

From: Gilvear Planning
Sent: 28 Feb 2018 10:17:12 +1000
To: Brian Millard; Carl Ewin
Subject: J000639 - Application for Reconfiguring a lot (1 into 2) 173 De Lacey Road, Dimbulah
Attachments: 20180226 - DAForm1-Developmentapplicationdetails (1).docx, 20180227 Planning Report.pdf, SP177746.pdf, 163608.pdf

Dear Brian and Carl,

I trust that you are both well. Please find attached an application for reconfiguring a lot located at 173 De Lacey Road, Dimbulah.

The application material contains the following;

- Application Form
- Landowners Consent
- Planning Statement
- Proposal Plans.

I trust that you are able to prepare an invoice for me to arrange payment of the application fees; Should you have any queries please do not hesitate to contact me.

Kind regards

Patrick Clifton **CONSULTANT PLANNER**

0488 001 581
PO Box 228 Babinda QLD 4861

www.gilvearplanning.com.au

Please note: Gilvear Planning will be **closing** for the holidays at 4pm on Wednesday, 20 December 2017, and returning to work on Monday, 8 January 2018. We wish you all the best for the festive season.



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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) (individual or company full name)	D Kearney
Contact name (only applicable for companies)	C/- Patrick Clifton, Gilvear Planning
Postal address (P.O. Box or street address)	PO Box 228
Suburb	Babinda
State	Qld
Postcode	4861
Country	Australia
Contact number	0488 001 581
Email address (non-mandatory)	patrick@gilvearplanning.com.au
Mobile number (non-mandatory)	0488 001 581
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	J000649:KEA:KLG

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application <input 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
		173	DeLacey Road	Dimbulah
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		11	SP101831	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

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

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

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

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

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):*

Reconfiguring a Lot (1 Lot into 2 Lots)

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

☐ Material change of use

☐ Reconfiguring a lot

☐ Operational work

☐ Building work

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

☐ Development permit

☐ Preliminary approval

☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment

☐ Impact assessment *(requires public notification)*

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

e) Relevant plans

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

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

6.3) Additional aspects of development

☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☒ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

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

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

One (1)

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

<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a 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				1 additional lot - Rural

10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below	
<input checked="" type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

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

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

12) Boundary realignment**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m 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: <table border="1" style="display: inline-table; width: 600px; height: 20px;"></table> | | |

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

☐ Yes – specify number of new lots:

☐ No

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS**15) Identify the assessment manager(s) who will be assessing this development application**

Mareeba Shire Council

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

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

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane's port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • 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 <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> 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?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☐ 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**

- ☒ I agree to receive an information request if determined necessary for this development application
- ☐ 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:

- 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)**

- ☐ Yes – provide details below or include details in a schedule to this development application
- ☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

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

- ☐ Yes – 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:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel?**

☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*

☒ No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☒ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION**24) Development application checklist**

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes*Note: See the Planning Regulation 2017 for referral requirements*If building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application☐ Yes☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).☒ YesThe portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*)☐ Yes☒ Not applicable**25) Applicant declaration**☒ By making this development application, I declare that all information in this development application is true and correct☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001**Note: It is unlawful to intentionally provide false or misleading information.*

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
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.



gilvear planning

GENUINE | VERSATILE | DEDICATED

Planning Report

Reconfiguring a Lot (One (1) Lot into Two (2) Lots) on land at 173 De Lacey Road, Dimbulah (Lot 11 on SP101831)

gilvearplanning.com.au

Prepared for Mrs D Kearney

Our Reference

J000639:KEA:PC

Site

173 De Lacey Road, Dimbulah Lot 11 on SP101831

Date

21 February 2018

Important Note

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report may be reproduced by any process without the written consent of Gilvear Planning Pty Ltd ('Gilvear Planning').

This Report has been prepared for D Kearney for the sole purpose of making a Development Application seeking a Development Permit for Reconfiguration of a Lot (Subdivision) on land at 173 DeLacey Road, Dimbulah (Lot 11 on SP101831). This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilized for any other purpose, use, matter or application.

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

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

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

While every effort has been made to ensure accuracy, Gilvear Planning does not accept any responsibility in relation to any financial or business decisions made by parties other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and / or content of this Report without consent of Gilvear Planning, Gilvear Planning disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified Gilvear Planning from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

Signed on behalf of

Gilvear Planning Pty Ltd



Kristy Gilvear
DIRECTOR
21 February 2018

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1.0 Introduction

This report has been prepared on behalf of D. Kearney (the ‘applicant’) in support of a Development Application to Mareeba Shire Council, seeking a Development Permit for Reconfiguring a Lot, on land at 173 DeLacey Road, Dimbulah, described as Lot 11 on SP101831 (‘the subject site’).

The subject site is located at 173 De Lacey Road, Dimbulah, and is described as Lot 11 on SP101831. The allotment is irregular in shape and is bisected by De Lacey Road with approximately half the site located on the north side of De Lacey Road and the balance located on the south side of De Lacey Road. The allotment has a total area of approximately 38 ha and is currently used for agricultural purposes.

The site is improved by a single detached dwelling and outbuildings, which are located on the southern portion of the lot and adjacent the southern boundary. The site is bordered to the south by the Walsh River and to the north by Leadingham Creek. Land surrounding the site is typically used for intensive agriculture.

It is proposed to reconfigure the subject site such that the portion to the north of De Lacey Road is separated from the portion of the subject site on the south side of De Lacey Road. The land to the north of De Lacey Road would form proposed Lot 111 with an area of 16.9219 hectares, whilst the land to the south of De Lacey Road would form proposed Lot 112 with an area of 20.78 hectares.

The site is within the Mareeba Shire Council Local Government Area. Pursuant to the applicable Mareeba Shire Council Planning Scheme, the site has the following designations/classifications:

Zone – Rural (General Rural)

Agricultural Land Overlay – Class A Agricultural Land.

The Tables of Assessment contained in the Mareeba Shire Council Planning Scheme identify the subdivision of land in the Rural Zone as Code Assessable. Pursuant to the *Planning Act* 2016, in considering the application Council can only have regard to the relevant codes (benchmarks) contained in the Planning Scheme and no other matter.

It is considered that the proposed development is able to generally satisfy the relevant Acceptable Outcomes and, where these are not satisfied, is able to satisfy the relevant Performance Outcomes of the applicable codes. Accordingly, the application is recommended for approval subject to reasonable and relevant conditions.

2.0 Summary

PROPOSAL SUMMARY	
Address:	173 De Lacey Road, Dimbulah
Real Property Description:	Lot 11 SP101831
Site Area/Frontage:	37.7019 Ha/1,743.315m De Lacey Road
Owners:	Deborah Anne Kearney
Easements & Encumbrances:	Nil
Proposal:	Reconfiguring a Lot (1 Lot into 2 Lots)
Approvals Sought:	Development Permit
Level of Assessment:	Code Assessment
Zone:	Rural (General Rural)
Overlays (Precincts):	Agricultural Land Overlay – Class A Agricultural Land Bushfire overlay – Potential Impact Buffer
Local Area Plan (Precincts):	Nil
Regional Plan Designation:	Regional Landscape and Rural Production Area
State Interests – State Planning Policy:	Economic Growth <ul style="list-style-type: none"> – Important Agricultural Areas – Agricultural Land Classification – Class A Safety and Resilience to Hazards <ul style="list-style-type: none"> - Flood Hazard Area Level 1 – Queensland - Bushfire Hazard Area – Potential Impact Buffer
State Interests – SARA Mapping:	Regulated Vegetation Management Map (Other) Water Resource Planning Area Boundary – Barron
Referral Agencies:	Nil
State Development Assessment Provisions:	Nil

3.0 Site Description

The application site is a single rural (agricultural) allotment located at 173 DeLacey Road, Dimbulah and is described as Lot 11 on SP101831. The allotment has a total area of 37.7019 hectares and frontage to DeLacey Road of approximately 1,743 metres.

The allotment is separated into two portions by DeLacey Road which bisects the site. The northern portion has an area of approximately 16.9219 hectares, whilst the southern portion has an area of approximately 20.78 hectares. The application site is used for rural production and the southern portion contains a dwelling house. The application site is identified in **Image 1** below:

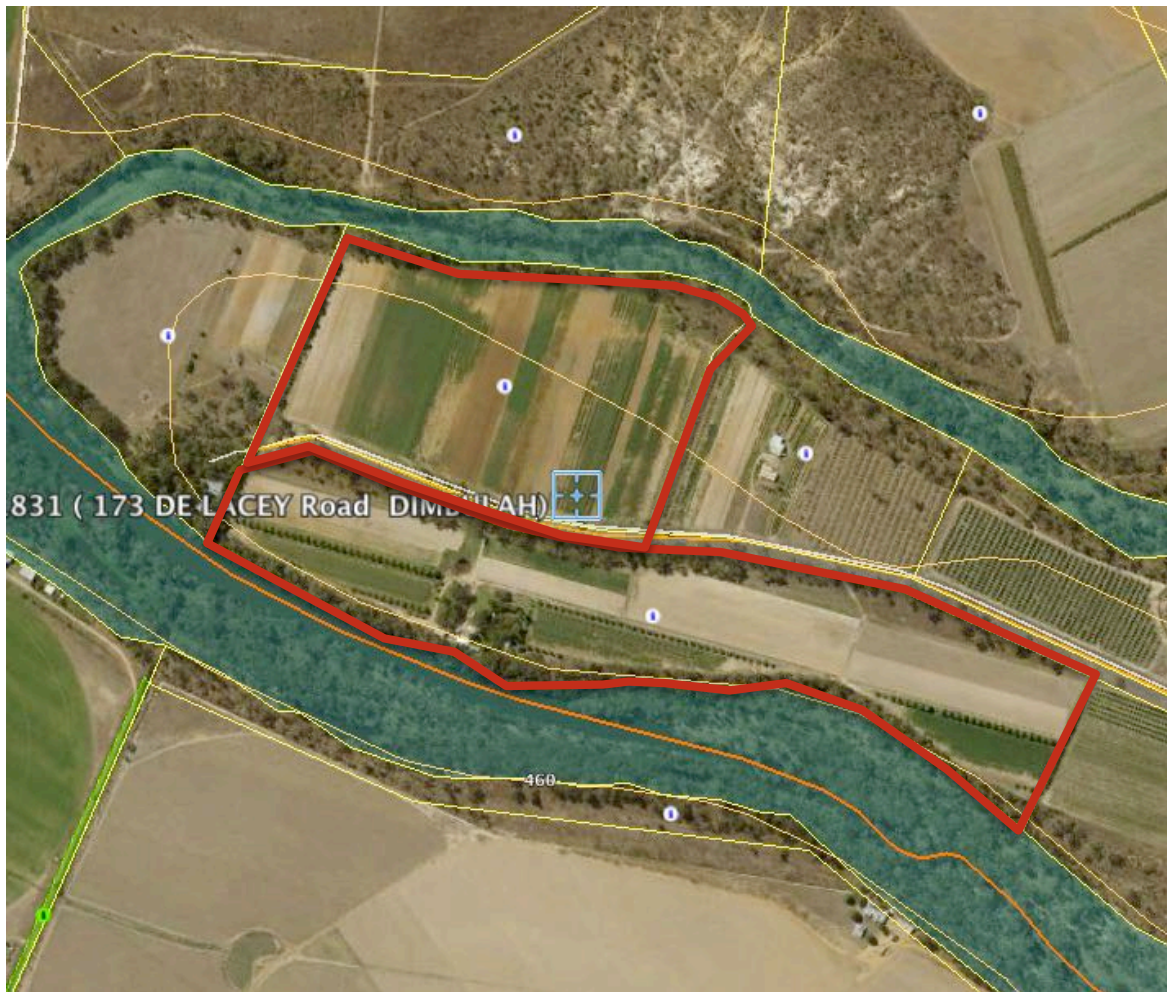


Image 1: Subject site

Access to the site is provided from DeLacey Road, which is an all weather rural road and connecting to Leadingham Creek Road to the east. Leadingham Creek Road provides access to the Mareeba Dimbulah Road, which is a higher order road carrying larger volumes of traffic.

The site is located within a rural area approximately 4 kilometres to the north east of the township of Dimbulah on an isthmus that is bordered to the north by Leadingham Creek and to the south by the Walsh River. Leadingham Creek and the Walsh River connect to the north west of the site. Land in the vicinity of the site is predominantly

used for cropping. To the west the site adjoins an 11 hectare parcel of rural land and to the east an 8 hectare parcel of land containing a dwelling house. Land on Leasingham Creek Road to the site is contained in allotments of a similar size whilst land accessed off Leasingham Creek Road to the north is generally in the order of 50 hectares and greater.

4.0 Proposal

It is proposed to reconfigure the application site by subdividing the land into two separate parcels creating a separate title for the northern portion, proposed Lot 111, and a separate title for the southern portion, proposed Lot 112. Proposed Lot 111 would have an area of 16.9219 hectares, and proposed Lot 112 would have an area of 20.78 hectares. Physically there would be no change to the land with the existing road forming the new title boundary. The proposed allotments would be consistent with existing lot configuration along De Lacey Road, which includes a number of lots smaller than that proposed.

A proposal plan is included in [Attachment 2](#).

Key Features of the proposal are summarised in the following table:

ELEMENT / PROVISION	PROPOSED LOT 111	PROPOSED LOT 112
Site Area:	16.9219 hectares	20.78 hectares
Frontage:	556.9 metres DeLacey Road	1186.36 metres DeLacey Road
Site Cover:	Nil	<1%
Height (m/storey)	Nil	One Storey
Access:	De Lacey Road	De Lacey Road
Sewer:	N/A	Insert text
Water:	N/A	Insert text
Stormwater:	N/A	Insert text
Electricity:	Connection Available	Connection Available
Telecommunications	Connection Available	Connection Available

The proposed reconfiguration is depicted in Image 2 below.

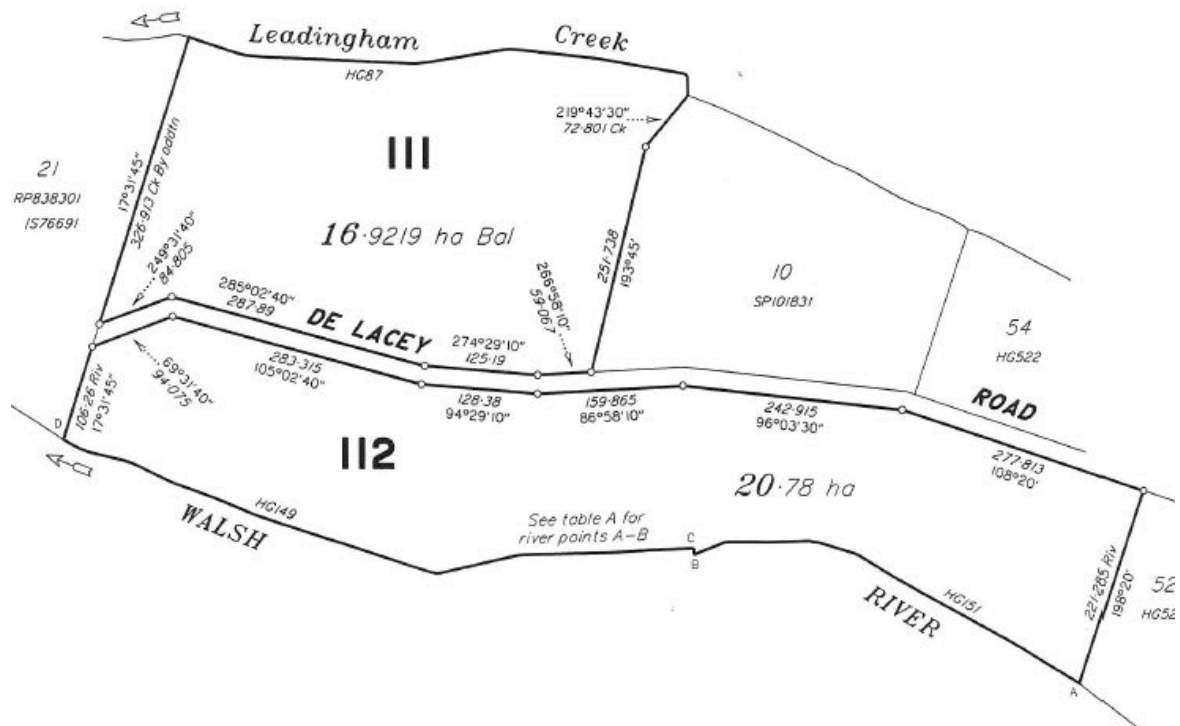


Image 2: Plan of Reconfiguration

5.0 Statutory Planning Considerations

This section provides an overview of the legislative context of the application under the provision of the *Planning Act 2016*.

5.1 Planning Act 2016 (PA)

5.1.1 Confirmation of Development

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

- Schedule 10 of the *Planning Regulation 2017*; and
- Relevant categorising instruments – Mareeba Shire Planning Scheme.

5.1.2 Assessable Development

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

5.1.3 Assessment Manager

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

5.1.4 Level of Assessment

The table below summarises the assessable development subject to this application and the relevant level of assessment for each aspect of development.

ASPECT OF DEVELOPMENT	REFERENCE	LEVEL OF ASSESSMENT
Reconfiguring a Lot	Table 5.6.1	Code Assessment

Based on our review of the provisions of the *Planning Regulation 2017* it is considered that the application is subject to Code Assessment.

5.1.5 Statutory Considerations for Assessable Development

As the development is subject to Code Assessment the relevant considerations of the Assessment Manager in making the decision pursuant to section 60 of the *Planning Act 2016*, are outlined in 45(3) and s26 to 28 of the *Planning Regulations 2017*. These are discussed further in section 6.0 and within the Code Compliance contained in [Attachment 3](#).

5.1.6 Referral Triggers

There are no referral agencies triggered for this application pursuant to Schedule 10 of the *Planning Regulation 2017*.

5.1.7 State Resource

The proposal does not involve any State Resources.

5.1.8 Regional Plan

The subject site is within the Regional Landscape and Rural Production Area of the Far North Queensland Regional Plan. The Regional Plan is considered to be appropriately reflected in the Mareeba Shire Planning Scheme and detailed assessment is not considered required in this instance.

5.1.9 State Planning Policy

The site is subject to the following State Interests of the State Planning Policy:

- Economic Growth
 - Important Agricultural Areas
 - Agricultural Land Classification – Class A
- Safety and Resilience to Hazards
 - Flood Hazard Area Level 1 – Queensland
 - Bushfire Hazard Area – Potential Impact Buffer

However, given that the Mareeba Shire Planning Scheme ‘appropriately’ reflects the State Planning Policy, consideration of the Policy and Interim Development Assessment provisions do not apply in this instance.

5.1.10 State Development Assessment Provisions

As there are no State Agency referrals, there are no relevant State Development Assessment Provisions applying to the proposal.

6.0 Local Planning Considerations

6.1 Mareeba Shire Planning Scheme

Within the Mareeba Shire Planning Scheme, the site is included within the Rural (General Rural) Zone and is affected by the Agricultural Land (Class A Agricultural Land) Overlay and the Bushfire Overlay.

The following table outlines the relevant codes, the applicability of the relevant Code a summary of the compliance with assessment benchmarks.

APPLICABLE CODES	APPLICABILITY	COMPLIANCE SUMMARY
Rural Zone Code	Applies	Complies with relevant Performance and Acceptable Outcomes
Reconfiguring a Lot Code	Applies	Generally complies with relevant Acceptable Outcomes. Where it does not comply with the Acceptable Outcomes the proposed development is able to satisfy the Performance Outcome
Overlay Codes <ul style="list-style-type: none">- Agricultural Land Overlay Code- Bushfire Overlay Code	Apply	Generally Complies with the Acceptable Outcomes of the Agricultural Land overlay Code Complies with the relevant Acceptable Outcomes of the Bushfire Overlay Code
Landscaping Code	Does not apply	There are no applicable landscaping requirements for reconfiguring a lot within the Rural Zone
Parking and Access Code	Does not apply	Does not apply to subdivision where there would be no increase in demand for car parking
Works, Services and Infrastructure Code	Applies.	Proposal complies with relevant Acceptable Outcomes

A detailed assessment of the proposal against the applicable codes is contained in [Attachment 3](#), and demonstrates that the development complies or is capable of complying with the relevant assessment criteria. Below is a summary or statement of compliance with respect to the various codes.

6.1.1 Statement of Compliance

6.1.1.1 RURAL ZONE CODE

The proposed development would comply with the relevant Performance Outcomes and Acceptable Solutions of the Rural Zone Code. The proposed development would not result in any adverse impact on the amenity of the area. The proposed Reconfiguring a Lot would create allotments of a size consistent with allotments in the locality containing the site and would provide for development and use consistent with the use of adjoining and adjacent lots.

6.1.1.2 RECONFIGURING A LOT CODE

The proposed Reconfiguring a Lot would result in allotments consistent in terms of size and shape with allotments in the immediate locality and would not compromise the ability of the land within the zone to achieve the desired amenity.

The lots would be provided with an appropriate level of access to services and would not have a greater impact on the amenity of the area than the existing use and configuration of the land.

6.1.1.3 OVERLAY CODES

AGRICULTURAL LAND OVERLAY CODE

The proposed development does not strictly comply; however, the reconfiguration would result in allotments consistent in terms of size and shape with allotments in the immediate locality and would not compromise the ability of the land within the zone to achieve the desired amenity. Furthermore, the proposed reconfiguration would not result in the increased practical fragmentation of the agricultural land given its being bisected by a constructed road, nor further compromise the agricultural efficiency of the land in those circumstances.

BUSHFIRE OVERLAY CODE

The proposed development is able to comply with the relevant Acceptable Outcomes of the Bushfire Overlay Code.

6.1.1.4 WORKS, SERVICES AND INFRASTRUCTURE CODE

As the site is an established rural lot with road access and connection to services, no new roads or major upgrades of trunk infrastructure are proposed or likely to be required for the proposal.

There would be no excavation or fill proposed as part of this development and there would be a non-worsening effect on the amenity of the area or the site and adjacent land in respect of flooding or other development impacts.

7.0 Summary and Conclusions

This report has been prepared on behalf of D. Kearney (the 'applicant') in support of a Development Application to Mareeba Shire Council, seeking a Development Permit for Reconfiguring a Lot, on land at 173 DeLacey Road, Dimbulah, described as Lot 11 on SP101831 ('the subject site').

The allotment is irregular in shape and is dissected by DeLacey Road with approximately half the site located on the north side of DeLacey Road and the balance located on the south side of DeLacey Road. The allotment has a total area of approximately 38 ha and is currently used for agricultural purposes.

The site is improved by a single detached dwelling and outbuildings, which are located on the southern portion of the lot and adjacent the southern boundary. The site is bordered to the south by the Walsh River and to the north by Leedingham Creek. Land surrounding the site is typically used for intensive agriculture.

It is proposed to reconfigure the subject site such that the portion to the north of DeLacey Road is separated from the portion of the subject site on the south side of DeLacey Road. The land to the north of DeLacey Road would form proposed Lot 111 with an area of 16.9219 hectares, whilst the land to the south of DeLacey Road would form proposed Lot 112 with an area of 20.78 hectares.

The site is within the Mareeba Shire Council Local Government Area. Under the Mareeba Shire Council Planning Scheme, the site has the following designations/classifications:

- Zone – Rural (General Rural)
- Agricultural Land Overlay – Class A Agricultural Land.

The Tables of Assessment contained in the Mareeba Shire Council Planning Scheme identify the subdivision of land in the Rural Zone as Code Assessable. Pursuant to the *Planning Act* 2016, in considering the application Council can only have regard to the relevant codes (benchmarks) contained in the Planning Scheme and no other matter.

It is considered that the proposed development is able to generally satisfy the Acceptable Outcomes and, where these are not satisfied, is able to satisfy the relevant Performance Outcomes of the relevant codes. Accordingly, the application is recommended for approval subject to reasonable and relevant conditions.

Attachment 1

Title Search Lot 11 SP101831

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 28028139

Search Date: 21/02/2018 14:40

Title Reference: 50238718

Date Created: 12/10/1998

Previous Title: 21411220

REGISTERED OWNER

Dealing No: 718205079 10/08/2017

DEBORAH ANNE KEARNEY

ESTATE AND LAND

Estate in Fee Simple

LOT 11 SURVEY PLAN 101831
Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21411220 (Lot 127 on CP HG746)
2. MORTGAGE No 718205108 10/08/2017 at 14:20
RURAL BANK LIMITED A.C.N. 083 938 416

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

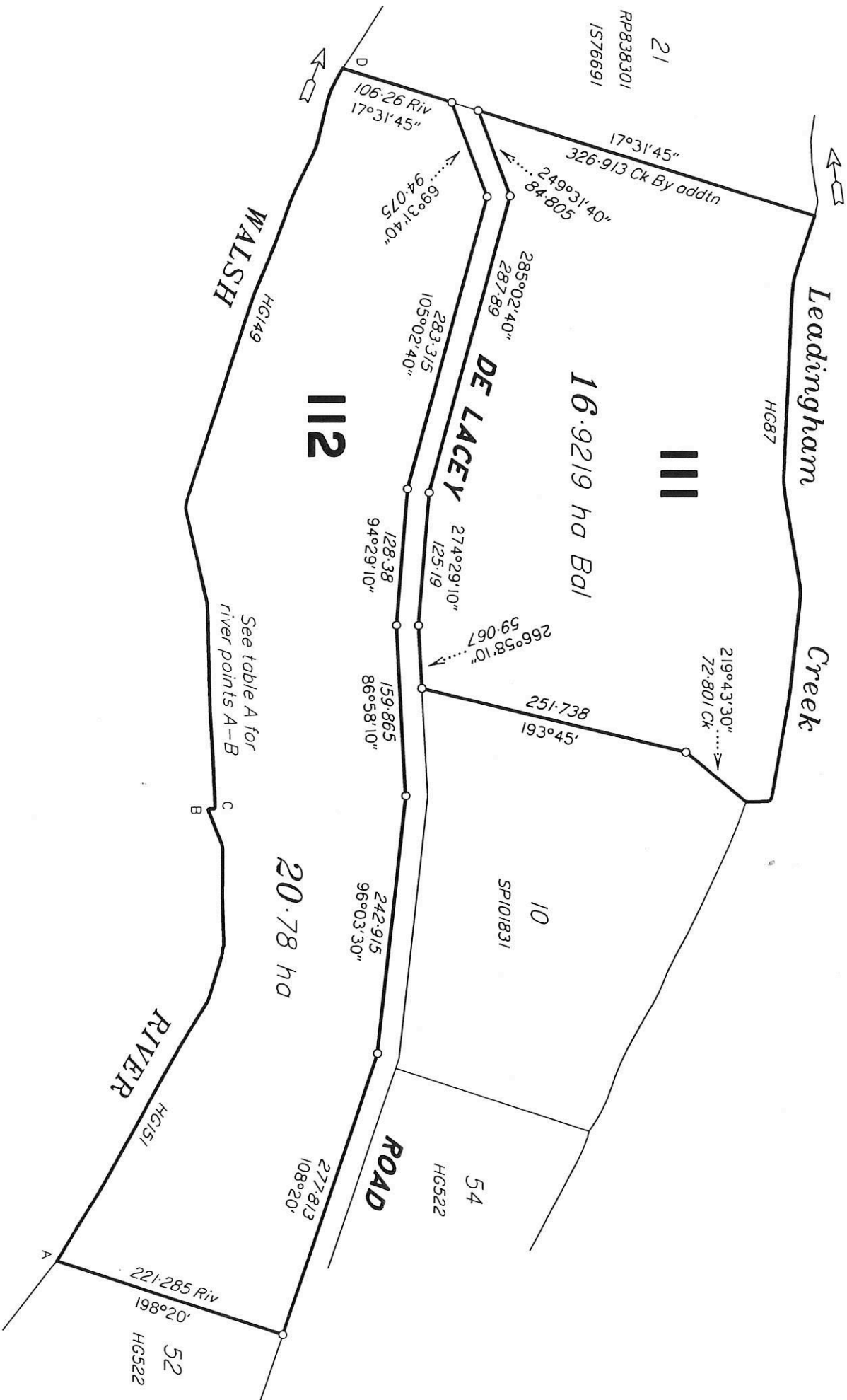
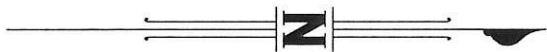
** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2018]
Requested By: D-ENQ CITEC CONFIRM

Attachment 2

Proposal Plan

Table A Orig River Points from HG149, HG151 & HG522		
A	Bearing	Dist
300°45'05"	45.894	
302°20'15"	34.217	
298°50'30"	150.867	
301°07'55"	50.332	
286°47'25"	45.349	
275°11'40"	6.487	
298°50'30"	2.213	
268°06'30"	42.276	
270°17'35"	50.653	
248°14'50"	38.114	
359°19'	7.021	
267°28'30"	50.238	
266°18'35"	50.332	
268°36'	100.584	
257°17'25"	82.061	
278°08'30"	8.003	
287°41'	201.168	
292°15'25"	50.453	
289°49'45"	50.302	
295°39'10"	50.782	
283°06'35"	50.453	
296°25'10"	26.491	
Calc		
A	HG149	
B	HG151	
C	By addn	
D	Y	



See sheet 3 for physical feature
boundary report.

First New Plan of Survey
Under Section 108
of the SMI Act 2003

Twine Surveys Pty Ltd ACN 109 476 422 hereby
certify that the corporation, by Ivon Mervyn
Luscombe, Cadastral Surveyor, for whose work the
corporation accepts responsibility, has made this
plan under Section 16 of the Survey & Mapping
Infrastructure Regulation 2014 and pursuant to the
Survey and Mapping Infrastructure Act 2003 and
Standards and that the plan is accurate, and
compiled from HG87, HG149, HG151, HG522 and
SP101831 in the Department of Natural Resources,
Mines and Energy.

Ivon Mervyn Luscombe
Director and
Cadastral Surveyor

Roger Lloyd Twine
Director

Date 12.7.2018

Plan of Lots 111 & 112		Scale: 1:5000	
Cancelling Lot 11 on SP101831		Format: STANDARD	
LOCAL GOVERNMENT: Shire Council	LOCALITY: Dimbulah	Survey Records	No
Meridian: Of SP101831		SP1777746	



SP1777746

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

5. Lodged by

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We *Deborah Anne Kearney*

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

~~* as Lessees of this land agree to this plan.~~

Signature of *Registered Owners *Lessees

6.

Existing

Created

Title Reference	Description	New Lots	Road	Secondary Interests
50238718	Lot 11 on SP101831	111 & 112	-	-

Mortgage Allocations

Mortgage	Lots fully encumbered
718205108	111 & 112

* Rule out whichever is inapplicable

2. Planning Body Approval.

* *Mareeba Shire Council*

hereby approves this plan in accordance with the :

%

Dated this _____ day of _____

#

#

* Insert the name of the Planning Body.

Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : *18/8081*

9. Building Format Plans only.

I certify that :

* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.

* Part of the building shown on this plan encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date
* delete words not required

10. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

7. Orig Grant Allocation :

Lots	Orig
------	------

111 & 112 | *Lot 127 on HG746*

8. Passed & Endorsed :

By : *Twine Surveys Pty Ltd*
Date : *12.2.2018*
Signed : *[Signature]*
Designation : *Cadastral Surveyor*

11. Insert Plan Number

SP177746

PHYSICAL FEATURE BOUNDARY REPORT

Leadingham Creek

The natural feature top of bank adopted as the boundary on SP177746 accords with the non-tidal boundary location criteria in s. 100 as follows:

It occurs naturally, is within the channel but not within the bed of the watercourse and it is in a reasonably stable location due to the presence of remnant riparian vegetation.

It is not a line of intersection of a particular level of water flow with land and; it is not transient in nature.

The natural feature is the top of a bank.

The location of the boundary is consistent with s. 108(4) and s. 108(5) in that it is generally not closer to the opposite side of the watercourse than a previous survey on HG87.

The location of the boundary at law on SP177746 is consistent with the location of the boundary depicted on HG87. This has been confirmed by site inspection.

As this plan does not create any new right line boundaries that intersect with the non tidal watercourse boundary of Leadingham Creek, it complies with s.107(3)(a).

The extra cost and effort to traverse the ambulatory boundary would therefore be beyond that required to achieve the desired outcome for the survey and it is impracticable to resurvey the boundary.

Walsh River

The natural feature top of bank adopted as the boundary on SP177746 accords with the non-tidal boundary location criteria in s. 100 as follows:

It occurs naturally, is within the channel but not within the bed of the watercourse and it is in a reasonably stable location due to the presence of remnant riparian vegetation.

It is not a line of intersection of a particular level of water flow with land and; it is not transient in nature.

The natural feature is the top of a bank.

The location of the boundary is consistent with s. 108(4) and s. 108(5) in that it is generally not closer to the opposite side of the watercourse than a previous survey on HG149 and HG151.

The location of the boundary at law on SP177746 is consistent with the location of the boundary depicted on HG149 and HG151. This has been confirmed by site inspection.

As this plan does not create any new right line boundaries that intersect with the non tidal watercourse boundary of Walsh River, it complies with s.107(3)(a).

The extra cost and effort to traverse the ambulatory boundary would therefore be beyond that required to achieve the desired outcome for the survey and it is impracticable to resurvey the boundary.

The step in the river boundary, B - C, is due to the difference in the measurement to the river shown in the field notes on HG149 (page 5) and HG1514 (page 14) of 7.021 (34.9 links) from Post/ORT to the river bank.



Insert
Plan
Number

SP177746

State copyright reserved.

Attachment 3

Code Compliance

6.2.9 Rural zone code

6.2.9.1 Application

- (1) This code applies to assessing development where:
- (a) located in the Rural zone; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

6.2.9.2 Purpose

- (1) The purpose of the Rural zone code is to:
- (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) Mareeba Shire Council's purpose of the Rural zone code is to recognise the importance of primary production to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy.

The purpose of the Rural zone code is to:

- (a) recognise the diversity of rural uses that exists throughout the region;
- (b) protect the rural character of the region;
- (c) provide facilities for visitors and tourists that are accessible and offer a unique experience;
- (d) protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;
- (e) maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;
- (f) provide for a range of uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;
- (g) prevent adverse impacts of development on ecological values;
- (h) preserve land in large holdings; and
- (i) facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.

- (3) The purpose of the Rural zone code will be achieved through the following overall outcomes:
- (a) Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoided;
 - (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;
 - (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
 - (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;
 - (e) Development is reflective of and responsive to the environmental constraints of the land;
 - (f) Residential and other development is appropriate only where directly associated with the rural nature of the zone;
 - (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;
 - (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;
 - (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;
 - (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and
 - (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.

6.2.9.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Height		
PO1 Building height takes into consideration and respects the following: (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length.	AO1.1 Development, other than buildings used for rural activities, has a maximum building height of: (a) 8.5 metres; and (b) 2 storeys above ground level.	Not Applicable – No buildings are proposed as part of this development.
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	Not Applicable – No buildings are proposed as part of this development.
Siting, where not involving a Dwelling house		
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.		
PO2 Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors.	AO2.1 Buildings and structures include a minimum setback of: (a) 40 metres from a frontage to a State-controlled road; and (b) 10 metres from a boundary to an adjoining lot.	Not Applicable – No buildings are proposed as part of this development.
	AO2.2 Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.	Not Applicable – No buildings are proposed as part of this development.
	AO2.3 Buildings and structures, except where a Roadside stall, include a minimum setback of: (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road;	Not Applicable – No buildings are proposed as part of this development.
Accommodation density		
PO3 The density of Accommodation activities: (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and (c) is commensurate to the scale and frontage of the site.	AO3.1 Residential density does not exceed one dwelling house per lot.	Not Applicable – No dwellings are proposed as part of this development.
	AO3.2 Residential density does not exceed two dwellings per lot and development is for: (a) a secondary dwelling; or (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m ² ; or (c) Rural worker's accommodation.	Not Applicable – No dwellings are proposed as part of this development.
For assessable development		

J000639 – 173 De Lacey Road

Performance outcomes	Acceptable outcomes	Compliance
Site cover		
P04 Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of buildings in the surrounding area; and (c) appropriately balances built and natural features.	A04 No acceptable outcome is provided.	Not Applicable – No buildings are proposed as part of this development.
P05 Development complements and integrates with the established built character of the Rural zone, having regard to: (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location.	A05 No acceptable outcome is provided.	Not Applicable – No buildings are proposed as part of this development
Amenity		
P06 Development must not detract from the amenity of the local area, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	A06 No acceptable outcome is provided.	Complies – the proposed development would not result in any adverse impact on the amenity of the area. The proposed Reconfiguring a Lot would create allotments of a size consistent with allotments in the locality containing the site and would provide for development and use consistent with the use of adjoining and adjacent lots.
P07 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	A07 No acceptable outcome is provided.	Complies – the proposed development would not result in any adverse impact on the amenity of the area. The proposed Reconfiguring a Lot would create allotments of a size consistent with allotments in the locality containing the site and would provide for development and use consistent with the use of adjoining and adjacent lots.

8.2.1 Agricultural land overlay code

8.2.1.1 Application

- (1) This code applies to assessing development where:
- (a) land the subject of development is located within the agricultural land areas identified on the **Agricultural land overlay maps (OM-001a-n)**; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Agriculture is appropriately reflected in Overlay Map 1 and is required to be mapped by State Government in response to Economic Growth State Interests.

8.2.1.2 Purpose

- (1) The purpose of the Agricultural land overlay code is to protect or manage important agricultural areas, resources, and processes which contribute to the shire's capacity for primary production.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:
 - (i) an overriding need exists for the development in terms of public benefit,
 - (ii) no suitable alternative site exists; and
 - (iii) the fragmentation or reduced production potential of agricultural land is minimised;
 - (b) 'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;
 - (c) Grazing on very large land holdings is maintained as the dominant rural activity in the 'Broadhectare rural' area; and
 - (d) Land with the 'Broadhectare rural' area is maintained in its current configuration.

8.2.1.3 Criteria for assessment

Table 8.2.1.3 – Agricultural land overlay code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
PO1 The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) is avoided unless: <ul style="list-style-type: none"> (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; and (c) loss or fragmentation is minimised to the extent possible. 	AO1 Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) unless they are associated with: <ul style="list-style-type: none"> (a) animal husbandry; or (b) animal keeping; or (c) cropping; or (d) dwelling house; or (e) home based business; or (f) intensive animal industry (only where for feedlotting); or (g) intensive horticulture; or (h) landing; or (i) roadside stalls; or winery.	Complies – the proposed development would not result in the development of buildings or structures resisted by the Acceptable Outcome. In addition, the site is bisected by a road reserve, and constructed road within, currently. The proposed subdivision seeks to formalise the property separation by that road, and will result in lots of similar size to those in the immediate area.
For assessable development		

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Performance outcomes	Acceptable outcomes	Compliance
<p>P02 Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:</p> <ul style="list-style-type: none"> (a) avoid land use conflict; (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; (c) avoid reducing primary production potential; and (d) not adversely affect public health, safety and amenity. 	<p>A02 No acceptable outcome is provided.</p>	<p>Complies – the proposed development would not result in the introduction of a sensitive land use.</p>
<p>P03 Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):</p> <ul style="list-style-type: none"> (a) ensures that agricultural land is not permanently alienated; (b) ensures that agricultural land is preserved for agricultural purposes; and (c) does not constrain the viability or use of agricultural land. 	<p>A03 No acceptable outcome is provided.</p>	<p>Complies – the proposed development would not result in the alienation of agricultural land. In accordance with the Planning Scheme codes new buildings and structures would be required to be sited to reduce impact on agricultural land.</p>
If for Reconfiguring a lot		
<p>P04 The 'Broadhectare rural area' identified on the Agricultural land overlay maps (OM-001a-n) is retained in very large rural holdings viable for broad scale grazing and associated activities.</p>	<p>A04 Development does not involve the creation of a new lot within the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n).</p>	<p>Not Applicable – the site is not located in the broad hectare area.</p>
<p>P05 Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) that is severed by a gazetted road occurs only where it does not fragment land used for agricultural purposes.</p>	<p>A05 No acceptable outcome is provided.</p>	<p>Complies – The proposed Reconfiguring a Lot would result in allotments consistent in terms of size and shape with allotments in the immediate locality and would not compromise the ability of the land within the zone to achieve the desired amenity. It would not result in the further fragmentation of land used for agricultural purposes.</p>
<p>P06 Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:</p> <ul style="list-style-type: none"> (a) improves agricultural efficiency; (b) facilitates agricultural activity; or (c) facilitates conservation outcomes; or (d) resolves boundary issues where a structure is built over the boundary line of two lots. 	<p>A06 No acceptable outcome is provided.</p>	<p>Does not comply – however, The proposed Reconfiguring a Lot would result in allotments consistent in terms of size and shape with allotments in the immediate locality and would not compromise the ability of the land within the zone to achieve the desired amenity. Furthermore, the proposed reconfiguration would not result in the increased practical fragmentation of the</p>

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Performance outcomes	Acceptable outcomes	Compliance
		agricultural land nor further compromise the agricultural efficiency of the land.

8.2.3 Bushfire hazard overlay code

8.2.3.1 Application

- (1) This code applies to assessing development where:
- (a) land the subject of development is located within a Bushfire hazard area and Potential impact buffer (100 metres) identified on the **Bushfire hazard overlay maps (OM-003a-o)**; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Natural hazards are appropriately reflected in Overlay Maps 3, 6 and 8 and are required to be mapped by State Government in response to Hazard and Safety State Interests.

8.2.3.2 Purpose

- (1) The purpose of the Bushfire hazard overlay code is to minimise the threat of bushfire to people and property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) Development in a Bushfire hazard area is compatible with the nature of the hazard;
 - (b) The number of people and properties subject to bushfire hazards are minimised through appropriate building design and location;
 - (c) Development does not result in a material increase in the extent, duration or severity of bushfire hazard; and
 - (d) Appropriate infrastructure is available to emergency services in the event of a bushfire.

8.2.3.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Water supply for fire-fighting purposes		
PO1 Development where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) maintains the safety of people and property by providing an adequate, accessible and reliable water supply for fire-fighting purposes which is safely located and has sufficient flow and pressure characteristics. Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.	Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) AO1.1 Where in a reticulated water service area, the on-site water supply has flow and pressure characteristics of 10 litres a second at 200 kPa. OR	Not Applicable - there would be no property assets created as part of this development.
	AO1.2 Where access to the reticulated water network is not available, a minimum on site water storage of 5,000 litres is provided that must comprise: (a) a separate tank; or (b) a reserve section in the bottom part of the main water supply tank; or (c) a dam; or (d) a swimming pool. Note—Where a water tank is provided for fire-fighting purposes it is fitted with standard rural fire brigade fittings and the tank is provided with a hardstand area for heavy vehicles.	Not Applicable - there would be no property assets created as part of this development.
For assessable development		
Land use		

Performance outcomes	Acceptable outcomes	Compliance
P02 Development within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) is appropriate to the bushfire hazard risk having regard to the: <ul style="list-style-type: none"> (a) the bushfire risk compatibility of development; (b) the vulnerability of and safety risk to persons associated with the use; and (c) consequences of bushfire in regard to impacts on essential infrastructure, buildings and structures. <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	A02 All buildings, structures, infrastructure and facilities associated with the following uses are located outside any area of the site located within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) : <ul style="list-style-type: none"> (a) child care centre; or (b) community care centre; or (c) correctional facility; or (d) educational establishment; or (e) emergency services; or (f) hospital; or (g) residential care facility; or (h) retirement facility; or (i) rooming accommodation; or (j) shopping centre; or (k) tourist park; or (l) tourist attraction. 	Not Applicable - there would be no property assets created as part of this development.
Lot design		
P03 Reconfiguring a lot within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) minimises the potential adverse impacts of bushfire on the safety of people, property and the environment through lot design that: <ul style="list-style-type: none"> (a) is responsive to the nature and extent of bushfire risk; and (b) allows efficient emergency access to buildings for fire-fighting appliances. <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	Where within a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) <p>A03.1 No new lots are created.</p> <p>OR</p> <p>A03.2 All lots include a building envelope that achieves a radiant heat flux level of 29kW/m² at the perimeter of the building envelope.</p> <p>Note—Where a radiant heat flux of 29kW/m² is achieved and this relies on cleared or maintained land external to the land the subject of the development application it must be demonstrated that land external to the site will be maintained to a standard that does not exceed the level of bushfire hazard identified in a Bushfire hazard management plan.</p>	Complies – any new development on the created allotments would be outside of a bushfire hazard area.
Firebreaks and access		
P04 In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) , vehicular access is designed to mitigate against bushfire hazard by: <ul style="list-style-type: none"> (a) ensuring adequate access for fire-fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be 	A04.1 In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) , roads are designed and constructed: <ul style="list-style-type: none"> (a) with a maximum gradient of 12.5%; (b) to not use cul-de-sacs; and (c) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. 	Not Applicable – there are no roads proposed as part of this development.

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<p>(c) blocked in the event of a fire; and providing for the separation of developed areas and adjacent bushland.</p> <p>Note—Where it is not practicable to provide firebreaks in accordance with A04.2 Fire Maintenance Trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> i. located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; ii. the minimum cleared width not less than 6 metres; iii. the formed width is not less than 2.5 metres; iv. the formed gradient is not greater than 15%; v. vehicular access is provided at both ends; vi. passing bays and turning areas are provided for fire-fighting appliances located on public land. <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>A04.2</p> <p>In a 'Bushfire hazard area' and 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o), firebreaks are provided:</p> <ul style="list-style-type: none"> (a) consisting of a perimeter road that separates lots from areas of bushfire hazard; (b) a minimum cleared width of 20 metre; (c) a maximum gradient of 12.5%; and (d) a constructed road width and weather standard complying with Planning Scheme Policy 4 - FNQROC Regional Development Manual. 	<p>Complies or able to comply.</p>
Hazardous materials		
<p>P05</p> <p>Public safety and the environment are not adversely affected by the detrimental impacts of bushfire of hazardous materials manufactured or stored in bulk.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>A05</p> <p>The processing or storage of dangerous goods or hazardous materials is not undertaken in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o).</p>	<p>Not Applicable – no dangerous goods would be processed on the site as part of this development.</p>
Landscaping		
<p>P06</p> <p>Landscaping within a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) does not result in a material increase in the extent, duration or severity of bushfire hazard having regard to:</p> <ul style="list-style-type: none"> (a) fire ecology; (b) slope of site; and (c) height and mix of plant species. <p>Note—Frost hollows and the associated grass kill facilitates a rapid curing of fuel and exacerbates bushfire hazard.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>A06</p> <p>No acceptable outcome is provided.</p>	<p>Not Applicable – no landscaping is proposed as part of this development.</p>
Infrastructure		

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Performance outcomes	Acceptable outcomes	Compliance
<p>P07 Infrastructure services located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are protected from damage or destruction in the event of a bushfire.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>A07 The following infrastructure services are located below ground:</p> <ul style="list-style-type: none"> (a) water supply; (b) sewer; (c) electricity; (d) gas; and (e) telecommunications 	<p>Not Applicable – no additional infrastructure is proposed as part of this development.</p>
Private driveways		
<p>P08 All premises located in a 'Bushfire hazard area' and a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-o) are provided with vehicular access that enables safe evacuation for occupants and easy access by fire-fighting appliances.</p> <p>Note— A Bushfire hazard management plan must be prepared by suitably qualified persons in seeking to demonstrate compliance with the Performance outcome.</p>	<p>A08 Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60 metres from the street frontage; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5 metres; (d) have a minimum vertical clearance of 4.8 metres; (e) accommodate turning areas for fire-fighting appliances in accordance with the Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than three dwellings or buildings. 	<p>Not Applicable - no driveways are proposed as part of this development.</p>

9.4.4 Reconfiguring a lot code

9.4.4.1 Application

- (1) This code applies to assessing development where:
- (a) for Reconfiguring a lot; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.4.4.2 Purpose

- (1) The purpose of the Reconfiguring a lot code is to ensure that land is:
- (a) arranged in a manner which is consistent with the intended scale and intensity of development within the area;
 - (b) provided with access to appropriate movement and open space networks; and
 - (c) contributes to housing diversity and accommodates a range of land uses.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;
 - (b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.
 - (c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;
 - (d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;
 - (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;
 - (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;
 - (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;
 - (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;
 - (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
 - (j) Land in historical townships is not reconfigured to be used for urban purposes; and
 - (k) Residential subdivision and greenfield development is designed to consider and respect:
 - i. topography;
 - ii. climate responsive design and solar orientation;
 - iii. efficient and sustainable infrastructure provision;
 - iv. environmental values;
 - v. water sensitive urban design;
 - vi. good quality agricultural land; and
 - vii. the character and scale of surrounding development.

9.4.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
Area and frontage of lots		
PO1 Lots include an area and frontage that: <ul style="list-style-type: none"> (a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works 	AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.	Complies with the Performance Outcome – The proposed Reconfiguring a Lot would result in allotments consistent in terms of size and shape with allotments in the immediate locality and

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Performance outcomes	Acceptable outcomes	Compliance
associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints.		would not compromise the ability of the land within the zone to achieve the desired amenity. The lots would be provided with an appropriate level of access to services and would not have a greater impact on the amenity of the area than the existing use and configuration of the land.
Existing buildings and easements		
PO2 Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures: (a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and (a) any continuing use is not compromised by the reconfiguration.	AO2.1 Each land use and associated infrastructure is contained within its individual lot. AO2.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.	Complies Complies
PO3 Reconfiguring a lot which contains an existing easement ensures: (a) future buildings, structures and accessways are able to be sited to avoid the easement; and (h) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.	AO3 No acceptable outcome is provided.	Not applicable – no easements proposed.
Boundary realignment		
PO4 The boundary realignment retains all attendant and existing infrastructure connections and potential connections.	AO4 No acceptable outcome is provided.	Complies – the existing infrastructure connections would be maintained.
Access and road network		
PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; (d) privacy of adjoining premises; and (e) service provision.	AO5 No acceptable outcome is provided.	Complies – there would be no change to the current access arrangements as part of this development.

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Performance outcomes	Acceptable outcomes	Compliance
P06 Reconfiguring a lot ensures that access to a lot can be provided that: (a) is consistent with that provided in the surrounding area; (b) maximises efficiency and safety; and (c) is consistent with the nature of the intended use of the lot. Note—The Parking and access code should be considered in demonstrating compliance with P06.	A06 Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.	Complies – compliance may be confirmed via imposition of condition/s upon any approval granted.
P07 Roads in the Industry zone are designed having regard to: (a) the intended use of the lots; (b) the existing use of surrounding land; (c) the vehicular servicing requirements of the intended use; (d) the movement and turning requirements of B-Double vehicles. Note—The Parking and access code should be considered in demonstrating compliance with P07.	A07 No acceptable outcome is provided.	Not Applicable – no roads are proposed as part of this development.
Rear lots		
P08 Rear lots are designed to: (a) provide a high standard of amenity for residents and other users of the site; (b) provide a high standard of amenity for adjoining properties; and (c) not adversely affect the safety and efficiency of the road from which access is gained.	A08.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.	Not Applicable – there are no rear lots proposed as part o this development.
	A08.2 No more than two rear lots are created behind any lot with a road frontage.	Not Applicable – there are no rear lots proposed as part o this development.
	A08.3 Access to lots is via an access strip with a minimum width of: (a) 4 metres where in the Low density residential zone or Medium density residential zone; or (b) 8 metres otherwise.	Not Applicable – there are no rear lots proposed as part o this development.
	A08.4 A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street. Note—Figure A provides further guidance in relation to the desired outcome.	Not Applicable – there are no rear lots proposed as part o this development.
	A08.5 No more than 1 in 10 lots created in a new subdivision are rear lots.	Not Applicable – there are no rear lots proposed as part o this development.
	A08.6 Rear lots are not created in the Centre zone or the Industry zone.	Not Applicable – there are no rear lots proposed as part o this development.

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Performance outcomes	Acceptable outcomes	Compliance
Crime prevention and community safety		
P09 Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: (a) sightlines; (b) the existing and intended pedestrian movement network; (c) the existing and intended land use pattern; and (f) potential entrapment locations.	A09 No acceptable outcome is provided.	Complies – existing sightlines, land use patterns and potential entrapment locations are not adversely affected by the proposed development.
Pedestrian and cycle movement network		
P010 Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	A010 No acceptable outcome is provided.	Not Applicable - the site is located within a Rural zone and area where there are no cycle networks identified or proposed.
Public transport network		
P011 Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development: (a) does not prejudice the future provision of the identified infrastructure; (b) appropriately treats the common boundary with the future corridor; and (c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement.	A011 No acceptable outcome is provided.	Not Applicable – the site does not adjoin a future public transport corridor.
Residential subdivision		
P012 Residential lots are: (a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes.	A012 No acceptable outcome is provided.	Not Applicable
Rural residential zone		
P013 New lots are only created in the Rural residential zone where land is located within the 4,000m ² precinct, the 1 hectare precinct or the 2 hectare precinct.	A013 No acceptable outcome is provided.	Not Applicable
Additional provisions for greenfield development only		

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Performance outcomes	Acceptable outcomes	Compliance
P014 The subdivision design provides the new community with a local identity by responding to: (a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views.	A014 No acceptable outcome provided.	Complies – The proposed reconfigured lots would be consistent with the size and use of the existing allotments in the immediate vicinity of the site and consistent with the emerging characteristics of the area.
P015 The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.	A015 No acceptable outcome provided.	Not Applicable – no roads are proposed as part of this development.
P016 The road network is designed to: (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads. Note—Figure B provides further guidance in relation to the desired outcome.	A016 No acceptable outcome provided.	Not Applicable – no roads are proposed as part of this development.
P017 Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.	A017 The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.	Not applicable – there are no public transport routes within the vicinity of the site.
P018 The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.	A018 No acceptable outcome provided.	Not applicable – the development would be undertaken in a single stage.
P019 Provision is made for sufficient open space to: (a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected; (b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and (c) meet regional, district and neighbourhood open space requirements.	A019.1 A minimum of 10% of the site area is dedicated as open space.	Not applicable – the application site is within the rural zone and the proposed development would create rural allotments.
	A019.2 A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.	Not applicable – the application site is within the rural zone and the proposed development would create rural allotments.

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Performance outcomes	Acceptable outcomes	Compliance
<p>PO20</p> <p>A network of parks and community land is provided:</p> <ul style="list-style-type: none"> (a) to support a full range of recreational and sporting activities; (b) to ensure adequate pedestrian, cycle and vehicle access; (c) which is supported by appropriate infrastructure and embellishments; (d) to facilitate links between public open spaces; (e) which is co-located with other existing or proposed community infrastructure; (f) which is consistent with the preferred open space network; and (g) which includes a diversity of settings; 	<p>AO20</p> <p>No acceptable outcome is provided.</p>	<p>Not applicable – the application site is within the rural zone and the proposed development would create rural allotments.</p>

9.4.5 Works, services and infrastructure code

9.4.5.1 Application

- (1) This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.4.5.2 Purpose

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

9.4.5.3 Criteria for assessment

Table 9.4.5.3A— Works, services and infrastructure code – For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Water Supply		
PO1 Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> (f) meets the needs of users; (g) is adequate for fire-fighting purposes; (h) ensures the health, safety and convenience of the community; and (i) minimises adverse impacts on the receiving environment. 	AO1.1 Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located: <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated water supply service area. 	Not applicable
	AO1.2 Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone	Complies – Compliance may be confirmed via imposition of condition.

Performance outcomes	Acceptable outcomes	Compliance
	<p>is provided with:</p> <ul style="list-style-type: none"> (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or (b) on-site water storage tank/s: <ul style="list-style-type: none"> (i) with a minimum capacity of 90,000L; (ii) fitted with a 50mm ball valve with a camlock fitting; and (iii) which are installed and connected prior to the occupation or use of the development. 	
Wastewater Disposal		
<p>PO2 Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment. 	<p>AO2.1 Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	Not Applicable
	<p>AO2.2 An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area. 	Complies – Compliance may be confirmed via imposition of condition on any approval granted.
Stormwater infrastructure		
<p>PO3 Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.</p>	<p>AO3.1 Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	Not Applicable
	<p>AO3.2 On-site drainage systems are constructed:</p> <ul style="list-style-type: none"> (a) to convey stormwater from the premises to a lawful point of discharge; and (b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional 	Complies – Compliance may be confirmed via imposition of condition on any approval granted.

Performance outcomes	Acceptable outcomes	Compliance
	Development Manual.	
Electricity supply		
P04 Each lot is provided with an adequate supply of electricity	A04.1 The premises: (a) is connected to the electricity supply network; or (b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (a) it can be demonstrated that no adverse impact on visual amenity will occur.	Complies – connectivity is available.
Telecommunications infrastructure		
P05 Each lot is provided with an adequate supply of telecommunication infrastructure	A05 Development is provided with a connection to the national broadband network or telecommunication services.	Complies - telecommunication services are available.
Existing public utility services		
P06 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	A06 Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	Not applicable – Utility mains would not be affected by the proposed development.
Excavation and filling		
P07 Excavation or filling must not have an adverse impact on the: (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises.	A07.1 Excavation or filling does not occur within 1.5 metres of any site boundary.	Not applicable - no excavation or filling is proposed.
	A07.2 Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	Not applicable - no excavation or filling is proposed.

Performance outcomes	Acceptable outcomes	Compliance
	<p>A07.3</p> <p>Earthworks batters:</p> <ul style="list-style-type: none"> (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained. 	Not applicable - no excavation or filling is proposed.
	<p>A07.4</p> <p>Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <ul style="list-style-type: none"> (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation. 	Not applicable - no excavation or filling is proposed.
	<p>A07.5</p> <p>All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	Not applicable - no excavation or filling is proposed.
	<p>A07.6</p> <p>Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	Not applicable - no excavation or filling is proposed.
	<p>A07.7</p> <p>Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	Not applicable - no excavation or filling is proposed.
Transport Network		

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Performance outcomes	Acceptable outcomes	Compliance
P08 The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.	A08.1 Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	Not applicable – no new roads are proposed.
	A08.2 Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	Not applicable – no new roads are proposed.
Public infrastructure		
P09 The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.	A09 Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	Not applicable – no new infrastructure is proposed.
Stormwater Quality		
P010 Development has a non-worsening effect on the site and surrounding land and is designed to: <ul style="list-style-type: none"> (a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters; (b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies; (c) achieve specified water quality objectives; (d) minimise flooding; (e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety. 	A010.1 The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals: <ul style="list-style-type: none"> (a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and (b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: <ul style="list-style-type: none"> (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes. 	Complies with the Performance Outcome – The proposed reconfiguration would have a non-worsening effect on the site and surrounding land.

Performance outcomes	Acceptable outcomes	Compliance
	<p>A010.2</p> <p>For development on land greater than 2,500m² or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:</p> <ul style="list-style-type: none"> (a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline; (b) is consistent with any local area stormwater water management planning; (c) accounts for development type, construction phase, local climatic conditions and design objectives; and (d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity. 	<p>Complies with the Performance Outcome – The proposed reconfiguration would have a non-worsening effect on the site and surrounding land.</p>
<p>P011</p> <p>Storage areas for stormwater detention and retention:</p> <ul style="list-style-type: none"> (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety. 	<p>A011</p> <p>No acceptable outcome is provided.</p>	<p>Not Applicable – no storm water storage is necessary.</p>
Excavation or Filling		
<p>P012</p> <p>Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.</p>	<p>A012.1</p> <p>Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p>	<p>Not applicable – no excavation or fill is proposed.</p>
	<p>A012.2</p> <p>Transportation of fill to or from the site does not occur:</p> <ul style="list-style-type: none"> (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and on Sundays or Public Holidays. 	<p>Not applicable – no excavation or fill is proposed</p>

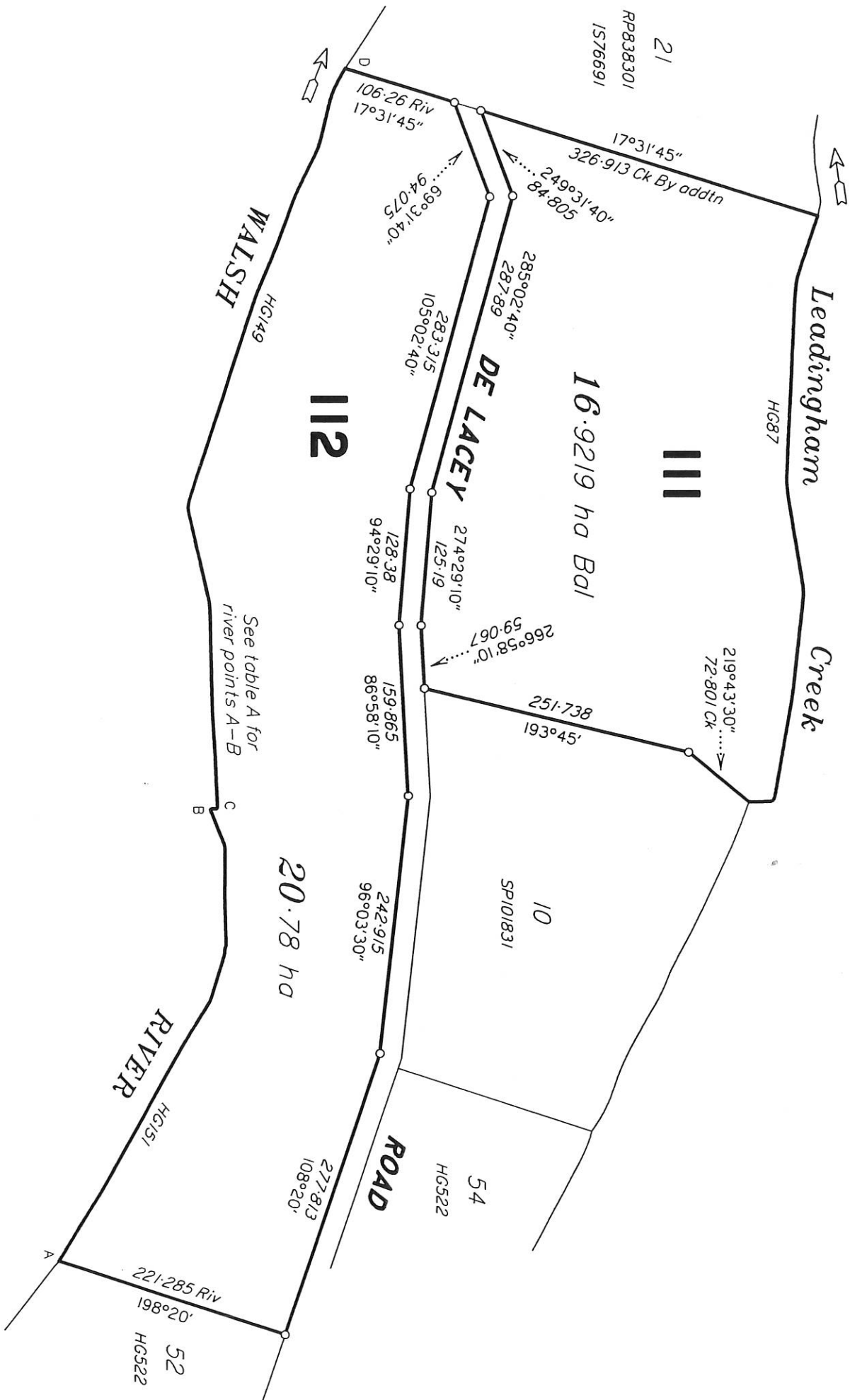
J000639 – 173 De Lacey Road, Dimbulah

Performance outcomes	Acceptable outcomes	Compliance
P013 Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	A013.1 Dust emissions do not extend beyond the boundary of the site.	Not applicable – no excavation or fill is proposed
	A013.2 No other air pollutants, including odours, are detectable at the boundary of the site.	Not applicable – no excavation or fill is proposed
	A013.3 A management plan for control of dust and air pollutants is prepared and implemented.	Not applicable – no excavation or fill is proposed
P014 Access to the premises (including driveways and paths) does not have an adverse impact on: <ul style="list-style-type: none"> (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises. 	A014 Access to the premises (including all works associated with the access): <ul style="list-style-type: none"> (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual. 	Complies – no additional access would be proposed as part of his development.
Weed and Pest Management		
P015 Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas	A015 No acceptable outcome is provided.	Complies – there would be no increase in the spread of weed or other pests as part of this development.
Contaminated Land		

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Performance outcomes	Acceptable outcomes	Compliance
P016 Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	A016 Development is located where: <ul style="list-style-type: none"> (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit. 	Not applicable – the set is not known to be contaminated and has contained no historic notifiable activity for the purpose of contamination.
Fire Services in developments accessed by common private title		
P017 Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	A017.1 Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of: <ul style="list-style-type: none"> (a) 120 metres for residential development; and 90 metres for any other development 	Not applicable
	A017.2 Fire hydrants are located at all intersections of accessways or private roads held in common private title.	Not applicable

Table A Orig River Points from HG149, HG151 & HG522		
A	Bearing	Dist
300°45'05"	45.894	
302°20'15"	34.217	
298°50'30"	150.867	
301°07'55"	50.332	
286°47'25"	45.349	
275°11'40"	6.487	
298°50'30"	2.213	
268°06'30"	42.276	
270°17'35"	50.653	
248°14'50"	38.114	
359°19'	7.021	
267°28'30"	50.238	
266°18'35"	50.332	
268°36'	100.584	
257°17'25"	82.061	
278°08'30"	8.003	
287°41'	201.168	
292°15'25"	50.453	
289°49'45"	50.302	
295°39'10"	50.782	
283°06'35"	50.453	
296°25'10"	26.491	
Calc		
A	HG149	
B	HG151	
C	By addn	
D	Y	



See sheet 3 for physical feature
boundary report.

First New Plan of Survey
Under Section 108
of the SMI Act 2003

Twine Surveys Pty Ltd ACN 109 476 422 hereby
certify that the corporation, by Ivan Mervyn
Luscombe, Cadastral Surveyor, for whose work the
corporation accepts responsibility, has made this
plan under Section 16 of the Survey & Mapping
Infrastructure Regulation 2014 and pursuant to the
Survey and Mapping Infrastructure Act 2003 and
Standards and that the plan is accurate, and
compiled from HG87, HG149, HG151, HG522 and
SP101831 in the Department of Natural Resources,
Mines and Energy.

Ivan Luscombe
Ivan Mervyn Luscombe
Director and
Cadastral Surveyor

Roger Lloyd Twine
Roger Lloyd Twine
Director
Date 12.7.2018

Plan of Lots 111 & 112		Scale: 1:5000
Cancelling Lot 11 on SP101831		Format: STANDARD
LOCAL GOVERNMENT: Shire Council	LOCALITY: Dimbulah	Meridian: Of SP101831
Survey Records	No	SP1777746



SP1777746

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We *Deborah Anne Kearney*

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

~~* as Lessees of this land agree to this plan.~~

Signature of *Registered Owners *Lessees

5. Lodged by

6. Existing

Created

Title Reference	Description	New Lots	Road	Secondary Interests
50238718	Lot 11 on SP101831	111 & 112	-	-

Mortgage Allocations

<i>Mortgage</i>	<i>Lots fully encumbered</i>
718205108	111 & 112

* Rule out whichever is inapplicable

2. Planning Body Approval.

* *Mareeba Shire Council*

hereby approves this plan in accordance with the :

%

Dated this _____ day of _____

#

#

* Insert the name of the Planning Body. % Insert applicable approving legislation.
Insert designation of signatory or delegation

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : *18/8081*

9. Building Format Plans only.

I certify that :

* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.

* Part of the building shown on this plan encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date
* delete words not required

10. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

7. Orig Grant Allocation :

Lots

Orig

111 & 112

Lot 127 on HG746

8. Passed & Endorsed :

By : *Twine Surveys Pty Ltd*

Date : *12.2.2018*

Signed : *[Signature]*

Designation : *Cadastral Surveyor*

11. Insert Plan Number

SP177746

PHYSICAL FEATURE BOUNDARY REPORT

Leadingham Creek

The natural feature top of bank adopted as the boundary on SP177746 accords with the non-tidal boundary location criteria in s. 100 as follows:

It occurs naturally, is within the channel but not within the bed of the watercourse and it is in a reasonably stable location due to the presence of remnant riparian vegetation.

It is not a line of intersection of a particular level of water flow with land and; it is not transient in nature.

The natural feature is the top of a bank.

The location of the boundary is consistent with s. 108(4) and s. 108(5) in that it is generally not closer to the opposite side of the watercourse than a previous survey on HG87.

The location of the boundary at law on SP177746 is consistent with the location of the boundary depicted on HG87. This has been confirmed by site inspection.

As this plan does not create any new right line boundaries that intersect with the non tidal watercourse boundary of Leadingham Creek, it complies with s.107(3)(a).

The extra cost and effort to traverse the ambulatory boundary would therefore be beyond that required to achieve the desired outcome for the survey and it is impracticable to resurvey the boundary.

Walsh River

The natural feature top of bank adopted as the boundary on SP177746 accords with the non-tidal boundary location criteria in s. 100 as follows:

It occurs naturally, is within the channel but not within the bed of the watercourse and it is in a reasonably stable location due to the presence of remnant riparian vegetation.

It is not a line of intersection of a particular level of water flow with land and; it is not transient in nature.

The natural feature is the top of a bank.

The location of the boundary is consistent with s. 108(4) and s. 108(5) in that it is generally not closer to the opposite side of the watercourse than a previous survey on HG149 and HG151.

The location of the boundary at law on SP177746 is consistent with the location of the boundary depicted on HG149 and HG151. This has been confirmed by site inspection.

As this plan does not create any new right line boundaries that intersect with the non tidal watercourse boundary of Walsh River, it complies with s.107(3)(a).

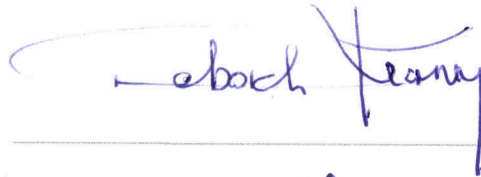
The extra cost and effort to traverse the ambulatory boundary would therefore be beyond that required to achieve the desired outcome for the survey and it is impracticable to resurvey the boundary.

The step in the river boundary, B - C, is due to the difference in the measurement to the river shown in the field notes on HG149 (page 5) and HG1514 (page 14) of 7.021 (34.9 links) from Post/ORT to the river bank.



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

I, DEBORAH ANNE KEARNEY, as owner of premises identified as **173 DeLacey Road, Dimbulah** (described as **Lot 11 on SP101831**) consent to the making of a development application under the *Planning Act 2016* by **D. Kearney C/ - Gilvear Planning Pty Ltd** on the premises described above for the purposes of **Reconfiguration of a Lot (1 Lot into 2 Lots)**



signed on the 27th day of February 2018