation clearing is required to facilitate the development is limited to Category R (reef regrowth vegetation). This clearing relates to two road crossings of internal waterways.

The development application is not required to be referred to any agency.

In relation to vegetation clearing, it is noted that referral of a development application involving Reconfiguring a Lot is triggered for vegetation clearing matters where:

- a lot that the application relates to is five (5) hectares or larger; and
- the size of any lot created is 25 hectares or less; and
- either:
 - the reconfiguration involves operational work that is assessable development under section 5 (of the part of the PR), other than operational work that is only the clearing of regulated regrowth vegetation; or
 - on any lot created, accepted operational work, other than operational work that is only the clearing of regulated regrowth vegetation, may be carried out.

It is acknowledged that the site include a lot greater than five hectares and that the proposed development will result in the creation of lots with an area less than 25 hectares.

Accepted operational work is defined in Schedule 24 of the PR as follows:

“accepted operational work, for a material change of use or reconfiguring a lot, means operational work that—

- (a) *is the clearing of native vegetation—*
 - (i) *for essential management; or*
 - (ii) *for routine management; or*
 - (iii) *on freehold land, or land leased under the Land Act, if the clearing is necessary for prescribed building work; and*
- (b) *would be assessable development under schedule 10, part 3, division 2, section 5 if it were carried out on the lot immediately before the material change of use or reconfiguration happened, but because of the material change of use or reconfiguration is exempt clearing work.”*

In this regard it is noted that:

- The extent to which lot boundaries are located within mapped areas of regulated vegetation, other than regulated regrowth vegetation, is limited to the locations of current lot boundaries or areas where there is no vegetation, meaning that the proposed development does not provide any additional exempt clearing opportunities associated with boundaries.
- All other lot boundaries are located at least 10 metres from the edge of any vegetation that is within a mapped area of regulated vegetation, other than regulated regrowth vegetation, ensuring that further clearing opportunities are not created.
- The extent to which clearing of vegetation will be required to establish infrastructure associated with the development is limited to Category R (regrowth) and Category X vegetation. The clearing of Category B vegetation will not be required.
- The proposed development is limited to the reconfiguration of the site, meaning that clearing opportunities could only directly result from the development by way of the placement of boundaries or the construction of infrastructure (as discussed above). The proposed development does not alter the planning framework (such as the zoning) applicable to any subsequent use of the lots proposed.

With respect to Schedule 10, Section 4 of the PR, which identifies Prohibited Development in relation to vegetation clearing, it is noted that:

- The proposed development involves Reconfiguring a Lot; and
- The extent to which vegetation clearing is required to facilitate the proposed Reconfiguring a Lot is limited to a road crossing of a waterway. This crossing will involve the clearing of Category R vegetation, that is proposed to be undertaken in compliance with the Managing Category R Regrowth Vegetation accepted development vegetation clearing code, being clearing for necessary infrastructure.

On this basis, the proposed development is not development to which Section 4 of Schedule 10 of the PR relates and is not prohibited development.

3.1.4. Public Notification

Section 53(1) of the PA provides that an applicant must give notice of a development application where any part is subject to Impact Assessment or where it is an application which includes a variation request.

The development application is subject to Code Assessment and does not include a variation request. Notice of the development application is therefore not required in this instance.

3.1.5. Superseded Planning Scheme

In accordance with Section 29 of the PA, Mareeba Shire Council, in correspondence dated 20 July 2017 (refer to **Attachment F**), has agreed to assess the proposed development against the *Mareeba Shire Planning Scheme 2004* ('the Planning Scheme'). This development application is therefore a superseded planning scheme application, as discussed in Section 29 of the PA.

3.1.6. Assessment Framework

As discussed in Section 3.6 of this report, a Code Assessable development application is required in this instance. Section 45(3) of the PA provides that:

- “(3) A code assessment is an assessment that must be carried out only—*
- (a) against the assessment benchmarks in a categorising instrument for the development; and*
 - (b) having regard to any matters prescribed by regulation for this paragraph.”*

The Planning Scheme, as the applicable local categorising instrument, is discussed in greater detail in Section 3.6 of this report.

Section 26 of the PR provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the PA:

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—*
 - (a) the assessment benchmarks stated in—*

- (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *any temporary State planning policy applying to the premises;*
 - (b) *if the local government is an infrastructure provider—the local government’s LGIP.*
- (3) *However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the PR provides matters for the purposes of Section 45(3)(b) of the PA:

- (1) *For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
- (a) *the matters stated in schedules 9 and 10 for the development; and*
 - ...
 - (d) *if the prescribed assessment manager is a person other than the chief executive—*
 - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *for designated premises—the designation for the premises; and*
 - (e) *any temporary State planning policy applying to the premises; and*
 - (f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*
 - (g) *the common material.*
- (2) *However—*
- (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
 - (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.*

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

3.2. Schedules 9 and 10 of the Planning Regulation 2017

Schedules 9 and 10 of the PR do not prescribe any applicable assessment benchmarks.

3.3. Far North Queensland Regional Plan 2009-2031

The *Far North Queensland Regional Plan 2009 - 2031* ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies.

The Regional Plan is not identified in the Planning Scheme as being appropriately integrated in the Planning Scheme.

The Regional Plan is therefore applicable to the assessment of the development application:

- pursuant to Section 45(3)(a) of the PA and Section 26(2)(a)(i) of the PR, to the extent it contains assessment benchmarks; and
- pursuant to Section 45(3)(b) of the PA and Section 27(1)(d)(i) of the PR, as a matter to which the assessment manager may have regard.

3.4. State Planning Policy

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

The SPP is not identified in the Planning Scheme as being appropriately integrated in the Planning Scheme.

The SPP is therefore applicable to the assessment of the development application:

- pursuant to Section 45(3)(a) of the PA and Section 26(2)(a)(ii) of the PR, to the extent it contains assessment benchmarks in Part E; and
- pursuant to Section 45(3)(b) of the PA and Section 27(1)(d)(ii) of the PR, as a matter to which the assessment manager may have regard.

3.5. Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

3.6. Mareeba Shire Planning Scheme 2004

The Planning Scheme came into effect on 10 January 2005. On 1 July 2016 it was superseded by the *Mareeba Shire Planning Scheme 2016*. In accordance with Section 29 of the PA, Mareeba Shire Council, in correspondence dated 20 July 2017 (refer to **Attachment F**), has agreed to assess the proposed development against the superseded planning scheme ('the Planning Scheme').

3.6.1. Zone

The site is located within Precincts A and C of the Myola Zone.

3.6.2. Overlays

Table 2 identifies the overlays applicable to the site.

Table 2: Applicable Overlays

Overlay	Sub-category
Significant Vegetation Overlay	<ul style="list-style-type: none"> Category A
Natural and Cultural Heritage Features Overlay	<ul style="list-style-type: none"> Ridgelines Waterway
Natural Disaster – Bushfire Overlay	<ul style="list-style-type: none"> Low Bushfire Hazard Medium Bushfire Hazard

3.6.3. Level of Assessment²

Table 22 of the Planning Scheme provides that Reconfiguring a Lot is subject to Code Assessment in the Myola Zone. The applicable overlays do not elevate the applicable Level of Assessment. In accordance with Section 1.10 of the Planning Scheme, the proposed development is therefore subject to Code Assessment.

For the purposes of the consideration of the development under the PA, the Level of Assessment provided by the Planning Scheme is taken to be the Category of Development and Assessment for the development.

3.6.4. Applicable Codes

The Tables of Assessment applicable to the proposed development identify that the following codes are applicable to the assessment of the proposed development:

Zone Codes

- Myola Zone Code

Overlay Codes

- Natural and Cultural Heritage Features Overlay Code
- Natural Disaster – Bushfire Overlay Code

Development Codes

- Reconfiguring a Lot Code

3.7. Relationship to the Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Government, through the *Environment Protection and Biodiversity Conservation Act 1999* ('the EPBC Act'), regulates activities and actions that may affect matters of national and international environmental significance ("a controlled action").

It is acknowledged that the site and its surrounds have the potential to contain matters protected by the EPBC Act, noting the site's proximity to the Wet Tropics World Heritage Area.

² The PA and the PR do not elevate the category of development or assessment of the development. Reference should be made to Section 3.1.3 for specific discussion on vegetation clearing.

The proposed development will be referred to the Commonwealth Department of Environment and Energy in accordance with the requirements of the EPBC Act, for determination as to whether the proposal involves a controlled action and therefore requires Commonwealth approval. The approval process under the EPBC Act is separate to the development approval process under the PA. The potential need for a Commonwealth approval to be obtained, or at the least advice in relation to a controlled action, does not prevent the issuing of a development approval pursuant to the PA.

4. ASSESSMENT OF COMPLIANCE

The statutory town planning framework applicable to the assessment of the development application is discussed in Chapter 3 of this report. The following sections provide an assessment of the proposed development against the relevant components and provisions of this framework.

4.1. Far North Queensland Regional Plan 2009-2031

The site is located in the area to which the Far North Queensland Regional Plan 2009-2031 ('the Regional Plan') applies. One of the mechanisms provided by the Regional Plan to guide land use within the region is a preferred land use pattern. The site is designated within the Regional Landscape and Rural Production Area ('the RLRPA'), which is one of three regional land use categories.

It is acknowledged that the primary role of the RLRPA is to identify and protect rural and non-urban areas.

Page 31 of the Regional Plan identifies that the "...RLRPA includes land with one or more of the following values:

- *good quality agricultural land and other productive rural areas*
- *natural resources such as mineral and extractive resources and native and plantation forests*
- *water catchment and groundwater areas*
- *areas of ecological significance, including*
- *endangered and of concern regional ecosystems*
- *Wet Tropics World Heritage Area and protected area tenures*
- *essential wildlife habitat of the southern cassowary and mahogany glider*
- *wetlands*
- *beaches, islands and other coastal areas*
- *outdoor recreation and regional open space areas*
- *inter-urban breaks."*

It is acknowledged that the site contains areas of environmental significance and supports a range of environmental processes, which warrant its designation within the RLRPA. The proposed development has been sensitively designed to minimise its environmental impact by:

- providing residential lots within areas of existing cleared areas or in areas that do not support remnant vegetation;
- retaining areas of environmental significance such as waterways and remnant vegetation in their natural state³ and reducing the potential for further clearing of protected vegetation (when compared with current clearing opportunities);

³ Except where for a road crossing of a waterway

- providing larger lot sizes that support the retention of additional natural features on site; and
- setting aside large environmental areas as a key component of the development and attract residents who will seek to protect and enhance the natural environment.

With respect to the other purposes for the RLRPA discussed by the Regional Plan above, it is noted that:

- The site is not designated as good quality agricultural land;
- The site does not benefit from any mapped or otherwise designated mineral or extractive resources;
- The site is not used as a plantation forest;
- The site is not located within a coastal area;
- The site comprises a private freehold land holding and does not support outdoor recreation or regional open space; and
- The site is located within the environs of Kuranda and is not considered to form an interurban break, noting that surrounding land use, including the settlements of Myola and Kowrowa are consistent with the type of development found within the outer reaches of other townships within the region such as Mareeba (Biboohra), Atherton (Tolga) and Innisfail (Mourilyan/Mundoo). It is also important to note that the site and the abovementioned settlements all fall within the boundary of the locality of Kuranda.

On this basis, it is considered that the designation of the site within the RLRPA predominately reflects its environmental values which affect only part of the site. As discussed previously, the proposed development has been designed to allow for the maintenance, management and enhancement of key environmental values on the site, whilst also supporting its use for sensitive, low scale non-urban residential development. The proposed development is therefore considered to be consistent with the environmental values relevant to the sites designation within the RLRPA.

This approach, in considering the RLRPA as a mechanism to protect environmental features, is also reflected in the designation of similar land within the environs of Kuranda. The Regional Plan designates a number of areas proximate to the site and the Kuranda township currently improved with varying densities of residential development within the RLRPA, as shown in Table 3.

Table 3: Non-Urban Residential Development in Kuranda Environs in the RLRPA

#	Location
A1	Land accessed from Warril Drive, which adjoins the site
A2	Land to the north-west of the Kuranda township, accessed from Myola Road
A3	Land to the immediate south-west of the centre of Myola
A4	Land fronting and surrounding Green Forest Road
A5	Land to the west of Black Mountain Road
A6	Land north of the Barron River accessed from Hickory Road
A7	Land accessed from Kelly Road, Speewah

Each of the above areas are comparable to the site, in that they include areas of environmental significance which have been retained and managed while allowing for the

development of low scale, non-urban residential activities within the catchment of the Kuranda township.

This local interpretation of the Regional Plan should also be considered in light of the construct of the Regional Plan, specifically with respect to its implementation in development assessment. When the Regional Plan originally commenced in 2009, it was supported by the Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions ('the Regional Plan SPRP'). The Regional Plan SPRP provided controls that implemented the policy outcomes of the Regional Plan as part of the decision-making process. The Regional Plan SPRP was repealed on 26 October 2012. In repealing the Regional Plan SPRP, the Queensland Government provided a factsheet (refer to **Attachment H**) that explained how the Regional Plan would be used in development assessment. The factsheet states:

"The removal of the SPRP will return decision-making power to local governments so they may determine if a development proposal is an appropriate outcome for their area."

The factsheet continues by explaining that:

"Local governments are responsible for the interpretation of the boundary of these areas when preparing or amending their planning schemes or assessing development proposals."

On the basis of the above statements, the repeal of the Regional Plan SPRP was undertaken in order to allow greater flexibility in the implementation of the Regional Plan in development assessment, to reflect local circumstances, as determined by local governments. This approach is consistent with that seen in the area surrounding the Kuranda township, where a range of non-urban residential uses are located in the RLRPA (as discussed previously). The proposed development is therefore considered to be consistent with the local interpretation and implementation of the Regional Plan with respect to its RLRPA designation.

The ability for Mareeba Shire Council to implement the Regional Plan having regard to local conditions is also shown in the zoning pattern of the *Mareeba Shire Council Planning Scheme 2016* ('the 2016 planning scheme')⁴. The 2016 planning scheme is identified as being considered, by the Minister, as reflecting the Regional Plan. The zoning maps for the 2016 planning scheme include a number of areas within the Rural Residential Zone, despite being designated in the RLRPA by the Regional Plan. Notable examples are shown in Table 4 and Figures 1-5.

Table 4: Rural Residential Zoned Land in RLRPA

#	Location	Roads
B1	Kuranda	Kennedy Highway
B2	Kuranda	Masons Road
B3	Kuranda	Barron Falls Road
B4	Kuranda	Mason Road
B5	Kuranda	Myola Road, Christensen Road, Fairyland Road, Jarawee Road, Kuranda Heights Road
B6	Kuranda	Black Mountain Road and Shiva Close

⁴ Whilst it is acknowledged that the proposed development is to be assessed against the superseded planning scheme, the consideration of the 2016 planning scheme is relevant in the interpretation of the Regional Plan.

#	Location	Roads
B7	Kuranda	Hickory Road, Rosewood Drive, Cadagi Drive, Silkwood Avenue
B8	Kuranda	Kingfisher Drive, Barnwell Road, Monaro Close, Myola Oak Forest Road, High Chapparal Road, Boyle Road, Green Forest Road, Oak Forest Road
B9	Kuranda	Warril Drive, Hilltop Close, Hope Close, Punch Close, Shane Court, Mount Haren Road
B10	Speewah	Douglas Track, Possum Close, Kelly Road,
B11	Koah	Koah Road, Mar Street
B12	Koah	Koah Road
B13	Koah	Kennedy Highway, Brickworks Road
B14	Biboohra	Bilwon Road, Cypress Road, Pine Close, Orchid Close
B15	Mareeba	Emerald End Road, Emerald End Close
B16	Mareeba	Emerald End Road, Godfrey Road, Catherine Atherton Drive, Country Road, Annie Court
B17	Mareeba	Kennedy Highway, Malone Road
B18	Mareeba	Kennedy Highway, Kay Road, Rollinson Drive
B19	Mareeba	Cobra Road
B20	Mareeba	Ray Road, Mines Road, Rayfield Avenue, Agius Crescent
B21	Mareeba	Ellery Road
B22	Mareeba	La Spina Road, Nucifora Drive, Standen Road, Rioko Road
B23	Arriga	Macadamia Street, Karri Close
B24	Julatten	Mossman Mount Molloy Road, Mount Lewis Road, Churchill Creek Road, Carr Road,
B25	Julatten	Mossman Mount Molloy Road, Brown Road, Button Close

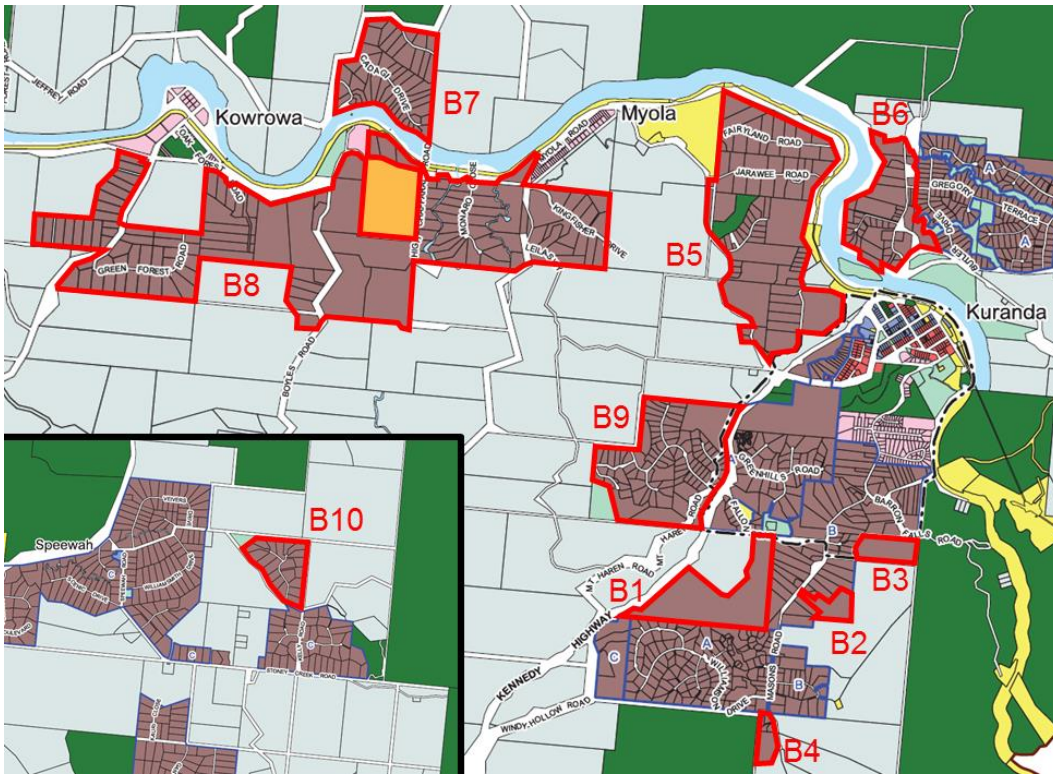


Figure 1: Locations B1-B10

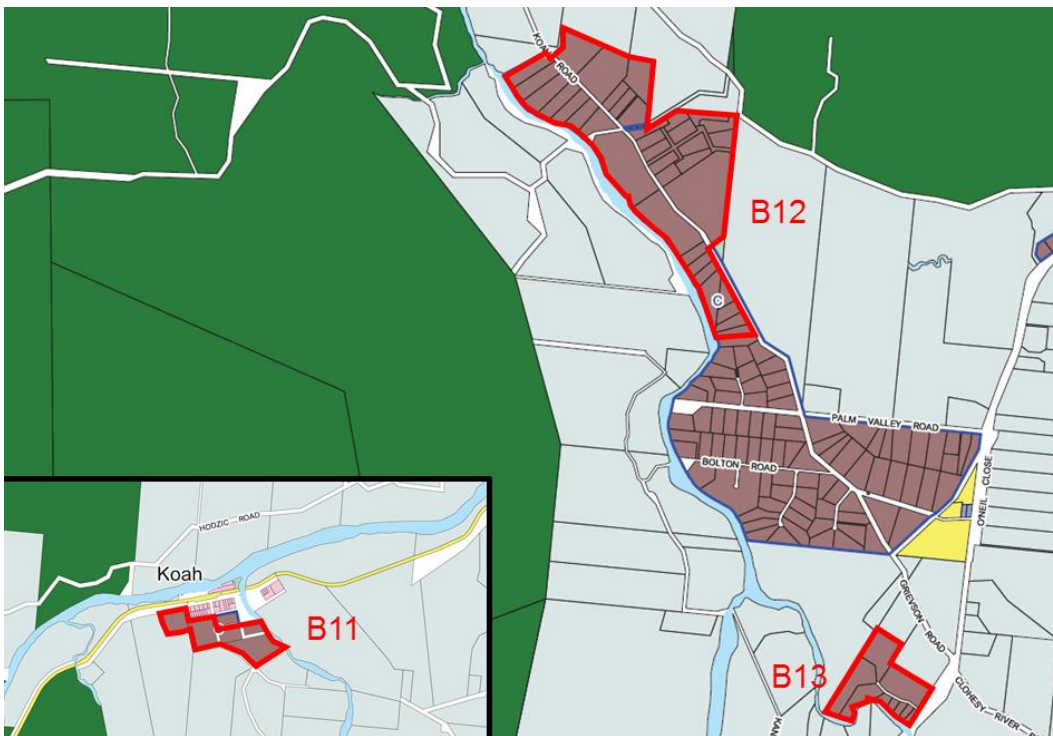


Figure 2: Locations B11-B13

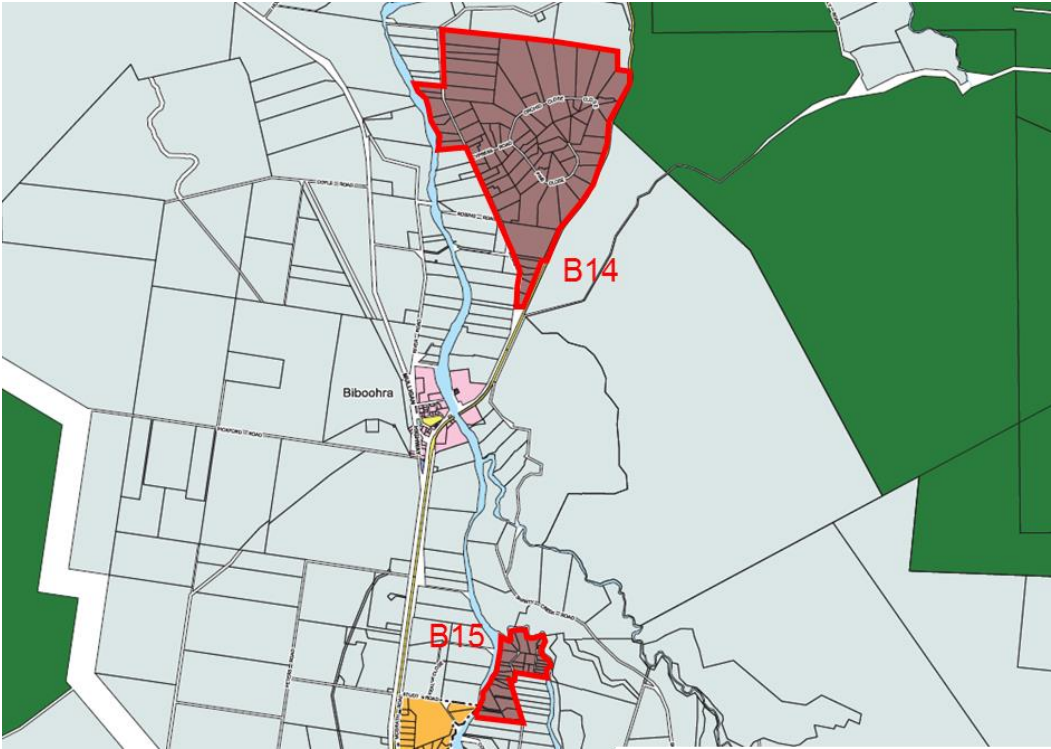


Figure 3: Locations B14-B15

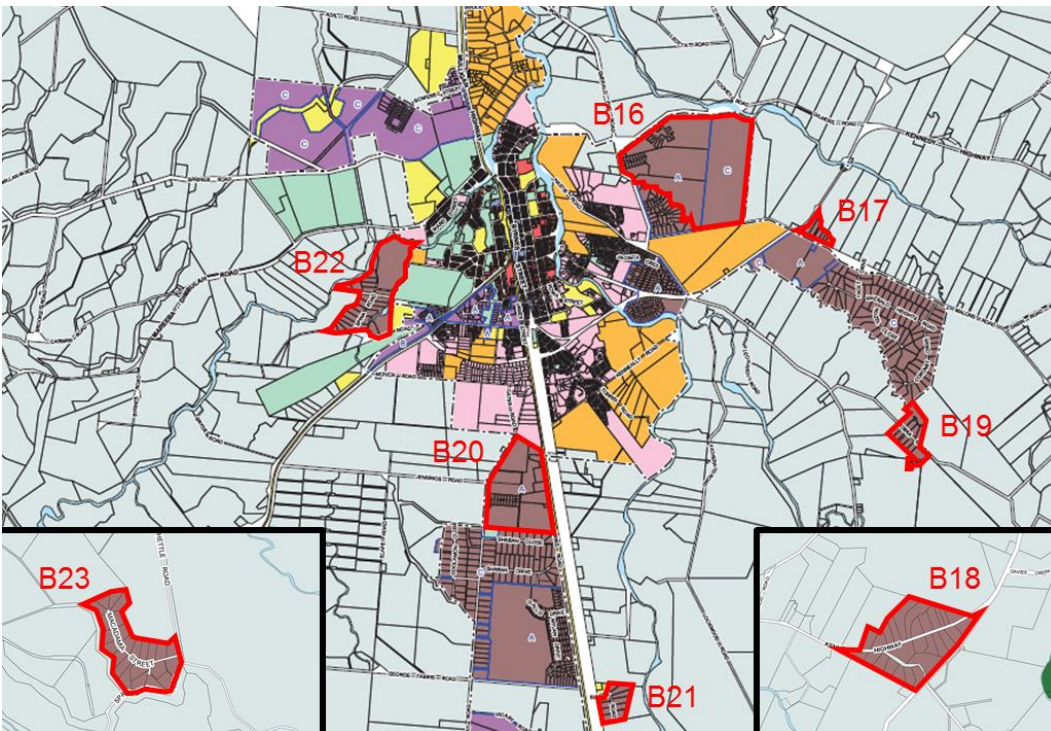


Figure 4: Locations B16-B23

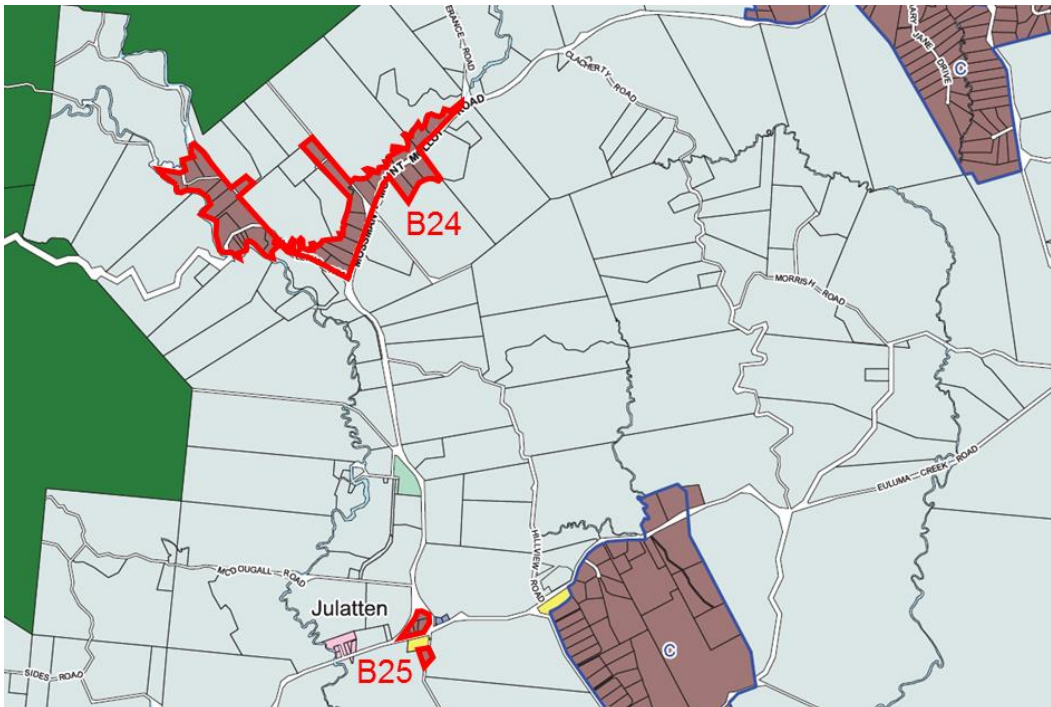


Figure 5: Locations B24-B25

Therefore, whilst it is acknowledged that the approval of the proposed development may, at face value, appear to be inconsistent with the designation of the site within the RLRPA, the proposed development is not inconsistent with the manner in which the Regional Plan has been interpreted and implemented having regard to local conditions.

It is also relevant to consider the time that has passed since the Regional Plan came into force in 2009, at a time when the *Integrated Planning Act 1997* ('the IPA') was still in force. For reference, the IPA has since been replaced by both the *Sustainable Planning Act 2009* and the PA. The Regional Plan is no longer reflective of current land use and development trends within the region, nor is it consistent with the State Government's current policy direction with respect to regional planning. In this instance, where a development is being considered eight years after the Regional Plan came into force, it is appropriate to apply a level consideration of planning merit in reading the Regional Plan as a whole.

In considering the Regional Plan as a whole, the use of the site for low scale non-urban residential development can be seen to benefit the region and be consistent with the broader principles of the Regional Plan, in that:

- The site is located proximate to the Kuranda township, providing residents of the proposed development with easy access to a range of key services whilst maximising the efficient use of these existing services, consistent with Regional Policies 4.1 and 4.2 of the Regional Plan;
- The site is serviced by elements of existing infrastructure including Myola Road, the Kennedy Highway and the Kuranda District State College. The location of the proposed development ensures the efficient utilisation of this existing infrastructure, including any future upgrades, consistent with Regional Policies 3.2, 6.1 and 8.1 of the Regional Plan;
- The proposed development provides for the protection, enhancement and management of existing areas of environmental significance, consistent with Regional Policies 1.1 and 7.1 of the Regional Plan;

- The proposed development provides for improved public access to areas of environmental significance, consistent with Regional Policies 2.1, 3.2, 3.3 and 3.5 of the Regional Plan.
- The proposal's location adjoining and proximate to established residential and urban areas supports the development of improved community identity, collaboration and cohesiveness, consistent with Regional Policies 3.1, 3.4 and 3.5 of the Regional Plan.
- The proposed development has been designed to sensitively integrate into the natural environment, maintaining the character and amenity of the local area in a manner that is consistent with that found throughout the Kuranda locality to ensure the retention of a sense of place, consistent with Regional Policies 2.1, 2.3 and 3.5 of the Regional Plan.
- The proposed development is located to increase the potential for a level of self-containment for Kuranda, Mareeba Shire and the Tablelands, due to its location near Kuranda, consistent with Regional Policy 5.1 of the Regional Plan.
- The proposed development supports economic activity, during both construction and operational phases, within the local economy where an increased local population is conducive to greater demand for local business activity and local skills whilst increasing the critical mass required to support industry diversification, consistent with Regional Policies 5.1 and 5.2 of the Regional Plan.
- The proposed development supports the provision of a diversity of housing options within the region, particularly in the Tablelands area, consistent with Regional Policy 4.4 of the Regional Plan.
- The proposed development provides a range of areas that are suitable for use as public open space, supporting improved community health, consistent with Regional Policy 3.3 of the Regional Plan.
- The proposed development has been designed to appropriately respond to, and mitigate risks associated with, natural hazards, consistent with Regional Policy 4.7 of the Regional Plan.

Whilst the preferred land use pattern is one component of the Regional Plan, it does not reflect all of the policy outcomes sought by the Regional Plan. As outlined above, a balanced assessment of the proposed development, having regard to the range of regional policies that the Regional Plan seeks to promote, demonstrates that the development supports the furthering of the Regional Plan, when read as a whole.

On the basis of the above commentary, the proposed development is considered to:

- Be reflective of, and consistent with, the local interpretation and implementation of the provisions of the Regional Plan relating to the RLRPA;
- Have planning merit when considered in light of the broader principles of the Regional Plan;
- Contribute toward the achievement of a number of regional policies articulated in the Regional Plan when considered as a whole as part of a balanced assessment; and
- Appropriately balance a number of competing interests and policy conflicts within the Regional Plan by providing a locally sensitive and site specific response.

It is therefore considered that the approval of the proposed development would not be inconsistent with the Regional Plan.

4.2. State Planning Policy

An assessment of the proposed development against the relevant assessment benchmarks and other matters of the SPP is provided in **Attachment G – State Planning Policy Response**. The assessment undertaken demonstrates that the proposed development is consistent with the relevant requirements of the SPP.

4.3. Planning Scheme Codes

A detailed assessment of the proposed development against the applicable codes of the Planning Scheme is provided in **Attachment C - Statement of Code Compliance**. The following sections provide a summary of the assessment undertaken.

4.4.1. *Myola Zone Code*

The proposed development complies, or can comply with some of the Probable Solutions of the Myola Zone Code. Alternative Solutions are proposed where no applicable Probable Solution is provided. Alternative Solutions are also proposed in some other instances, specifically in relation to Precinct A PS5.1-PS5.3, Precinct C PS1.2, Precinct C PS5.1-PS5.3 and Precinct C PS6. In all instances, the provided Alternative Solutions demonstrate that the proposed development complies with the corresponding Specific Outcome. The proposed development therefore achieves compliance with the Purpose and Overall Outcomes of the code.

4.4.2. *Natural and Cultural Heritage Features Overlay Code*

The Natural and Cultural Heritage Features Overlay Code provides only one Specific Outcome that is applicable to the proposal. A Probable Solution is not provided for this Specific Outcome. The proposed development, by way of an Alternative Solution, achieves compliance with this Specific Outcome and therefore achieves compliance with the Purpose and Overall Outcomes of the code.

4.4.3. *Natural Disaster – Bushfire Overlay Code*

The proposed development provides an Alternative Solution in relation to Specific Outcome S1, which is the only applicable Specific Outcome of the code. The Alternative Solution proposed demonstrates that the proposal complies with the outcome and therefore complies with the Purpose and Overall Outcomes of the code.

4.4.4. *Reconfiguring a Lot Code*

The Reconfiguring a Lot Code does not provide any applicable Probable Solutions. Alternative Solutions have been provided that demonstrate that the proposed development achieves compliance with each applicable Specific Outcome. The proposed development subsequently complies with the Purpose and Overall Outcomes of the code.

5. CONCLUSION

The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant planning framework.

We therefore recommend that Council favourably consider the proposed development and approve the development application, subject to reasonable and relevant conditions.

If you have any queries, please contact me.

Yours faithfully



Dominic Hammersley
Business Unit Manager – Northern Australia
Principal, Planning
For Cardno
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Enc: Attachments A-H

Attachment A

Application Form

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) 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 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**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin
Contact name <i>(only applicable for companies)</i>	c-/ Dominic Hammersley, Cardno
Postal address <i>(P.O. Box or street address)</i>	PO Box 1619
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	Australia
Contact number	07 4034 0500
Email address <i>(non-mandatory)</i>	dominic.hammersley@cardno.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	HRP16295

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application <input checked="" type="checkbox"/> 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
		77	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	16	N157227	Mareeba

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. Only one set of coordinates is required for this part.

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

<input checked="" type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	Name of water body, watercourse or aquifer:	Cain Creek, tributary of Warril Creek
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	Lot on plan description of strategic port land:	
	Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	Name of local government for the tidal area (if applicable):	
	Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	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="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	CLR site identification:	

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):*

One (1) lot into 48 lots

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot Yes – complete division 2

Operational work Yes – complete division 3

Building work Yes – complete *DA Form 2 – Building work details*

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

8.2) Does the proposed use involve the use of existing buildings on the premises?

Yes

No

Division 2 – Reconfiguring a lot

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

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

Six (6)

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

Subdivision (complete 10))

Dividing land into parts by agreement (complete 11))

Boundary realignment (complete 12))

Creating or changing an easement giving access to a lot from a construction road (complete 13))

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

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	47			1 (drainage)

10.2) Will the subdivision be staged?

Yes – provide additional details below

No

How many stages will the works include? Two (2)

What stage(s) will this development application apply to? All stages

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

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

12) Boundary realignment

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

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

12.2) What is the reason for the boundary realignment?

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

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

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

Yes – a copy of the decision notice is attached to this development application

Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for 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 Regulation 2017:

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – state-controlled roads
- Land within Port of Brisbane's port limits
- SEQ development area
- 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 – residential development
- SEQ regional landscape and rural production area or SEQ Rural living area – urban activity
- Tidal works or works 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 – construction of new levees or modification of existing levees (*category 2 or 3 levees only*)
- Wetland protection area

Matters requiring referral to the local government:

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- Local heritage places

Matters requiring referral to the chief executive of the distribution entity or transmission entity:

- Electricity infrastructure

Matters requiring referral to:

- The **chief executive of the holder of the licence**, if not an individual
 - The **holder of the licence**, if the holder of the licence is an individual
- Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- Brisbane core port land

Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:

- Brisbane core port land
- Strategic port land

Matters requiring referral to the relevant port operator: <input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works, or development in a coastal management district

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

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> 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 Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

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

21) Has the portable long service leave levy been paid? (*only applicable to development applications involving building work or operational work*)

- Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application
- No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- Not applicable

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- Yes – show cause or enforcement notice is attached
- No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- No

Note: Application for an environmental authority can be found by searching "EM941" at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

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

- Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

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

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: See www.qld.gov.au for further information.

Environmental offsets

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

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

No

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

Koala conservation

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

Yes

No

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

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works?**

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

No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to commencing development

No

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

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.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 Heritage Protection at www.ehp.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.dews.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.ehp.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.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

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

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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>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.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration

<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct
<input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>
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 <i>Planning Act 2016</i> , <i>Planning Regulation 2017</i> and the DA Rules except where: <ul style="list-style-type: none"> • such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i> .

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

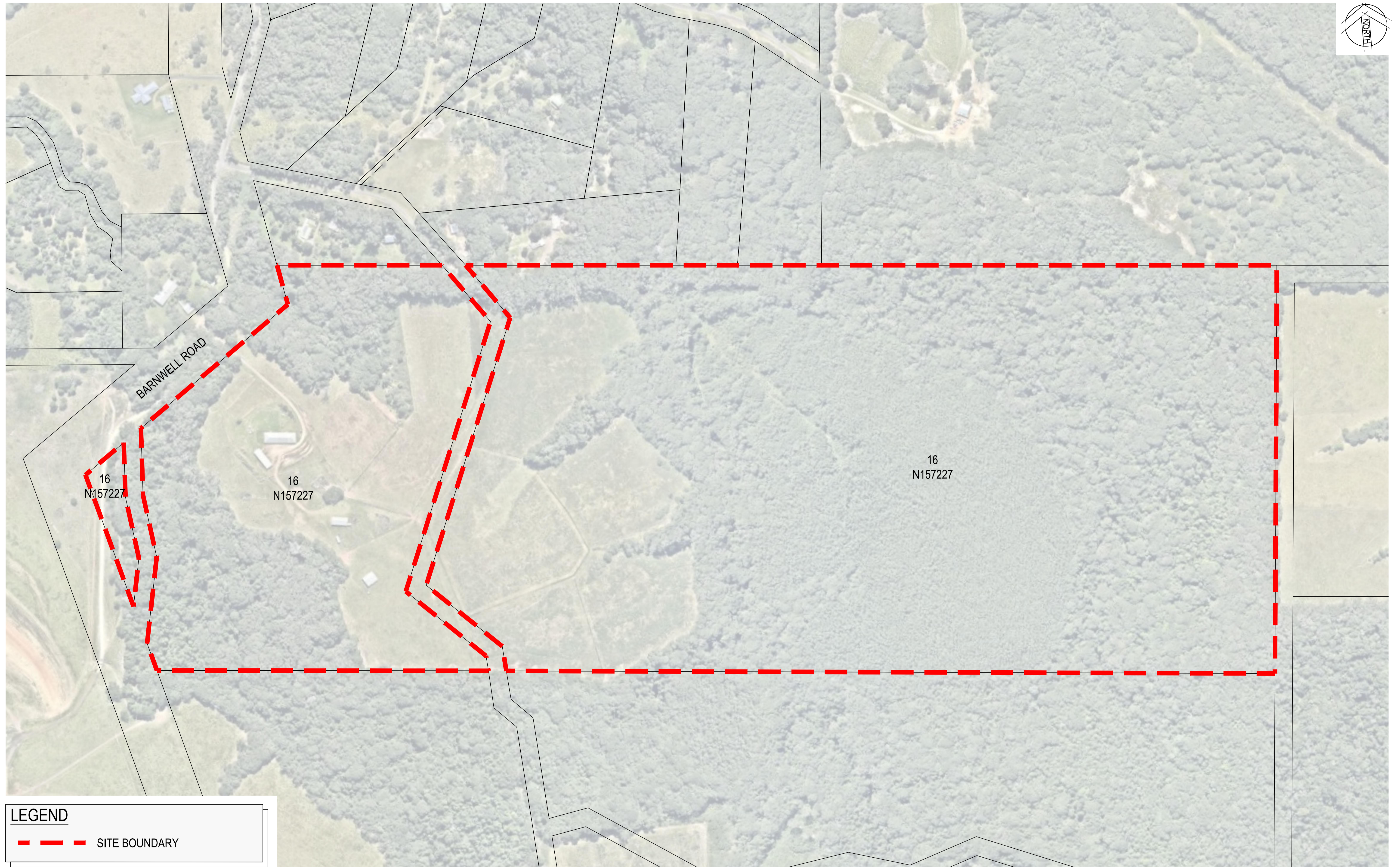
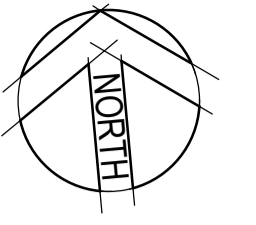
Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

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	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

Attachment B

Proposal Plans



LEGEND

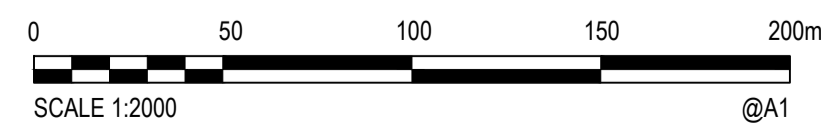
--- SITE BOUNDARY

XREFs: 0174088 Lot Cales 2017_10_03_HRP16295-003-XR-Ldr: 5m SLOPE ANALYSIS: 5m DEPTH RANGE
CAD File: H:2017\HRP16295 - KUR World Rural Residential Subdivision 002 - Town Planning\Drafting\Acad\HRP16295-004-MP-010.dwg



Cairns Tel: 07 4051 0288

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ANDREW EASTON
LOT 16 ON N157227

Date
18/01/2018

Scale
AS SHOWN

Size
A1

BARNWELL ROAD

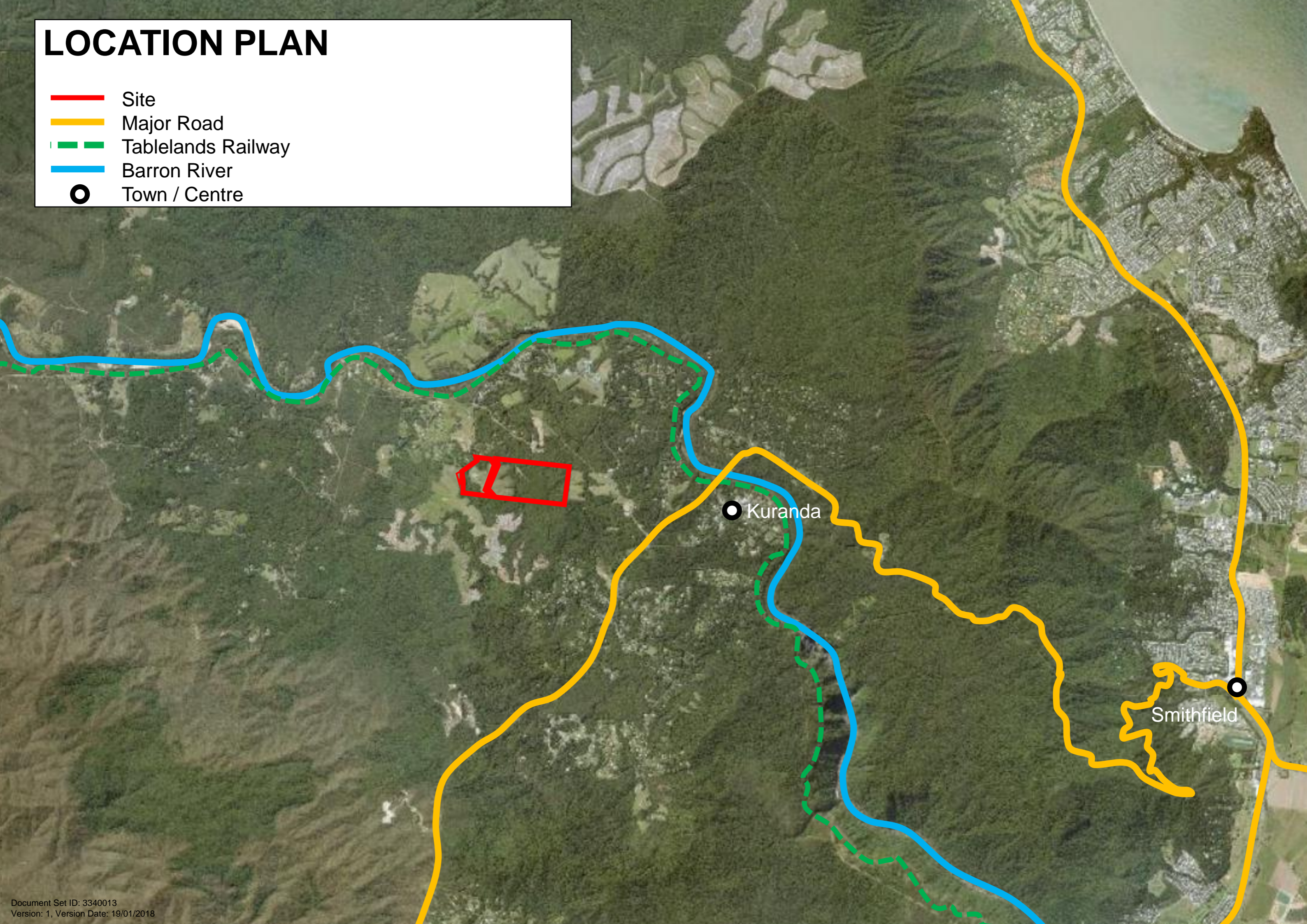
SITE PLAN

HRP16295-004-MP-010
Drawing Number

A
Revision

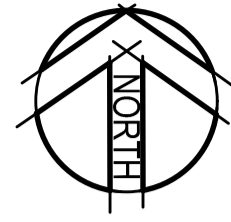
LOCATION PLAN

-  Site
-  Major Road
-  Tablelands Railway
-  Barron River
-  Town / Centre



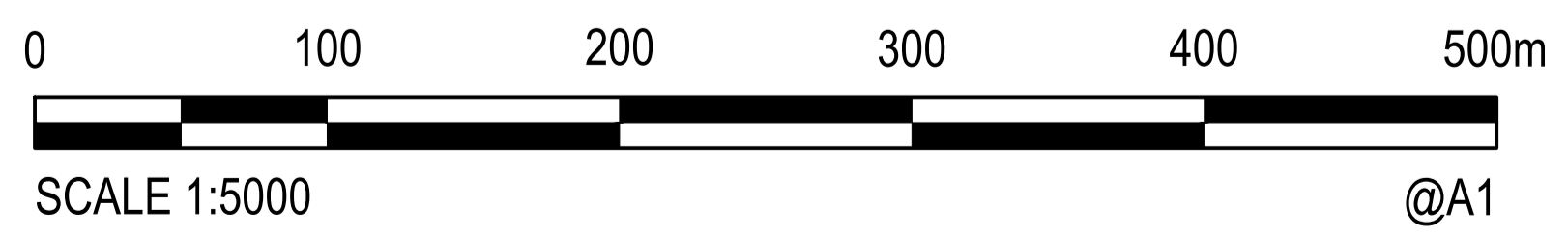
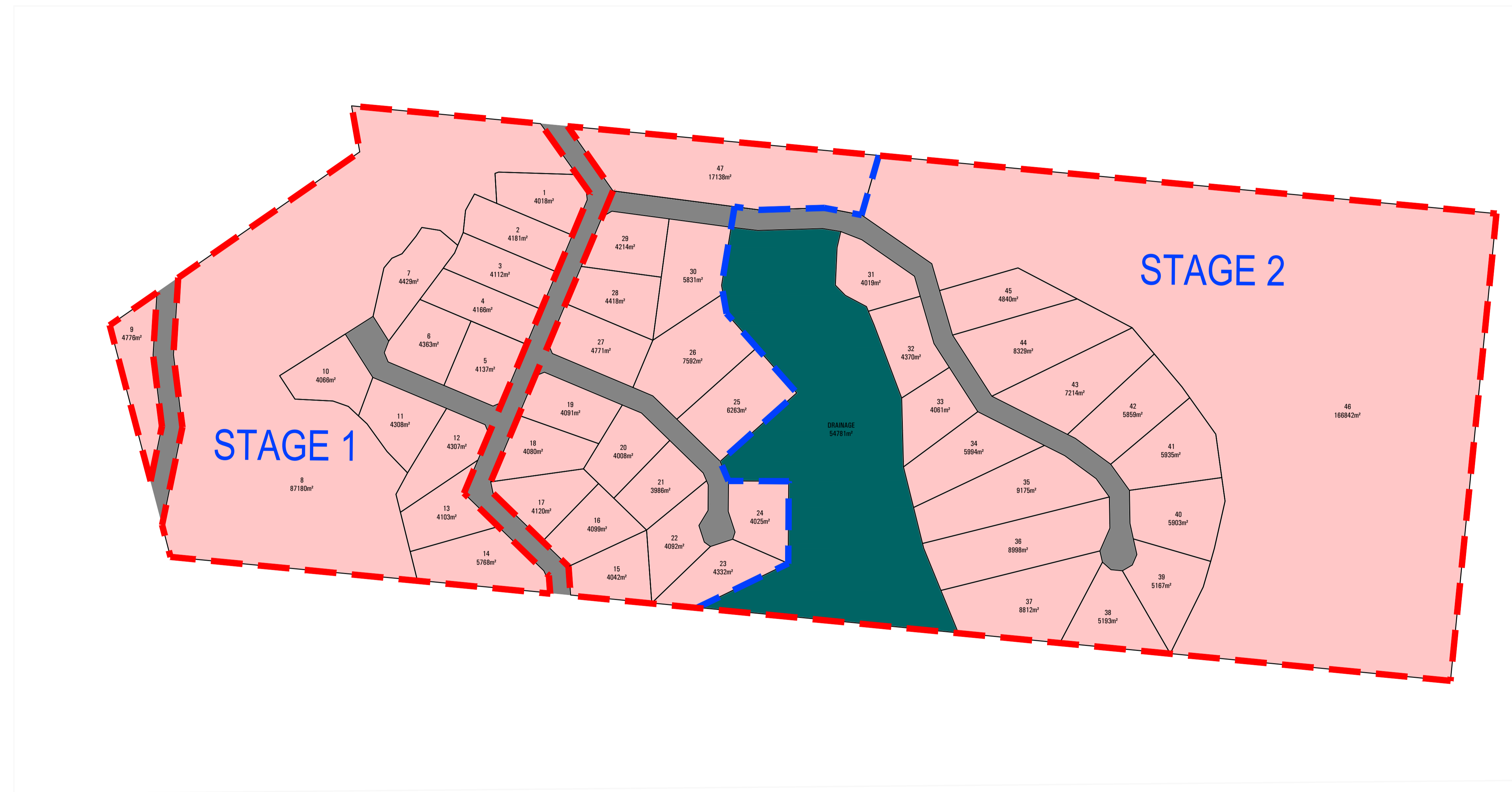
Kuranda

Smithfield



PRECINCT C	
TOTAL LOT AREA	49.57ha
AVERAGE LOT SIZE	10 547m ²
TOTAL LOTS	47

LEGEND	
	NON URBAN RESIDENTIAL LOT - PRECINCT C
	DRAINAGE RESERVE
	ROAD RESERVE
	SITE BOUNDARY
	STAGE BOUNDARY



LEILAS WAY ESTATE - NON URBAN RESIDENTIAL PROPOSED LOT LAYOUT

ANDREW EASTON
 LOT 16 ON N157227

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This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering and Local Authority and Agency approvals.

Date JANUARY 2018	Sketch/Figure Number HRP16295-004-MP-008	Revision B
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DATE PLOTTED: 18 January 2018 1:00 PM
 CAD FILE: H12017\HRP16295 - KUR World Rural Residential Subdivision002 - Town Planning\Drafting\Acad\HRP16295-004-MP-008.dwg