

Assessment of application against relevant Development Codes

APPLICATION DETAILS

APPLICATION		PREMISES	
FILE NO:	RAL/18/0002	ADDRESS:	112 Barnwell Road, Kuranda
APPLICANT:	Reever and Ocean Pty Ltd	RPD:	Lots 17, 18, 19 on SP296830, Lot 22 on SP304952 and Lot 20 on N157423
CONSULTANT:	wildPLAN	AREA:	Lot 17 - 63.12 hectares Lot 18 - 69.814 hectares Lot 19 - 43.4993 hectares Lot 20 - 70.618 hectares Lot 22 - 107.7 hectares
DATE LODGED:	18 January 2018 Change Application made 29 August 2019	OWNER:	Reever and Ocean Pty Ltd
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages		
PLANNING SCHEME:	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE:	Lot 20 on N157423 - Rural zone Lots 17, 18, 19 on SP296830, Lot 22 on SP304952 - Myola zone		
LEVEL OF ASSESSMENT:	Code Assessment		
SUBMISSIONS:	n/a		

Relevant Development Codes

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

Part 4, Division 14	Rural Zone Code
Part 4, Division 22	Myola Zone Code
Part 5, Division 2	Natural and Cultural Heritage Features Overlay Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot Code

Division 14—Assessment Criteria for Rural Zone

4.75 RURAL ZONE CODE

The provisions in this division comprise the Rural Zone code. They are-

- compliance with Rural Zone code (section 4.76);
- overall outcomes for Rural zone code (section 4.77);
- specific outcomes, probable solutions and acceptable solutions for the Rural zone code (sections 4.78 to 4.80).

4.76 COMPLIANCE WITH RURAL ZONE CODE

Development that is consistent with the specific outcomes in sections 4.78 to 4.80 complies with the Rural zone code.

4.77 OVERALL OUTCOMES FOR RURAL ZONE CODE

- (1) The overall outcomes are the purpose of the Rural zone code.
- (2) The overall outcomes sought for the Rural zone code are to achieve an area:
 - (a) that caters for a range of primary industries including forestry and aquaculture to contribute to the economic well being of the Mareeba Shire;
 - (b) where agricultural production and the raising of animals are protected from incompatible land uses;
 - (c) where Good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;
 - (d) in which agricultural uses and works are located, designed and managed to maximise the efficient use and operation of infrastructure including the MDIA channel infrastructure;
 - (e) that allows tourist uses that are ecologically sustainable and dependent on the values of the cultural heritage and natural resource or features located in the rural zone;
 - (f) that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;
 - (g) where a distinct boundary between the towns of Mareeba, Kuranda and Dimbulah is clear so that those towns do not extend beyond identified boundaries;
 - (h) where provides adequate services to cater for the needs of industry are provided whilst ensuring likely environmental and social impacts of industrial developments and activities (e.g. both construction and operational impacts) and the cumulative impacts of trucks/transportation to and from industrial sites are minimised;
 - (i) where impacts on development on the natural values and water quality are minimised;
 - (j) that allows for rural value adding industries where appropriately located;
 - (k) where GQAL is conserved for agricultural uses that are dependent on the quality of agricultural land;
 - (l) where the scenic values of the Shire are maintained;
 - (m) where, in the Southedge Potential Tourist Area (as shown on Strategic Framework Maps SP1 & SP2) allows for tourist facilities directly associated with the natural attributes of the Southedge site, provided there is a demonstrable need for the facilities and adequate support systems are in place;
 - (n) where, in Preferred area No 3 (as shown on Maps Z8, Z9 and Z10) the Clohesy River Area is protected for future long term urban development as identified by the FNQ Regional Plan;
 - (o) where uses and works are located, designed and managed to avoid significant effect on the environment;
 - (p) where, in Preferred Area No 2 (as shown on Map Z10) the Mona Mona Reserve is planned for its continued development in accordance with an approved Plan of Development and Land Management and the Supplementary Table of zones;
 - (q) makes effective use of the land and of the services provided to enable the functioning of the zone.

4.78 BUILDING SITING, SCALE AND AMENITY

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
For Self Assessable and Code Assessable Development			
S1 New development is consistent in scale with existing buildings and structures in the vicinity and does not detrimentally impact on road transport infrastructure and adjoining uses.	<p>PS1.1 Any building or structure does not exceed 12 metres and three storeys in height; and</p> <p>PS1.2 Any building or structure is located at least:</p> <p>(i) 50 metres from the centre line of the existing Kennedy Highway, Peninsula Developmental Road, Mareeba-Dimbulah Road or other State controlled road (Main Road Marked Route) as identified on Maps R1 and R2, and</p> <p>(ii) 6 metres from any other road; and</p> <p>(iii) 10 metres from any common boundary of allotments; and</p> <p>PS1.3 Buildings and other structures are located at least 25 metres from any Railway corridor land.</p>	n/a	<p>That part of the subject land situated within the Rural zone is limited to Lot 20 on N157423. The remainder of the subject land is situated within the Myola zone.</p> <p>The reconfiguration of Lot 20 on N157423 is limited to a boundary realignment component of the development only, whereby Lot 20 is actually increasing in size, being merged with land to the north and becoming part of the larger balance lot.</p> <p>Building/structure heights and setbacks for the Rural zone are not applicable in this instance.</p>
S2 Agricultural activities are protected from incompatible land uses.	<p>PS2.1 Where a site in the Rural zone is not already used for agriculture or agriculture – intensive and it adjoins any other zone, a separation distance of 300 metres is to be maintained between any new agricultural or agriculture - intensive use and the boundary of the adjoining zone/s.</p> <p>PS2.2 Non agriculture or agriculture – intensive uses which adjoin any agriculture or agriculture – intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture – intensive uses and the non agriculture or agriculture – intensive uses.</p>	n/a	<p>Not applicable, despite the development land including Rural zoned land and being adjoined by Rural zoned land to the south, this land is almost entirely vegetated and holds no agricultural potential.</p> <p>The protection of agricultural activity from incompatible land uses is not a concern in this instance.</p>
S3 Functional, safe and convenient vehicular access and movement to the site for the particular activity.	PS3 Access to the site is provided in accordance with Planning Scheme Policy 4 - Development Manual Section D1.30.	✓	Compliant access to all proposed lots will be conditioned to comply.
S4 Clearing of vegetation does not destabilise soil resources, result in a reduction in water quality or fragmentation of wildlife corridors (wildlife corridors are identified as Category B of Planning Scheme Maps V1 and V2).	<p>For Lots with areas of two (2) hectares or above:</p> <p>PS4.1 Vegetation is retained within fifty (50) metres from the high bank of waterways and wetlands as indicated on any Planning Scheme Map; and</p> <p>For Lots below two (2) hectares in area:</p> <p>PS4.2 Vegetation is retained within ten (10) metres from the high bank of waterways and wetlands as indicated on any Planning Scheme Map; and</p> <p>For all Lots:</p> <p>PS4.3 Vegetation is retained on land with a slope of 15% or greater.</p>	✓	No clearing is proposed on any part of the subject land situated within the Rural zone.
For Code Assessable Development			
S5 Buildings are protected from adverse flooding and does not interfere with the passage or storage of stormwater.	<p>PS5.1 Buildings are designed and located as not to be within an area subject to flooding, unless:</p> <p>(i) the floor level of all habitable rooms is at least 300mm clear of the Q100 flood level; and</p> <p>(ii) the building is elevated and the area below the building is not enclosed or otherwise does not</p>	✓	Complies.

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
	impede the passage of stormwater.		
<p>For the Southedge Potential Tourist Area as identified on the Strategic Framework Maps SP1 & SP2</p> <p>S6 Utility services are provided which are:</p> <ul style="list-style-type: none"> (i) Cost effective over their life cycle; and (ii) Minimise potential adverse environmental impacts in the short and long term; and (iii) Do not pose a risk to human health or the amenity of the locality; and (iv) Provided equitably. 	<p>PS6 Development occurs in accordance with an approved plan which adequately addresses social, economic, environmental and regional considerations.</p>	n/a	<p>Not applicable.</p> <p>This application does not involve land within the Southedge Potential Tourist Area.</p>
<p>For Mona Mona Reserve as identified on Map Z10 as Preferred Area No 2</p> <p>S7 Utility services are provided which are:</p> <ul style="list-style-type: none"> (i) Cost effective over their life cycle; and (ii) Minimise potential adverse environmental impacts in the short and long term; and (iii) Do not pose a risk to human health or the amenity of the locality; and (iv) Provided equitably. 	<p>PS7 Development is carried out in accordance with a Plan of Development and Land Management and the Supplementary Table of zones, (as amended on 13 June 2001), approved by Council on 19 June 2001.</p>	n/a	<p>Not applicable.</p> <p>This application does not involve land within Preferred Area No 2 - Mona Mona Reserve.</p>
<p>For Clohesy River Area identified on Maps Z8, Z9 and Z10 as Preferred Area No 3</p> <p>S8 Land situated within Preferred Area No 3 (as shown on Maps Z8, Z9 and Z10) is protected for future long term urban development as identified by the FNQ Regional Plan.</p>	<p>PS8 New development within Preferred No 3 does not compromise its potential for future long term urban development.</p>	n/a	<p>Not applicable.</p> <p>This application does not involve land within Preferred Area No 3 - Clohesy River Area.</p>
<p>S9 Tourism uses in or within 50 metres of a significant landscape feature are located on a site:</p> <ul style="list-style-type: none"> (i) without impacting on the attributes or values which give rise to the attractiveness of the site; and (ii) with proximity to infrastructure and services adequate to meet the-day to-day needs of the tourist population likely to be generated by development on the site; and (iii) that contains land suitable in its physical characteristics to 	<p>PS9 No probable solution prescribed.</p>	n/a	<p>Not applicable - The proposed development does not include any tourism uses.</p>

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
(iv) accommodate the form, scale and intensity of development; and without impact upon the visual and landscape setting of the Shire.			
S10 Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.	PS10 No probable solution prescribed.	n/a	Not applicable - That part of the subject land situated within the rural zone is not considered to be GQAL, nor is it considered to have any agricultural potential due to the land be predominately vegetated.

4.79 GRAVEL PITS, RESOURCE RESERVES AND MINING LEASES

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
For Self Assessable and Code Assessable Development			
S1 The continuing or new use of gravel pits, resource reserves, mining lease areas and other areas of mineral interests identified on Maps M1 to M5 is not significantly constrained by the siting of incompatible uses or works.	PS1.1 New dwelling houses and tourist facilities (not located on the same site as the mining interest) are not constructed within 500 metres of Mining Interests identified on Maps M1 to M5; and PS1.2 New dwelling houses and tourist facilities (not located on the same site as the mining interest) are not constructed within 1 km from Mining Interests (as identified on Maps M1 to M5) involving blasting and crushing of material.	✓	The subject land is not situated within 1 kilometre of a mapped mining interest.
For Code Assessable Development			
S2 Development of new extractive industries ensures neighbouring activities are not impacted upon.	PS2 No probable solution prescribed.	n/a	Not applicable. This application does not propose a new extractive industry.

4.80 RECONFIGURING A LOT

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
For Code Assessable Development			
S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised	PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5; or PS1.2 Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.	n/a	<p>That part of the subject land situated within the Rural zone is limited to Lot 20 on N157423. The remainder of the subject land is situated within the Myola zone.</p> <p>The reconfiguration of Lot 20 on N157423 is limited to a boundary realignment component of the development only, whereby Lot 20 is actually increasing in size,</p>

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
			being merged with land to the north and becoming part of the larger balance lot which will exceed 60 hectares in size regardless.
S2 Design and construction caters for the intended use of the road.	PS2 Design and construction of roads and accesses are in accordance with the Planning Scheme Policy 4 - Development Manual and the provisions of the Part 6 Division 5 - Car parking code.	✓	Will be conditioned to comply.
S3 Augmentation of the road network servicing the development is provided.	PS3 A cash contribution is paid in accordance with the Planning Scheme Policy 6 - Augmentation of the Road Network ¹	✓	Will be conditioned to comply where relevant.
S4 Sewage disposal facilities are provided for each allotment which are: (i) Cost effective over their life cycle; and (ii) Minimise potential adverse environmental impacts in the short and long term; and (iii) Do not pose a risk to human health or the amenity of the locality; and (iv) are provided equitably.	PS4 On site sewage disposal facilities are provided in accordance with the Plumbing and Drainage Act 2002.	✓	Will be conditioned to comply.

4.81 INCONSISTENT USE

Specific Outcomes
Inconsistent uses are contrary to the zone outcomes sought for the Rural zone comprise all uses mentioned in Column 1 of the Table of Development as Inconsistent uses.

4.82 CONSISTENT USES

Specific Outcomes
Consistent uses are consistent with the zone outcomes sought for the Rural zone and comprise all uses NOT listed as inconsistent in Column 1 of the Table of Development.

¹ Refer Part 8 Planning Scheme Policy 6- Augmentation of the Road Network-

Division 22—Assessment Criteria for Myola Zone

4.122 MYOLA ZONE CODE

The provisions in this division comprise the Myola zone code. They are-

- compliance with Myola zone code (section 4.123);
- overall outcomes for Myola zone code (section 4.124);
- specific outcomes, probable and acceptable solutions for the Myola zone code (sections 4.125 to 4.126).

4.123 COMPLIANCE WITH MYOLA ZONE CODE

Development that is consistent with the specific outcomes in sections 4.125 to 4.126 complies with Myola zone code.

4.124 OVERALL OUTCOMES FOR MYOLA ZONE CODE

- (1) The overall outcomes are the purpose of the Myola zone code.
- (2) The overall outcomes sought for the Myola zone is to achieve an area that:
 - (a) protects key environmental and scenic values, including the retention of substantial creek lines and ridges in their natural state;
 - (b) allows for urban development consistent with the staged upgrading of the Kuranda Range Road;
 - (c) provides a range of lifestyle choices and housing types;
 - (d) provides for uses which are located, designed and managed to be compatible with other uses and avoids adverse effects on the natural and cultural values of the environment;
 - (e) provides for future urban development in Myola which is appropriately planned and designed having regard to the provision of infrastructure and the environmental characteristics of the area;
 - (f) is divided into five precincts having regard to environmental values, development constraints and land capability; as shown on Map Z7;
- (g) **for Precinct A:**
 - (i) urban uses are consolidated on land not constrained by environmental or topographical features and in areas provided with infrastructure or where the efficient extension and safe operation of infrastructure is maximised;
 - (ii) is protected from urban residential development until such time as reticulated water and sewerage infrastructure is provided;
 - (iii) accommodates a town centre where a range of services and facilities to serve the future needs of the Myola community;
 - (iv) urban residential development is consolidated in nodes on land with minimal physical constraint, and is compatible with the character of the area;
 - (v) provides a range of housing choices through a variety of residential allotment sizes and associated housing;
 - (vi) low density residential development is limited outside urban nodes where land is constrained by environmental or topographical features.
 - (vii) urban development is provided with all urban services including reticulated water and sewerage.
- (h) **for Precinct B:**
 - (i) uses are consolidated on land not constrained by environmental or topographical features and in areas provided with infrastructure or where the efficient extension and safe operation of infrastructure is maximised;
 - (ii) is protected from residential development until such time as reticulated water and sewerage infrastructure is provided;

- (iii) residential development is to be of large lots sizes to be compatible with ensuring the protection of biodiversity values;
 - (iv) uses are provided with all urban services including reticulated water and sewerage;
 - (v) new urban development is accessed via a new bridge across the Barron River to provide for safe and reliable access and infrastructure delivery;
 - (vi) the existing environmental values within Russett Park are retained.
- (i) **for Precinct C:**
- (i) residential development is consolidated in nodes on land with minimal physical constraint, which is compatible to the character of the area; and compatible with the existing biodiversity and scenic landscape values of the area;
 - (ii) uses are provided with all urban services including reticulated water, with reticulated sewerage provided in areas where it is efficient and effective to do so;
 - (iii) residential development is limited on land that is constrained by environmental or topographical features.
- (j) **for Precinct D:**
- (i) the biodiversity and scenic landscape values are protected from the effects of development;
 - (ii) development for residential purposes is restricted, and is compatible with the higher level biodiversity and scenic landscape values of the area;
 - (iii) the effects of development on the natural environment are minimised having particular regard to the management and environmental requirements of the "EnviroLink Wildlife Corridor" to accommodate wildlife movements.
- (k) **for Precinct E:**
- (i) Barron River riparian corridor which has been identified as an endangered regional ecosystem is protected;
 - (ii) development for urban residential purposes occurs on land that is free from flooding and allows natural stream flow processes to occur;
 - (iii) residential development on land with a slope of greater than 15% at Mount Haren near the Kennedy Highway and west of Precinct D is limited and minimises earthworks and impacts on scenic amenity;
 - (iv) rail infrastructure is protected from incompatible land uses;
 - (v) the scenic amenity values viewed from the Kennedy Highway are protected and enhanced;
 - (vi) World Heritage values are protected and potential adverse impacts from adjoining development is minimised;
 - (vii) opportunities for open space and recreational facilities of an appropriate type and scale are provided along the Barron River.

4.125 BUILDING SITING, SCALE AND AMENITY

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
For Self Assessable and Code Assessable Development			
S1 Development is consistent in scale with existing buildings and structures in the vicinity and does not detrimentally impact upon road transport infrastructure and adjoining uses.	<p>PS1.1 Any building or structure does not exceed 7.5 metres and two storeys in height; and</p> <p>PS1.2 Any building or structure is located at least:</p> <p>(i) 50 metres from the centre line of the existing Kennedy Highway, Peninsula Developmental Road, Mareeba-Dimbulah Road or other State controlled road (Main Road Marked Route) as identified on Map R1, and</p>	✓	<p>PS1.1 - Not applicable at reconfiguring a lot stage. No buildings or structures are proposed.</p> <p>PS1.2 - These setbacks will be achievable on all proposed lots.</p> <p>PS1.3 - Not applicable at reconfiguring a lot stage.</p>

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
	(ii) 6 metres from any other road; and (iii) 10 metres from any common boundary of allotments; and PS1.3 Outbuildings used for purposes ancillary to the use of a dwelling house do not exceed 4 metres in height at the apex of the roof.		
S2 Design and layout seeks to achieve harmony between the man made and the natural features of the landscape.	PS2.1 Buildings are located: (a) on land with a slope of 15% or less or (b) designed and located to be a height less than 7.5 metres, and For Code Assessable Development only PS2.2 Buildings and other structures are not visually intrusive; (i) where located on ridgelines as identified on Natural Features Overlay Map N1; and (ii) when viewed from major tourist routes as identified on Maps SP1 and SP2.	n/a	Not applicable at reconfiguring a lot stage. Any future building work on sloped land will be assessable development.
For Code Assessable Development			
S3 Buildings are protected from adverse flooding and does not interfere with the passage or storage of stormwater.	PS3 Buildings are designed and located as not to be within an area subject to flooding, unless: (i) the floor level of all habitable rooms is at least 300mm clear of the Q100 flood level; and (ii) the building is elevated and the area below the building is not enclosed or otherwise does not impede the passage of stormwater.	✓	Complies - All proposed lots will be situated outside any mapped Q100 flood hazard area.
S4 Development of premises on land contiguous with a State Controlled road or Rail corridor is designed to mitigate noise impacts from road and railway activities.	PS4 No probable solution prescribed. Note Refer Planning Scheme Policy-3 Information Local Government May Request, (8) Noise Mitigation	n/a	Not applicable - the subject land does not adjoin a State controlled road or railway line.

4.126 RECONFIGURING A LOT

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
For Code Assessable Development			
For Myola Precinct "A"			
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 (iii) minimal clearing of vegetation; and (iv) reasonable vehicular access for a car from the road to the dwelling site.	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: (i) a minimum area of 600m² and maximum area of 1,000m²; and (ii) a minimum frontage of 20m; OR PS1.2 If the site: (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: (i) a minimum area of 4,000m²; and (ii) a minimum frontage of 50m.	✓ Complies with S1 (iv).	PS1.1 - Not applicable - due to parts of the subject land having slopes in excess of 15% and containing a mapped ridgeline. PS1.2 - Each lot will have an area in excess of 4,000m ² , however, some lots will have frontages less than 50 metres. Proposed Lots 32, 33 and 43 will have frontages significantly less than 50 metres. Despite having frontages of less than 50 metres, in all cases the lesser frontages provided will not impact on the provision of safe and convenient access for any future dwelling house. As such, the development complies with S1 (iv).
S2 Each new lot is capable of being connected to the following: (i) reticulated water supply; (ii) reticulated sewerage infrastructure; (iii) urban drainage system; (iv) underground power supply; and telecommunications.	PS2 No acceptable solution prescribed.	✓	Will be conditioned to comply where relevant. Connecting all residential lots to Council's reticulated water supply is considered reasonable given the uncertainties experienced with ground water supplies. All recent 4,000m ² lot residential development Shire wide have been required to provide reticulated water supply. While the lots are capable of being connected to reticulated sewerage infrastructure, all lots are large enough to accommodate on-site wastewater disposal which is preferred in this instance.
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.	✓	Will be conditioned to comply.
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.	✓	Complies - all existing vegetation is being retained with the exception of a small portion of riparian vegetation that will be removed for the construction of a creek crossing for the proposed internal road network.

Specific Outcomes		Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
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. ² PS5.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution. 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.	✓	Will be conditioned to comply.
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 Network ³	✓	Will be conditioned to comply.
For Myola Precinct "B"				
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 protection of ridgelines and waterways as identified on Map N1, and (ii) minimal clearing of vegetation; and (iii) reasonable vehicular access for a car from the road to the dwelling site.	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: (i) a minimum area of 600m ² and maximum area of 1,000m ² ; and (ii) a minimum frontage of 20m; OR PS1.2 If the site: (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: (i) a minimum area of 4,000m ² ; and (ii) a minimum frontage of 50m.	n/a	Not applicable. This application does not involve land within Precinct B.
S2	Each new lot is capable of being connected to the following: (i) reticulated water supply; (ii) reticulated sewerage infrastructure; (iii) urban drainage system; (iv) underground power supply; and telecommunications.	PS2 No acceptable solution prescribed.	n/a	Not applicable. This application does not involve land within Precinct B.
S3	Each new lot is capable of being accessed, via a road crossing of Barron River directly linking	PS3 No acceptable solution prescribed.	n/a	Not applicable. This application does not involve land within Precinct B.

² Refer Part 8 Planning Scheme Policy 5 - Open Space Contribution.

³ Refer Part 8 Planning Scheme Policy 6 - Augmentation of the Road Network-

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
Precinct A and Precinct B, with a flood immunity of greater than Q10.			
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.	n/a	Not applicable. This application does not involve land within 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.	n/a	Not applicable. This application does not involve land within 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.4 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.	n/a	Not applicable. This application does not involve land within 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 Network5	n/a	Not applicable. This application does not involve land within 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 (iii) minimal clearing of vegetation; and (iv) reasonable vehicular access for a car from the road to the dwelling site.	PS1.1 (a) If the site: 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: (i) a minimum area of 4000m2 to 2 hectares with an average of 8000m2 and (ii) a minimum frontage of 50m; OR PS1.2 (a) If the site: 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:	✓ Complies with S1	PS1.1 - Not applicable - due to parts of the subject land having slopes in excess of 15% and containing a mapped ridgeline. PS1.2 - Each lot will achieve an area in excess of 4,000m ² , with an average lot size greater than 8,000m ² . However, proposed Lots 17 and 18 may have frontages less than 50 metres. Each proposed lot will have adequate usable space for the convenient erection of a dwelling house and outbuildings outside any mapped flood hazard area. Further significant clearing is not proposed. Some minor clearing is necessary to construct proposed Roads A and B, provide access to proposed Lot 43 and to provide a building site on proposed Lots 6 & 7. The lesser frontages for Lots 17 and 18 will not impact on the provision of safe and convenient

⁴ Refer Part 8 Planning Scheme Policy 5 - Open Space Contribution.

⁵ Refer Part 8 Planning Scheme Policy 6 - Augmentation of the Road Network-

Specific Outcomes		Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
		(i) a minimum area of 4,000m ² to 2 hectares with an average of 8000 m ² ; and (ii) a minimum frontage of 50m.		access for any future dwelling house on either lot. The development complies with all relevant aspects of S1.
S2	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 underground power supply; and telecommunications.	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; OR PS2.2 (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. PS2.3 Lots are provided with underground electricity and telephone supplies. PS2.4 Stormwater drainage systems are provided in accordance with the Planning Scheme Policy 4 – Development Manual S4.	✓	PS2.1 - Not applicable - see comment for PS2.2. PS2.2 (i) - A condition will be attached to any approval requiring the provision of town water to each residential lot. (ii) - Wastewater disposal will be achieved on each lot via on-site systems. (iii) - Will be conditioned to comply. (iv) - Will be conditioned to comply.
S3	New roads are constructed to an urban standard.	PS3 New roads are designed and constructed in accordance with the Planning Scheme Policy 4- Development Manual.	✓	Will be conditioned to comply.
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.	✓	Complies - Further significant clearing is not proposed. Some minor clearing is necessary to construct proposed Roads A and B, provide access to proposed Lot 43 and to provide a building site on proposed Lots 6 & 7.
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.6 PS5.2 A cash contribution is paid as laid out in the Planning Scheme Policy 5 - Open Space Contribution 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.	✓	Will be conditioned to comply in accordance with AICN (No.2) 2019.
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 ⁷	✓	Will be conditioned to comply in accordance with AICN (No.2) 2019.
For Myola Precinct "D"				
S1	A choice of residential allotments are provided on steeper and heavily vegetated land and	PS1 (i) The minimum lot size is 2 hectares, with an average area of 4 hectares; and	n/a	Not applicable. This application does not involve land within Precinct D.

⁶ Refer Part 8 Planning Scheme Policy 5 - Open Space Contribution.

⁷ Refer Part 8 Planning Scheme Policy 6 - Augmentation of the Road Network-

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
provided with most conventional urban services such as underground power, sealed roads, urban drainage but not connected to reticulated water and sewerage	(ii) The minimum frontage is eighty (80) metres.		
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.	n/a	Not applicable. This application does not involve land within 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 ⁸	n/a	Not applicable. This application does not involve land within 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.	n/a	Not applicable. This application does not involve land within Precinct D.
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.	n/a	Not applicable. This application does not involve land within 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. ⁹ 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.	n/a	Not applicable. This application does not involve land within Precinct D.
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 ¹⁰	n/a	Not applicable. This application does not involve land within Precinct D.
For Myola Precinct “E”			

⁸ Refer Myola Feasibility Study report April 2001. Drawing No 83002800-DS2

⁹ Refer Part 8 Planning Scheme Policy 5 - Open Space Contribution.

¹⁰ Refer Part 8 Planning Scheme Policy 6 - Augmentation of the Road Network-

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
S1 The area is retained in its existing state to protect scenic and environmental values.	PS1 No further reconfiguration is permitted.	✓ Complies with S1	That part of the subject land situated within Precinct C will only be made larger in area as it will be amalgamated with the balance portions of the subject land situated within Precinct A and C. The proposed development will only help to achieve specific outcome S1 for land within Precinct E.

4.127 INCONSISTENT USES

Specific Outcomes
Inconsistent uses are contrary to the zone outcomes sought for the Myola zone comprise all uses mentioned in Column 1 of the Table of Development as Inconsistent uses.

4.128 CONSISTENT USES IN PRECINCT AREAS

Specific Outcomes
<p>The following defined uses are consistent uses in the Myola zone, if located in the precinct areas identified on Map Z7 as follows:</p> <ul style="list-style-type: none"> (i) Precinct "A" – Bed and breakfast accommodation, Dwelling house, Educational establishment, Home business, Home occupation, Tourist facility and, as part of the town centre development – Business, Child care centre, Community facility, Indoor recreation facility, Outdoor sport and entertainment facility, Place of worship, Restaurant and Shop; (ii) Precinct "B" – Bed and breakfast accommodation, Dwelling house, Home business and Home occupation; (iii) Precinct "C" – Bed and breakfast accommodation, Dwelling house, Home business, Home occupation and Tourist facility; (iv) Precinct "D" – Bed and breakfast accommodation, Dwelling house, Home business, Home occupation and tourist facility; (v) Precinct "E" – Bed and breakfast accommodation and Dwelling house.

Division 2 — Assessment Criteria for Natural and Cultural Heritage Features Overlay Code

5.3 NATURAL AND CULTURAL HERITAGE FEATURES OVERLAY CODE

The provisions in this division comprise the Natural and Cultural Heritage Features Overlay code. They are-

- compliance with Natural and Cultural Heritage Features Overlay code (section 5.4);
- overall outcomes for Natural and Cultural Heritage Features Overlay code (section 5.5);
- specific outcomes and probable solutions for the Natural and Cultural Heritage Features Overlay code (section 5.6).

5.4 COMPLIANCE WITH NATURAL AND CULTURAL HERITAGE FEATURES OVERLAY CODE

Development that achieves the specific outcomes in section 5.6, complies with the Natural and Cultural Heritage Features Overlay code.

5.5 OVERALL OUTCOMES FOR NATURAL AND CULTURAL HERITAGE FEATURES OVERLAY CODE

- (2) The overall outcomes are the purpose of the Natural and Cultural Heritage Features Overlay code.
- (3) The overall outcomes sought for the Natural and Cultural Heritage and Natural Features overlay code are:
- (a) The conservation and recognition of significant cultural heritage assets that demonstrate the history of development and use of land and resources within Mareeba Shire.
 - (b) Places, areas or sites identified as having significant value for cultural heritage, natural features or resources are protected from development or the effects of development that may significantly reduce those values, as applicable, in terms of:
 - (i) physical change; or
 - (ii) damage or removal; or
 - (iii) visibility; or
 - (iv) accessibility; or
 - (v) visual detracting; and
 - (c) Places, areas or sites identified as natural features that constrain development due to potential risk to the natural or built environment or human health or safety, are avoided or measures taken with regard to development that reduce the risk to acceptable levels.
 - (d) Mineral resources are protected from conflicting land uses to ensure their continued availability for use in the future development of Mareeba Shire and the Region.

5.6 SPECIFIC OUTCOMES AND PROBABLE SOLUTIONS FOR NATURAL AND CULTURAL HERITAGE FEATURES OVERLAY CODE

The specific outcomes sought for the Natural and Cultural Heritage Features Overlay code are included in column 1 of Table 26A and probable solutions and acceptable solutions in column 2 of Table 26A

TABLE 26A

Specific Outcomes	Probable Solutions (code assessable)	Complies	Comments
S1 Cultural Heritage Places (a) significant elements of the mining history of Mareeba Shire are conserved; and (b) buildings, structures and operational works which demonstrate significant historical periods in the development of the	PS1 No probable solution provided.	n/a	Not applicable - The subject land does not include any mapped Cultural Heritage Places.

	Shire are conserved; and (c) known natural features which are significant to the indigenous cultural heritage of the Shire are protected.			
S2	<p>Areas under the Nature Conservation Act 1992</p> <p>Development within 100 metres of an identified area under the Nature Conservation Act 1992 which has rare and threatened species recognised by the Act, has no significant adverse effects on the area, including those related to:</p> <ul style="list-style-type: none"> (a) management of fire risk, including the use of natural firebreaks; or (b) changes to natural drainage; or (c) unmanaged public access; or (d) effluent disposal; or (e) changes to natural activities of animals with respect to the location and effects of uses, fencing, lighting and the like. 	PS2 No probable solution provided.	n/a	Not applicable - Development will not occur within 100 metres of an identified area under the Nature Conservation Act 1992.
S3	<p>Wetlands and Waterways</p> <ul style="list-style-type: none"> (a) There are no significant adverse effects on identified wetlands and identified waterways in terms of: <ul style="list-style-type: none"> (i) habitat; or (ii) water quality; or (iii) landscape quality. (b) For intensive agriculture, a buffer is maintained from the high bank of a waterway having regard to: <ul style="list-style-type: none"> (i) water quality, and (ii) fauna habitat corridor, and (iii) the retention of undisturbed vegetation, or (iv) revegetation of appropriate areas with local endemic species. 	PS3 No probable solution provided.	✓	<p>Will be conditioned to comply.</p> <p>A condition will be attached to any approval requiring the preparation of a comprehensive ecological assessment. The ecological assessment will need to address the retention of riparian vegetation, waterway buffers and setbacks to be achieved in order to maintain water quality and riparian wildlife movement, and any areas that may require revegetation.</p> <p>Any waterway setbacks/buffers identified will be protected via environmental covenants (also to be secured by condition of approval).</p>
S4	Conservation of Buildings and Places of Local Heritage Significance	PS4 No probable solution provided.	n/a	Not applicable - The subject land contains no building and places of Local Heritage Significance.

<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>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>n/a</p>	<p>Not applicable - The subject land contains no identified 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>n/a</p>	<p>Not applicable - The subject land contains no identified 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>n/a</p>	<p>Not applicable - The subject land contains no Mineral Resources.</p>

Division 8— Assessment Criteria for Natural Disaster-Bushfire Overlay

5.21 NATURAL DISASTER-BUSHFIRE OVERLAY CODE

The provisions in this division comprise the Natural Disaster-Bushfire Overlay code. They are-

- Compliance with Natural Disaster-Bushfire Overlay Code (section 5.22);
- Overall outcomes for Natural Disaster-Bushfire Overlay code(section 5.23);
- Specific outcomes, probable solutions and acceptable solutions for Natural Disaster-Bushfire Overlay code (section 5.24).

5.22 COMPLIANCE WITH THE NATURAL DISASTER-BUSHFIRE OVERLAY CODE

Development that is consistent with the specific outcomes in section 5.24 complies with the Natural Disaster-Bushfire Overlay code.

5.23 OVERALL OUTCOMES FOR THE NATURAL DISASTER-BUSHFIRE OVERLAY CODE

- (1) The overall outcomes are the purpose of the code.
- (2) The overall outcomes sought for the Natural Disaster-Bushfire Overlay code are that:
 1. The number of people and properties subject to bushfire hazards are minimised by regulating building location and design;
 2. Evacuation is facilitated in the event of any bushfire threat.
 3. The risk to life and property is minimised in areas of High and Medium Hazard Severity, with appropriate siting and design of lots and buildings, or the exclusion of inappropriate uses;
 4. Only certain types of development are regulated by the Natural Disaster-Bushfire Overlay, as follows:
 - (i) Development that increases in the number of people living, working, or congregating in those areas eg. Residential development, Shopping centres, Tourist facilities, Industrial or commercial uses involving large numbers of workers or customers; and
 - (ii) Development that involves institutional uses where evacuating people may be particularly difficult, eg, hospitals, education establishments, child care centres, retirement villages, and high security correctional centres; and
 - (iii) Development that increases the amount of hazardous materials that are manufactured or stored in bulk.

5.24 SPECIFIC OUTCOMES, PROBABLE SOLUTIONS AND ACCEPTABLE SOLUTIONS FOR NATURAL DISASTER-BUSHFIRE OVERLAY CODE

The specific outcomes sought for the Natural Disaster-Bushfire Overlay code are included in column 1 of table 34 and acceptable/probable solutions in column 2 of table 34.

TABLE 34

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
S1 Development maintains the safety of people and property by mitigating the risk through:	For Self Assessment: PS1.1 Buildings and structures: (a) on lots greater than 2,500m ² : are sited in locations of lowest hazard within the lot; and achieve setbacks from hazardous vegetation ¹¹ of at least 15 metres; and	✓	PS1.1 - PS1.3 - Not applicable. The proposed development is code assessable (not self-assessable).

¹¹ Hazardous vegetation comprises vegetation communities with a hazard score of 6 or more in Table A3.1 of Appendix 3 of SPP Guideline 1/03.

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
lot design and the siting of buildings; and including firebreaks that provide adequate: - 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 fire-fighting purposes.	<p>(b) on lots less than or equal to 2,500m²: are sited in locations of lowest hazard within the lot; and achieve setbacks from hazardous vegetation¹² of at least 5 metres. For Code Assessment:</p> <p>PS1.2 Buildings and structures: (a) on lots greater than 2,500m²: are sited in locations of lowest hazard within the lot; and achieve setbacks from hazardous vegetation¹³ 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. (b) on lots less than or equal to 2,500m², maximise setbacks from hazardous vegetation. For Self Assessment and Code Assessment:</p> <p>PS1.3 For uses involving new or existing buildings with a gross floor area greater than 50m², each lot has: 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); OR an on-site water storage of not less than 5,000 litres (eg accessible dam or tank with fire brigade tank fittings, swimming pool). For Code Assessment only:</p> <p>PS1.4 Lots are designed so that their size and shape allow for: (a) efficient emergency access to buildings for fire-fighting appliances (eg by avoiding long narrow lots with long access drives to buildings); AND (b) setbacks and building siting in accordance with PS1.2 above. For Code Assessment only:</p> <p>PS1.5 Firebreaks are provided by: (a) a perimeter road that separates lots from areas of bushfire hazard and that road has: a minimum cleared width of 20 metres; and</p>		<p>PS1.4 - Despite being mapped within a bushfire hazard area under the 2004 Planning Scheme mapping, the more advanced 2016 Planning Scheme bushfire hazard mapping places the majority of the subject land, and all of the land to be developed outside any bushfire hazard area. Notwithstanding this, the lot layout proposed avoids long narrow lots and efficient access will be provided to each lot for firefighting purposes.</p>

¹² Hazardous vegetation comprises vegetation communities with a hazard score of 6 or more in Table A3.1 of Appendix 3 of SPP Guideline 1/03.

¹³ Hazardous vegetation comprises vegetation communities with a hazard score of 6 or more in Table A3.1 of Appendix 3 of SPP Guideline 1/03.

Specific Outcomes	Acceptable Solutions (self assessable) or Probable Solutions (code assessable)	Complies	Comments
	<p>a constructed road width and weather standard complying with local government standards. OR</p> <p>(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: 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> <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. For Code Assessment only: PS1.6 Roads are designed and constructed in accordance with applicable local government and State government standards and: 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. For Code Assessment only: PS1.7 Development complies with a Bushfire Management Plan¹⁴ for the premises.</p>		<p>PS1.5 - Firebreaks can be conditioned, however appropriate vegetation setbacks are able to be achieved on each proposed lot.</p> <p>PS1.6 - Internal roads will be constructed to FNQROC Development Manual standards, however will include cul-de-sacs. As discussed above, based on the more advanced 2016 Planning Scheme bushfire hazard mapping, that part of the subject land to be developed is not situated within a bushfire hazard area. Notwithstanding this, the proposed lot layout, inclusive of cul-de-sacs, is considered to achieve compliance with S1.</p> <p>PS1.7 - Can be conditioned to comply.</p>
<p>For Code Assessment only: S2 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.</p>	<p>For Code Assessment only: PS2 Development complies with a Bushfire Management Plan¹⁵ for the premises.</p>	n/a	Not applicable - the proposed development is for reconfiguring a lot only and does not propose any use that involves the manufacture or storage of hazardous materials.

¹⁴ Refer to Appendix 8 of State Planning Policy 1/03 (Mitigating the Adverse Impacts of Flood, Bushfire and Landslide) Guideline

¹⁵ Refer to Appendix 8 of State Planning Policy 1/03 (Mitigating the Adverse Impacts of Flood, Bushfire and Landslide) Guideline

Division 12 – Reconfiguring a Lot Code

6.1 Reconfiguring a Lot code

The provisions in this division comprise the Reconfiguring a Lot code. They are-

- compliance with Reconfiguring a Lot code (section 6.2);
- purpose of Reconfiguring a Lot code (section 6.3);
- specific outcomes and probable solutions for the Reconfiguring a Lot code (section 6.4).

6.2 Compliance with Reconfiguring a Lot code

Development that achieves the specific outcomes in section 6.4, complies with the Reconfiguring a Lot code.

6.3 Overall outcomes for Reconfiguring a Lot code

- (1) The overall outcomes are the purpose of the code.
- (2) The overall outcomes sought for the Reconfiguring a Lot code are the following:
 - (a) **If rearranging the boundaries of a lot**, the useability of and access to all lots affected is improved, or maintained to an adequate extent;
 - (b) **If creating an access easement from a constructed road**, the useability of and access to all lots affected is improved, or maintained to an adequate extent;
 - (c) **If a new lot is created, the lot** is, or is capable of being, adequately serviced having regard to how the land is proposed to be used and the circumstances of its location;
 - (d) **If reconfiguring a lot opens a new road, the subdivision design is consistent with:**
 - (i) The outcomes sought for the zone in which it occurs and the intended use, or the use approved for the subject land; and
 - (ii) The efficient connection to available services; and
 - (iii) Any significant physical characteristics of the land, both landscape features and hazards; and
 - (iv) The design of adjoining lots.
 - (e) **If the lot subject to a reconfiguration contains or abuts an identified waterway or endangered or of concern regional ecosystems**, the lot reconfiguration excludes any waterway and adjacent land to a width measured from the high bank (VMA¹⁶ classification) of:
 - (i) Ten (10) metres in the Residential, Rural Residential (lots below two (2) hectares), Village, Business, Commercial, Industry, Noxious Offensive and Hazardous zones;
 - (ii) Twenty-five (25) metres in the Rural Residential (lots of two (2) hectares and above), Myola and Future Residential zones;
 - (iii) Fifty (50) metres in the Rural, Open Space and Conservation zones.
 - (f) If the reconfigured lot is provided with an **Electricity** connection, the following is also provided where required by the relevant electricity entity:
 - (i) Easements for electricity works are provide where electricity works cross private property;
 - (ii) Access easements are provided to ensure access is available to electricity works;
 - (iii) Gates are provided in fences to ensure vehicular and pedestrian access to electricity works. (This access is necessary for investigations for, and the construction, maintenance, repair, replacement or removal of, those electricity works).

¹⁶ Vegetation Management Act 1999

6.4 Specific outcomes and probable solutions for the Reconfiguring a Lot code

The specific outcomes sought for the Reconfiguring a Lot code are included in column 1 of Table 7A and probable solutions column 2 of Table 7A.

TABLE 7A

Specific Outcomes	Probable Solutions (code assessable)	Complies	Comments
For all Zones in Part 4 - Zones			
S1 Vehicular access 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.	PS1 No probable solution provided.	✓	Will be conditioned to comply.
S2 On-site services and facilities Each new lot is provided with an appropriate level of the following: (i) water supply; and (ii) sewage treatment; and (iii) drainage; and (iv) power supply; and (v) telecommunications; and complies with the Planning Scheme Policy 4 - Development Manual.	PS2 No probable solution provided.	✓	Will be conditioned to comply (as previously discussed in the Myola Zone code).
S3 Works All works are carried out in accordance with the Planning Scheme Policy 4-Development Manual.	PS3 No probable solution provided.	✓	Will be conditioned to comply.
For Residential, Village and Rural Residential zone Reconfigurations			
S4 Urban use Each new lot intended for residential use has adequate useable 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	PS4 No probable solution provided.	✓	Complies by design (Myola Zone is considered to be essentially a rural residential zoning).

Specific Outcomes	Probable Solutions (code assessable)	Complies	Comments
<p>(ii) adequate useable open space for the occupants; and</p> <p>(iii) reasonable vehicular access for a car from the road to a site for the dwelling house; and</p> <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>			