

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Mr N Derakhshan
Contact name <i>(only applicable for companies)</i>	C/- Elizabeth Taylor – Town Planner
Postal address <i>(P.O. Box or street address)</i>	23 Vallely Street
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	Liz - 40552548
Email address <i>(non-mandatory)</i>	liz@elizabethtaylor.net.au
Mobile number <i>(non-mandatory)</i>	Liz - 0407584966
Fax number <i>(non-mandatory)</i>	N/A
Applicant's reference number(s) <i>(if applicable)</i>	ET17-019

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="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
		2-6	Black Mountain Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	1	RP743970	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: Local creek

☐ 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):*

Reconfiguration:- 1 rural residential lot into 4 rural residential 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?

- ☐ Yes
☐ No

Division 2 – Reconfiguring a lot

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

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

1

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

- ☒ Subdivision (complete 10)) ☐ Dividing land into parts by agreement (complete 11))
☐ Boundary realignment (complete 12)) ☐ Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

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

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	4			

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
☒ 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
Proposed	8m	50 metres	Access and Services	Proposed Lot 1
Proposed	8 metres	20 metres	Access and Services	Proposed Lot 4

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: <input type="text"/> | | |

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 checked="" 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 requirementsIf 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*.☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21))

☐ Yes☒ Not applicable**25) Applicant declaration**☒ By making this development application, I declare that all information in this development application is true and correct☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***Note:** It is unlawful to intentionally provide false or misleading information.

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

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

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

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

PART 9 – FOR 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.

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

Name/s (print)

NAVID DERAKHSHAN

as owners of the premises identified as follows:

2-6 Black Mountain Road, Kuranda, being Lot 1 RP743970

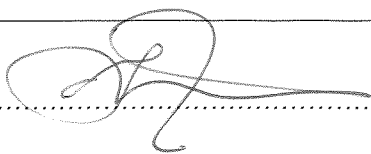
consent to the making of a development application under the *Planning Act 2016* by:

Elizabeth Taylor – Town Planner

on the premises described above for:

Reconfiguring a Lot:- 1 Rural residential lot into 4 Rural residential lots

Signed.....



25/07/2018.

Dated

TOWN PLANNING REPORT

**APPLICATION
FOR
RECONFIGURATION OF A LOT-
DEVELOPMENT PERMIT
(ONE (1) LOT INTO FOUR (4) LOTS)
ON LAND DESCRIBED AS
LOT 1 RP743970
AT
2-6 BLACK MOUNTAIN ROAD, KURANDA**

**PREPARED FOR
MR N DERAKSHAN**

**PREPARED BY
ELIZABETH TAYLOR
TOWN PLANNER**

JULY, 2018

1.0 INTRODUCTION

This is an Application for Reconfiguration of a Lot (ROL) of one (1) large rural residential lot into four (4) rural residential lots.

This report addresses the relevant sections of the Mareeba Shire Planning Scheme 2016, the FNQ Regional Plan 2009 – 2031 and the Planning Act 2016.

The Application triggers referral through the State Assessment Referral Agency (SARA) to the Department of Transport and Main Roads (DTMR) as the lot is within 25 metres of a State Controlled Road (SCR).

2.0 PLANNING OVERVIEW – PA AND FNQ REGIONAL PLAN

The Mareeba Shire Planning Scheme was adopted by Council in July 2016.

Under the Far North Queensland Regional Plan 2009- 2031 (FNQRP) the site is included in the Rural Living Area designation and the proposed development is considered to be a suitable form of development on land included in a Rural Residential Zone and in the Rural Living Area designation under the FNQRP.

3.0 THE SITE AND LOCALITY

3.1 The Site

The development site is a large rural residential lot with a site area of 3.0360 hectares, located at the junction of Karanda Range Road and Black Mountain Road, Kuranda.

The site is irregular in shape, gently undulating and has a lengthy, curved frontage to Black Mountain Road. It is improved with an older style house, shed, outbuildings, water bore and other agricultural elements. Large areas of the site are cleared, with the balance area comprising an old lychee orchard and some regrowth/regulated/riparian vegetation along a creek, which meanders along part of the site's rear boundary; with other regrowth/regulated vegetation along the balance of the rear site boundary.

Site access to the existing house is located approximately 30 metres from the intersection of Black Mountain Road and Kuranda Range Road. The lot is serviced with reticulated electricity, telecommunications, town water and garbage collection and the existing house has a septic disposal system.

An aerial Site Plan identifies the site below and an enlarged copy of the aerial Site Plan is attached to this report, at [Appendix 1](#), for ease of reference.

SITE PLAN

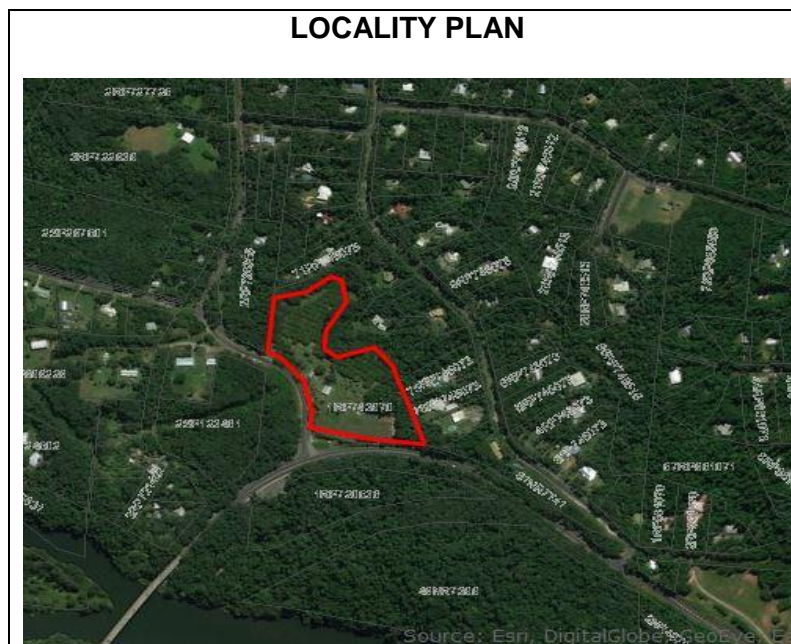


3.2 The Locality

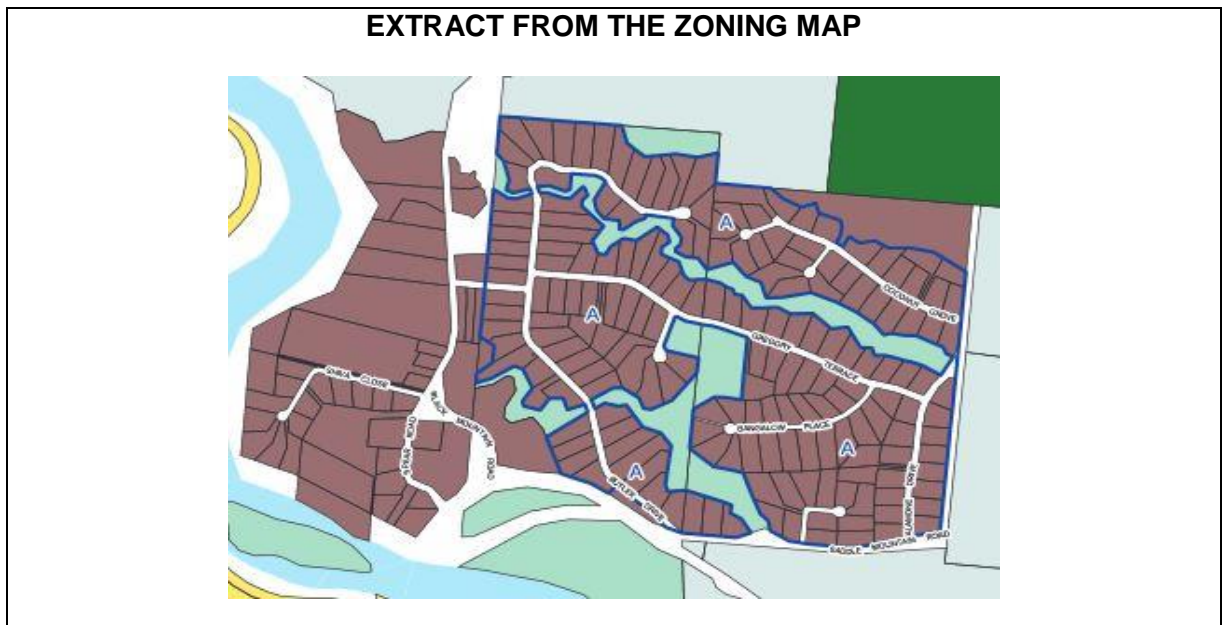
The site is located to the east of Kuranda and is in close proximity to the Kuranda Range Road and the township of Kuranda. The immediate local area is developed with well - established rural residential housing, with surrounding rural residential lots averaging between 4000m² and 6000m².

An aerial Locality Plan identifies the Rural residential locality below.

LOCALITY PLAN



It is assumed that the site was not included in Precinct A of the Rural Residential Zone, refer Extract from the Zoning Map below, where the minimum lot size is 4000m², due to the significant constraints mapped on the site, which left little or no opportunity for further development. However, a thorough site inspection and further investigations into the opportunities and constraints imposed by the actual Regulated vegetation line, the State Controlled Road setback line and the identification of the correct alignment of the waterway (creek) clearly identifies that the site does have development potential.



It is important to note that both the State mapping and the Council mapping (presumably derived from the State mapping) incorrectly identify a waterway transecting through the centre of the site in a north- east to south- west direction, refer plan below and this mapping error significantly impacts on any future development opportunities.



The site does share a common boundary with a waterway (creek) which is not identified on the plan above. The correct, indicative alignment of the waterway (creek) is shown on the Opportunities and Constraints Plan (OCP) attached to this report at [Appendix 2](#).

The OCP attached at [Appendix 2](#), identifies:

Constraints

- 40 metre setback to the State Controlled Road – Karanda Range Road;
- 20 metre setback to Regulated Vegetation;
- 10 metre setback to Stream Order 1 Waterway; and
- Indicative alignment of the creek.

Opportunities

- Existing dwelling and shed in cleared area, within a Building Envelope, to be included in proposed Lot 3;
- Large cleared areas and old lychee orchard area suitable for development within Building Envelopes in proposed Lots 1, 2 and 4;
- Existing vehicular access and services to be shared with proposed Lots 3 and 4; and
- Proposed new vehicular access and services to be shared with proposed Lots 1 and 2.

Based on a detailed assessment of site opportunities and constraints it is proposed to reconfigure Lot 1 into four (4) rural residential lots, as follows:

PROPOSED LOT	SITE AREA	FRONTAGE	AREA OF BUILDING ENVELOPE
1	6,505m ²	No road frontage, accessed by an	Approx. 2,300m ²

		Access and Services Easement, 8 metres wide, located in proposed Lot 2.	
2	4,418m ²	62 metres	Approx. 2900m ²
3	6,432m ²	44 metres	Approx. 2500m ²
4	13,006m ²	30 metres but accessed by an Access and Services Easement, 8 metres wide, at the location of the existing vehicular access driveway servicing the existing house on proposed Lot 3.	Approx. 1100m ²

A copy of a Proposal Plan of Reconfiguration (PPR) and a copy of the PPR overlaid on an aerial photograph are attached at [Appendix 3](#).

5.0 TOWN PLANNING ASSESSMENT

The site has the following classifications and designations under the Mareeba Shire Planning Scheme:

- Strategic Framework- Rural Residential Area and Biodiversity Area;
- Zone – Rural Residential;
- Overlays
 - Waterways – Waterway 1;
 - Flood Hazard – in part;
 - Hill and Slope- in part;
 - Scenic Amenity – Shire Scenic Buffer;
 - Transport Infrastructure – State Controlled Road and Noise Corridor; and
 - Environmental Significance – Wildlife habitat, in part and Regulated vegetation, in part.

Reconfiguration of a Lot on land in the Rural Residential zone that is not included in a Precinct is Impact assessable development under the Planning Scheme.

The proposed development is therefore required to be assessed against the whole of the Planning Scheme:

- Strategic framework;
- Rural residential zone code;
- Environmental significance overlay code;
- Flood hazard overlay code;
- Hill and slope overlay code;
- Scenic amenity overlay code; and

- Reconfiguring a lot code.

An assessment against the Strategic Framework and relevant Codes is outlined below.

5.1 Strategic Framework

The Strategic Framework (SF) sets the policy direction for the Shire for the life of the Planning Scheme. Regarding this development the relevant provisions of the SF are:

- Settlement pattern and built environment- Rural Residential Areas; and
- Natural Resources and Environment - Biodiversity.

Regarding Rural residential Areas the SF states:

‘Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.’

Rural Residential Areas

OUTCOME SOUGHT	COMMENT
<i>Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.</i>	Complies
<i>Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.</i>	Complies
<i>No further subdivision of greater than anticipated density occurs within Rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.</i>	Complies
<i>Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of the proposed development.</i>	Complies
<i>Limited agricultural and animal husbandry activities occur in Rural residential areas where the offsite</i>	Complies

<i>impacts of the activity are mitigated in protection of the amenity expectation of the Rural residential areas.</i>	
<i>Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in rural residential areas.</i>	N/A

Regarding Biodiversity Areas the SF states:

Biodiversity Areas

OUTCOME SOUGHT	COMMENT
<i>Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.</i>	Complies – development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.</i>	Complies – development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protections commensurate with the scale of development.</i>	Complies - development is only proposed in the cleared areas and in the area containing the old Lychee orchard.
<i>Areas within the Einsleigh Uplands bioregion.....</i>	N/A
<i>Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll and the habitat of endemic species are protected across all land tenures.</i>	Complies - development is only proposed in the cleared areas and in the area containing the old Lychee orchard.

The proposed development is not in conflict with the policy direction, outlined in the Strategic Framework, for the future development of the Shire.

5.2 Rural Residential Zone Code

Purpose

- (1) *The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.*

- (2) *Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.*
- (3) *The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:*
 - (a) *The 2 hectare precinct is characterized by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;*
 - (b) *The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and*
 - (c) *The 4,000m² precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m².*
- (4) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;*
 - (b) *Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;*
 - (c) *Development avoids areas of ecological significance;*
 - (d) *Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;*
 - (e) *Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;*
 - (f) *Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;*
 - (g) *Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*
 - (h) *Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

Table 6.2.10.3—Rural residential zone code - For self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For self-assessable and assessable development			
Height			
PO1 Building height takes into consideration and respects the following: <ul style="list-style-type: none"> (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 Development has a maximum building height of: <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	Can comply	Existing development complies and new dwellings can be conditioned to comply
Outbuildings and residential scale			
PO2 Domestic outbuildings: <ul style="list-style-type: none"> (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Rural residential zone. 	AO2.1 On lots less than 2 hectares, domestic outbuildings do not exceed: <ul style="list-style-type: none"> (a) 150m² in gross floor area; and (b) 5.5 metres above natural ground level. 	Can comply	Existing development complies and new dwellings can be conditioned to comply
	AO2.2 On lots greater than 2 hectares, domestic outbuildings do not exceed: <ul style="list-style-type: none"> (a) 200m² in gross floor area; and (b) 8.5 metres above natural ground level. 	N/A	
Siting, where not involving a Dwelling house			
Note—Where for Dwelling house, the setbacks of the Queensland Development Code apply.			

Performance outcomes	Acceptable outcomes	Complies	Comments
PO3 Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> (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) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; (f) appearance of building bulk; and (g) relationship with road corridors. 	AO3 Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State-controlled Road; (b) 6 metres from a frontage to any other road; (c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone; (d) 5 metres from a boundary to an adjoining lot in the 4,000m² precinct; and (e) 3 metres from a side or rear boundary otherwise. 	N/A	
Accommodation density			
PO4 The density of Accommodation activities: <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site. 	AO4 Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.	Can comply	Existing development complies and new lots can be conditioned to comply

Performance outcomes	Acceptable outcomes	Complies	Comments
For assessable development			
Site cover			
PO5 Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features. 	AO5 No acceptable outcome is provided.	Can comply	Existing development complies and new dwellings can be conditioned to comply
Building design			
PO6 Building facades are appropriately designed to: <ul style="list-style-type: none"> (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space. 	AO6 No acceptable outcome is provided.	Can comply	Existing development complies and new dwellings can be conditioned to comply
PO7 Development complements and integrates with the established built character of the Rural residential zone, having regard to: <ul style="list-style-type: none"> (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size 	AO7 No acceptable outcome is provided.	Can comply	Existing development complies and new dwellings can be conditioned to comply

Performance outcomes	Acceptable outcomes	Complies	Comments
and location.			

Performance outcomes	Acceptable outcomes	Complies	Comments
Non-residential development			
PO8 Non-residential development: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) does not impact on the orderly provision of non-residential development in other locations in the shire; and (d) directly supports the day to day needs of the immediate residential community; or (e) has a direct relationship to the land on which the use is proposed.	AO8 No acceptable outcome is provided.	N/A	
Amenity			
PO9 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.	AO9 No acceptable outcome is provided.	Can comply	Existing development complies and new development can be conditioned to comply
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise;	AO10 No acceptable outcome is provided.	Can comply	Existing development complies and new development can be

Performance outcomes	Acceptable outcomes	Complies	Comments
(b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.			conditioned to comply

The proposed reconfiguration complies or can be conditioned to comply with the design parameters of the Code. However, the proposed reconfiguration itself is not supported as the site is not included in Precinct A, B or C, refer to the extract from the zoning map, above.

However, land adjacent to the site is included in Precinct A – 4000m² minimum lot size, and a detailed site inspection and an opportunities and constraints exercise, refer [Appendix 2](#), has revealed Overlay mapping errors that are likely to have been instrumental in Council determining the site had limited or no further development potential and therefore not including the site in Precinct A.

It is considered that the on-site investigations and the OCP, refer [Appendix 2](#), clearly show that the site does have development potential and therefore was omitted from Precinct A in error and further development can be supported.

5.3 Environmental Significance Overlay Code

EXTRACT FROM ENVIRONMENTAL SIGNIFICANCE OVERLAY MAP



The extent of Wildlife Habitat and Regulated Vegetation is shown along and adjacent to the rear boundary of the site, part of which (not all) adjoins a creek. However, the boundary of the Wildlife Habitat and Regulated Vegetation shown on the Map does not accurately reflect the extent of this area on the site. Please refer to the OCP at [Appendix 2](#), which clearly identifies the accurate Wildlife Habitat and Regulated Vegetation boundary on the site, which has been used to determine setbacks prescribed in the Planning Scheme.

Purpose

The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

(1) The Environmental significance overlay code ensures that:

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and*
- (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.*

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;*
- (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;*
- (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;*
- (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;*
- (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;*
- (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and*
- (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.*

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMMENT
For accepted development subject to requirements and assessable development		
Regulated Vegetation		
PO1 Vegetation clearing in	AO1.1 No clearing of native	Complies – no clearing of native vegetation within

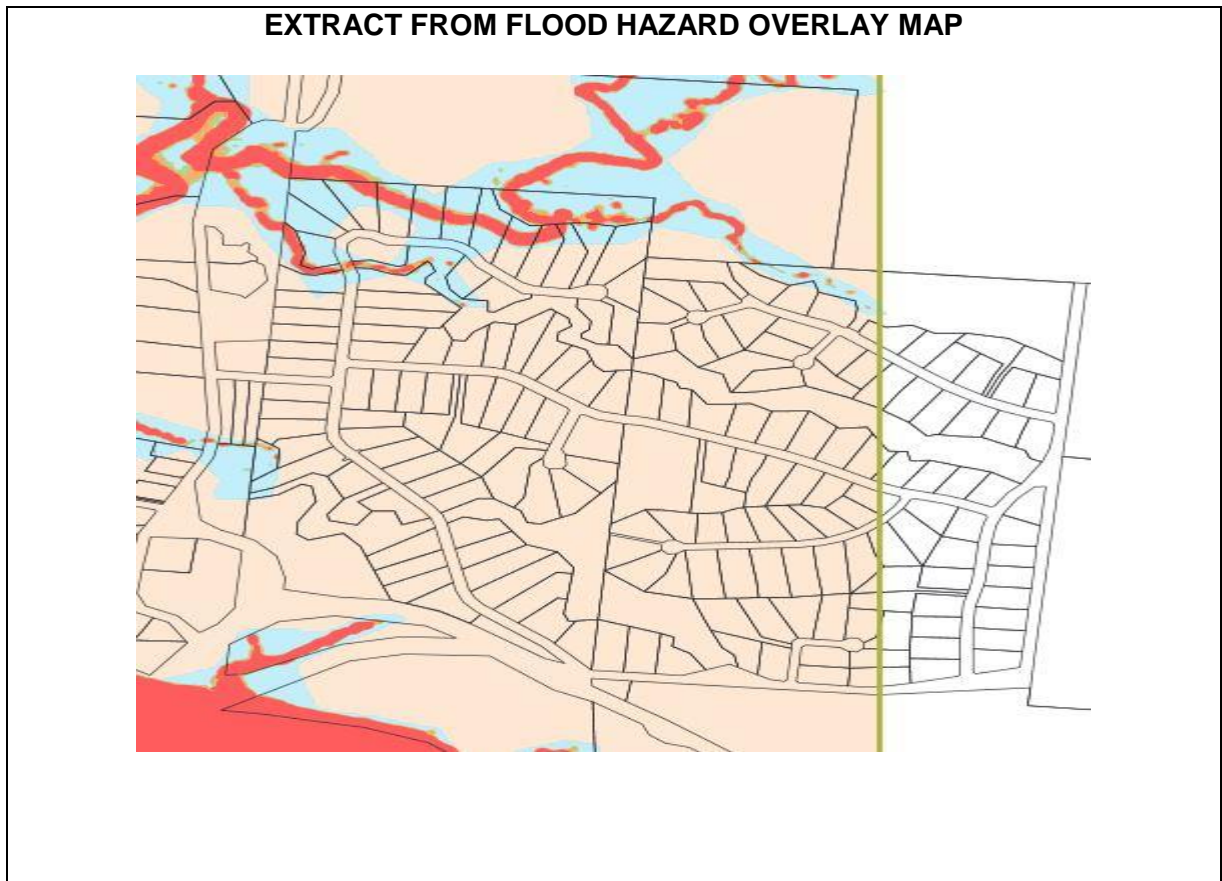
<p>areas mapped as 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) is avoided unless;</p> <ul style="list-style-type: none"> (a) it is demonstrated that the area does not support regulated vegetation as mapped; (b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided; (c) wildlife connectivity is maintained or enhanced at a local and regional scale; and (d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset. <p>Note – A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>vegetation is undertaken within areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>areas of Regulated vegetation is proposed.</p>
<p>PO2 Development on sites adjacent to areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) protects the environmental</p>	<p>AO2 Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of Regulated vegetation areas identified on the Environmental</p>	<p>Complies, a 20 metre setback to the boundary of Regulated vegetation on the site is proposed.</p>

<p>significance of regulated vegetation and:</p> <ul style="list-style-type: none"> (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology and biophysical processes; (b) does not negatively impact the movement of wildlife at a local or regional scale; and (c) avoids noise, light, vibration or other edge effects, including weed and pest incursion on identified environmental values. <p>Note – A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>Significance Overlay Maps (OM-004a-o)</p>	
Regulated vegetation intersecting a watercourse		
<p>PO3 Vegetation clearing in areas mapped as Regulated vegetation intersecting a watercourse, identified as Waterway and waterway buffer on the Environmental Significance Overlay Maps (OM-004p-z) is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or</p>	<p>Where within a 'Waterway buffer on Environmental Significance Overlay Maps (OM-004p-z)</p> <p>AO3.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of the Waterway identified on the Environmental Significance Overlay Maps (OM-004p-z).</p>	<p>Complies – more than a 10 metre setback is proposed.</p>

normal movement of significant species between habitats or normal gene flow between populations is not inhibited. Note – A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.	AO3.2 No clearing of native vegetation is undertaken within the minimum setback identified at AO3.1.	
Waterways and wetlands		
PO4 'High ecological significance wetlands' identified.....	AO4.1, AAAO4.2, AO4.3, AO4.4	Not Applicable, the site does not include a wetland.
Wildlife Habitat		
PO5 Development within a wildlife habitat area.....	AO5 No acceptable outcome is provided	Not Applicable, development is not proposed within a 'Wildlife habitat' area.
Legally secured offset areas		
PO6 Development within a 'Legally secured offset area'	AO6 No acceptable outcome is provided	Not Applicable, development is not proposed within a 'Legally secured offset area'.
Protected areas		
PO7 Development within a 'Protected area'	AO7 No acceptable outcome is provided	Not Applicable, development is not proposed within a 'Protected area'.
Ecological corridors and Habitat linkages		
PO8 Development located in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and Within an Ecological corridor or a Habitat linkage identified on the Environmental Significance Overlay Maps (OM-004a-o) does not.....	AO8 No acceptable outcome is provided	<i>Not Applicable, the site is zoned Rural residential however it is not located in an Ecological corridor or Habitat linkage.</i>

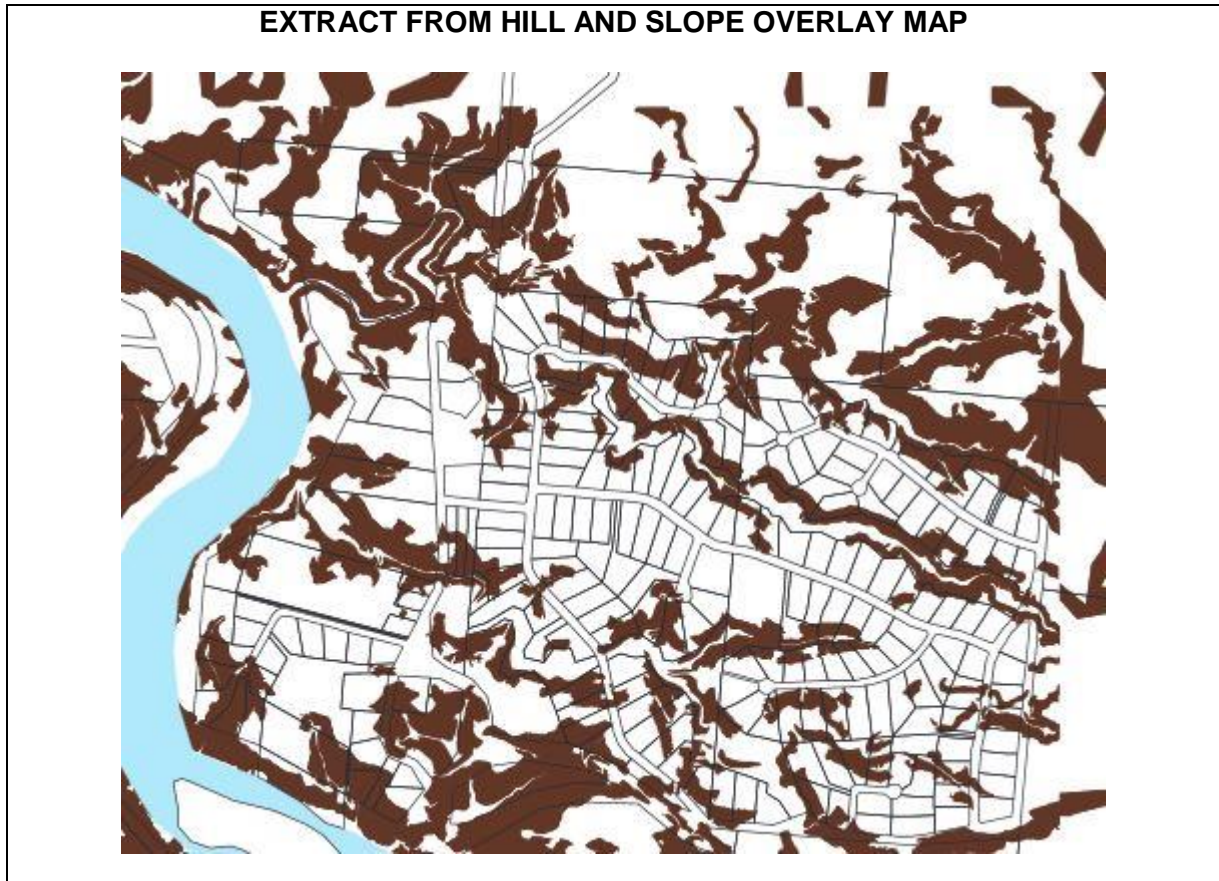
The proposed development complies with the relevant provisions of the Environmental Significance Overlay Code.

5.4 Flood Hazard Overlay Code



The site is included, with the majority of the surrounding Rural residential area, in the designated area identifying the 'General extent of modelled flood hazard area' but is not impacted by any of the designated flood hazard areas – (Extreme, High, Significant, Low or Potential) on that basis the Code is not considered any further in this report.

5.5 Hill and Slope Overlay Code



Part of the site is included, with many of the surrounding Rural residential lots, in the Hill and slope designation. The designated area is located along the common boundary with the creek, which has steep banks and the common boundary with the State controlled road, where a cut embankment is located. No development is proposed in these areas, refer to the OCP, at [Appendix 2](#) and the Proposal Plan of Reconfiguration at [Appendix 3](#) which clearly show future development clear of these areas.

Purpose

- (1) *The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *Development is located to avoid sloping land where practical; and*
 - (b) *Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.*

Table 8.2.8.3 – Hill and slope overlay code - For assessable development

Performance outcomes	Acceptable outcomes	Complies	Comment
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Performance outcomes	Acceptable outcomes	Complies	Comment
For assessable development			
Slope stability			
PO1 Where clearing of vegetation, building work or filling or excavation occurs on land within a 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-o)	AO1 No acceptable outcome is provided.	N/A	No new development is proposed in the area of the site contained in the Hill and slope overlay.

Performance outcomes	Acceptable outcomes	Complies	Comment
P02 Development is designed and located to ensure that the use can appropriately function in the 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-o) having regard to:..... (a)	AO2.1 Development for a Child care centre or Educational establishment is not located on land in a 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-o) .	N/A	No new development is proposed in the area of the site contained in the Hill and slope overlay.
	AO2.2 Development is not located on land with a gradient of greater than 25%.	N/A	
	AO2.3 No lot less than 2,000m ² is created in a 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-o) . Note – Where a minimum lot size of less than 2,000m ² applies under the Reconfiguring a lot code, the lot size requirements of the Hill and slope overlay code prevail.	Complies	All proposed lots exceed 2000m ² in area.
Community infrastructure and essential services			
P03 Community infrastructure and essential services located within a 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-o)	AO3 No acceptable outcome is provided.	N/A	

The proposed reconfiguration will have no detrimental impacts on the areas designated Hill and slope overlay on the development site; as these areas are not proposed to be developed and will remain in their natural and/or man-made state.

5.6 Scenic Amenity Overlay Code

EXTRACT FROM SCENIC AMENITY OVERLAY MAP



The site is included, with many of the surrounding Rural residential lots in the designated Shire Scenic Route Buffer- 500 metres, with the Karanda Range Road, below the site designated as a Shire Scenic Route.

Purpose

- (1) *The purpose of the Scenic amenity overlay code is to protect and enhance the scenic qualities and character of the shire.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *Scenic routes are protected from development that could compromise their contribution to the character of the shire;*
 - (b) *Scenic routes are enhanced through development that is consistent with the existing landscape character of the route; and*
 - (c) *The visibility of Iconic landscape features from public areas of the shire is protected and enhanced.*

Table 8.2.10.3 – Scenic amenity overlay code - For self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For self-assessable and assessable development			
Where adjoining a Local scenic route			
PO1 'Local scenic routes' identified on Scenic amenity overlay map (OM-010b) are maintained and enhanced to: (a) achieve a high level of amenity when viewed from the street; (b) contribute to the development of natural features within the streetscape; and (c) compliment the character of the local area.	AO1.1 Development with frontage to a 'Local scenic route' identified on Scenic amenity overlay map (OM-010b) retains existing mature native vegetation within 3 metres of the site frontage	N/A	
	AO1.2 Development, other than for a Dwelling house, with frontage to a 'Local scenic route' identified on Scenic amenity overlay map (OM-010b) : (a) provides a landscaped strip that: (i) is a minimum of 3 metres; and (ii) contains species which comply with the relevant acceptable outcomes of the Landscaping code and any applicable local plan code; and (b) does not involve a freestanding permanent advertising device.	N/A	

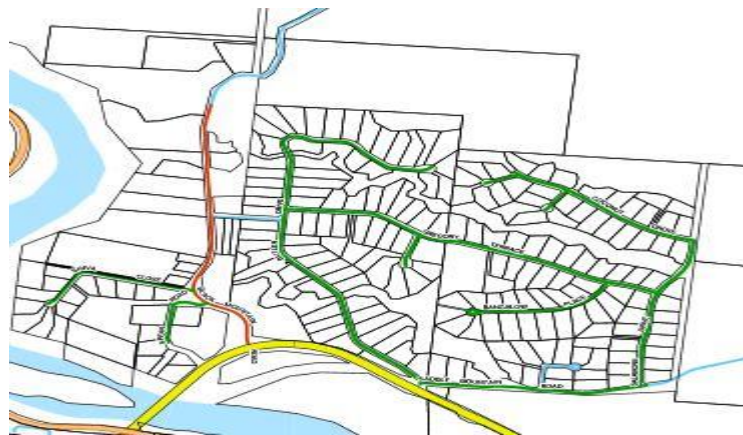
Performance outcomes	Acceptable outcomes	Complies	Comments
For assessable development			
Iconic landscape features			
PO2 The visibility of the 'Chillagoe Smelters iconic landscape feature' and the 'Mount Mulligan iconic landscape feature' identified on Scenic amenity overlay map (OM-010a) are not compromised by buildings or structures located within the: (a) 'Chillagoe Smelters iconic landscape feature'; or (b) 'Chillagoe Smelters 500 metre buffer'; or (c) 'Mount Mulligan iconic landscape feature'; or (d) 'Mount Mulligan 12 kilometre buffer'.	AO2 No acceptable outcome is provided.	N/A	
Where within the Shire scenic route 500 metre buffer			
'Shire scenic routes' identified on Scenic amenity overlay map (OM-010b) are maintained and enhanced: (e) to contribute to the rural landscape character of the shire; (f) to promote the appreciation of the natural environment; (g) through the sensitive location and design of land uses, buildings and structures; and (h) through the retention and enhancement of the attributes or values which give rise to the attractiveness of the	AO3 No acceptable outcome is provided.	Can comply	The proposed development cannot be viewed from the Shire scenic route and will be in character with the existing rural residential amenity and land use pattern in the local area.

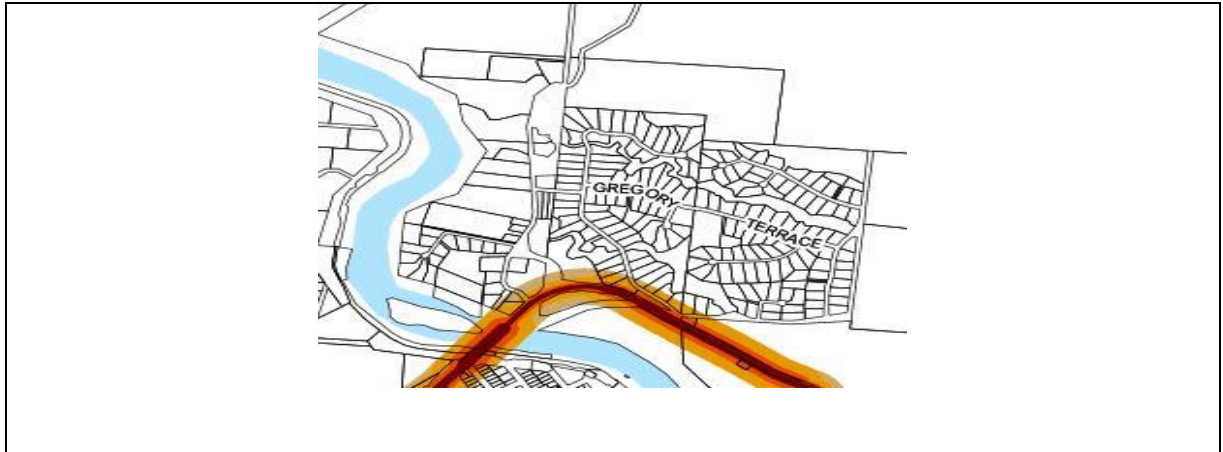
Performance outcomes	Acceptable outcomes	Complies	Comments
subject site.			
If for Extractive industry or Telecommunications facility			
PO4 The Extractive industry or Telecommunications facility is not visible from a 'Local scenic route' or a 'Shire scenic route' identified on Scenic amenity overlay map (OM-010b) .	AO4 No acceptable outcome is provided.	N/A	

The proposed reconfiguration complies with the Code.

5.7 Transport Infrastructure Overlay Code

EXTRACT FROM TRANSPORT INFRASTRUCTURE OVERLAY MAPS





Black Mountain Road, to which the site has frontage, is identified as a Major Rural Road, with the Karanda Range Road identified as a State Controlled Road and other roads internal to the Rural residential area identified, primarily, as Access Roads with two small Minor Access Roads. In addition, part of the site (proposed Lot 4) is impacted by the Noise Corridor Buffer, Category 1 – 58dB(A) in the area of proposed lot 4 where the Building Envelope is located.

The Transport infrastructure overlay code relates only to land that adjoins a rail corridor; as the site does not adjoin a rail corridor the development is not assessed against the Code.

5.8 Reconfiguring a Lot Code.

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; and
- (j) Land in historical townships is not reconfigured to be used for urban purposes.

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

Performance outcomes	Acceptable outcomes	Complies	Comments
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 associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: <ul style="list-style-type: none"> (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints. 	AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B .		Table 9.4.4.3B does not specify a minimum lot size for land in the Rural residential zone that is not included in a precinct. Presumably this is because this land is not expected to be further reconfigured. However, the proposed development can comply with PO1- Performance outcomes, as follows: (a)complies (b)complies (c)complies (d)complies (e)complies (f)complies

Performance outcomes	Acceptable outcomes	Complies	Comments
			(g)complies In addition, all proposed four (4) lots are well in excess of the 4000m ² minimum lot size in Precinct A- the designation of nearby Rural residential zoned land.
Existing buildings and easements			
P02 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 (b) 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	
P03 Reconfiguring a lot which contains an existing easement ensures:.....	AO3 No acceptable outcome is provided.	N/A	
Boundary realignment			
P04 The boundary realignment retains:.....	AO4 No acceptable outcome is provided.	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
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	The existing vehicular access driveway will be utilise to access Lots 3 and 4 and a new driveway, approximately 120 metres from the existing driveway, will provide vehicular access to Lots 1 and 2; in the form of 8 metre wide Access and Services Easements.
PO6 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 PO6.	AO6 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	Can be conditioned to comply.
PO7 Roads in the Industry zone are designed having regard to:.....	AO7 No acceptable outcome is provided.	N/A	
Rear lots			
PO8 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	AO8.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.	Complies	Rear lot overlooks the creek
	AO8.2 No more than two rear	Complies	

Performance outcomes	Acceptable outcomes	Complies	Comments
(c) properties; and not adversely affect the safety and efficiency of the road from which access is gained.	lots are created behind any lot with a road frontage.		
	AO8.3 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.	Complies	The proposed Access and Services Easements will have a minimum width of 8 metres.
	AO8.4 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.	Complies	
	AO8.5 No more than 1 in 10 lots created in a new subdivision are rear lots.	Complies	
	AO8.6 Rear lots are not created in the Centre zone or the Industry zone.	N/A	
Crime prevention and community safety			
PO9 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;	AO9 No acceptable outcome is provided.	Complies	All four (4) lots are large and regular in shape with good access and are compatible with the surrounding land use pattern.

Performance outcomes	Acceptable outcomes	Complies	Comments
(c) the existing and intended land use pattern; and (d) potential entrapment locations.			
Pedestrian and cycle movement network			
PO10 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.	AO10 No acceptable outcome is provided.	N/A	
Public transport network			
PO11 Where a site includes or adjoins a future public transport corridor or future public transport site.....	AO11 No acceptable outcome is provided.	N/A	
Residential subdivision			
PO12 Residential lots are:.....	AO12 No acceptable outcome is provided.	N/A	

Performance outcomes	Acceptable outcomes	Complies	Comments
Rural residential zone			
PO13 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.	AO13 No acceptable outcome is provided.	Does not comply	Please refer to section 4.0 of this Report and the OCP at Appendix 2.
Additional provisions for greenfield development only			
PO14 The subdivision design provides the new community with a local identity by responding to:.....	AO14 No acceptable outcome provided.	N/A	
PO15 The road network is designed to provide:.....	AO15 No acceptable outcome provided.	N/A	
PO16 The road network is designed to:.....	AO16 No acceptable outcome provided.	N/A	
PO17 Reconfiguring a lot provides:.....	AO17 The subdivision locates 90%:.....	N/A	
PO18 The staging of the lot reconfiguration:.....	AO18 No acceptable outcome provided.	N/A	
PO19 Provision is made for sufficient open space to:.....	AO19.1 A minimum of 10% of the site area:.....	N/A	
	AO19.2 A maximum of 30% of the:.....	N/A	
PO20 A network of parks and community land:.....	AO20 No acceptable outcome is provided.	N/A	

6.0 OTHER ISSUES

The site is currently serviced with reticulated town water, electricity and telecommunications. An on-site effluent disposal systems services the existing house. Black Mountain Road is bitumen sealed along the centre of the road reserve and is more than adequate to service the development. The area is also serviced by garbage collection from the Council.

The addition of three (3) lots can readily be serviced with the provision of existing urban services that service the site and the surrounding Rural residential area and all three (3) new lots are large enough to readily accommodate a new septic effluent disposal system within the area of the Building Envelope.

7.0 CONCLUSION

The proposed reconfiguration of the site for Rural residential purposes, is considered to generally comply with all relevant planning provisions, outlined in the Planning Scheme. Non-compliance resulting from the site not being included in Precinct A, which much of the adjacent Rural residential land is designated, is considered to be overcome by identifying mapping errors that impact the site and the demonstrated compliance with all specified setbacks in the Planning Scheme, the protection of all Regulated vegetation and Habitat on the site and the proposed reconfiguration layout that reflects the surrounding land use pattern and will provide a high standard of rural residential amenity for future residents.

The ROL Application is recommended to the Council for approval, subject to reasonable and relevant conditions.



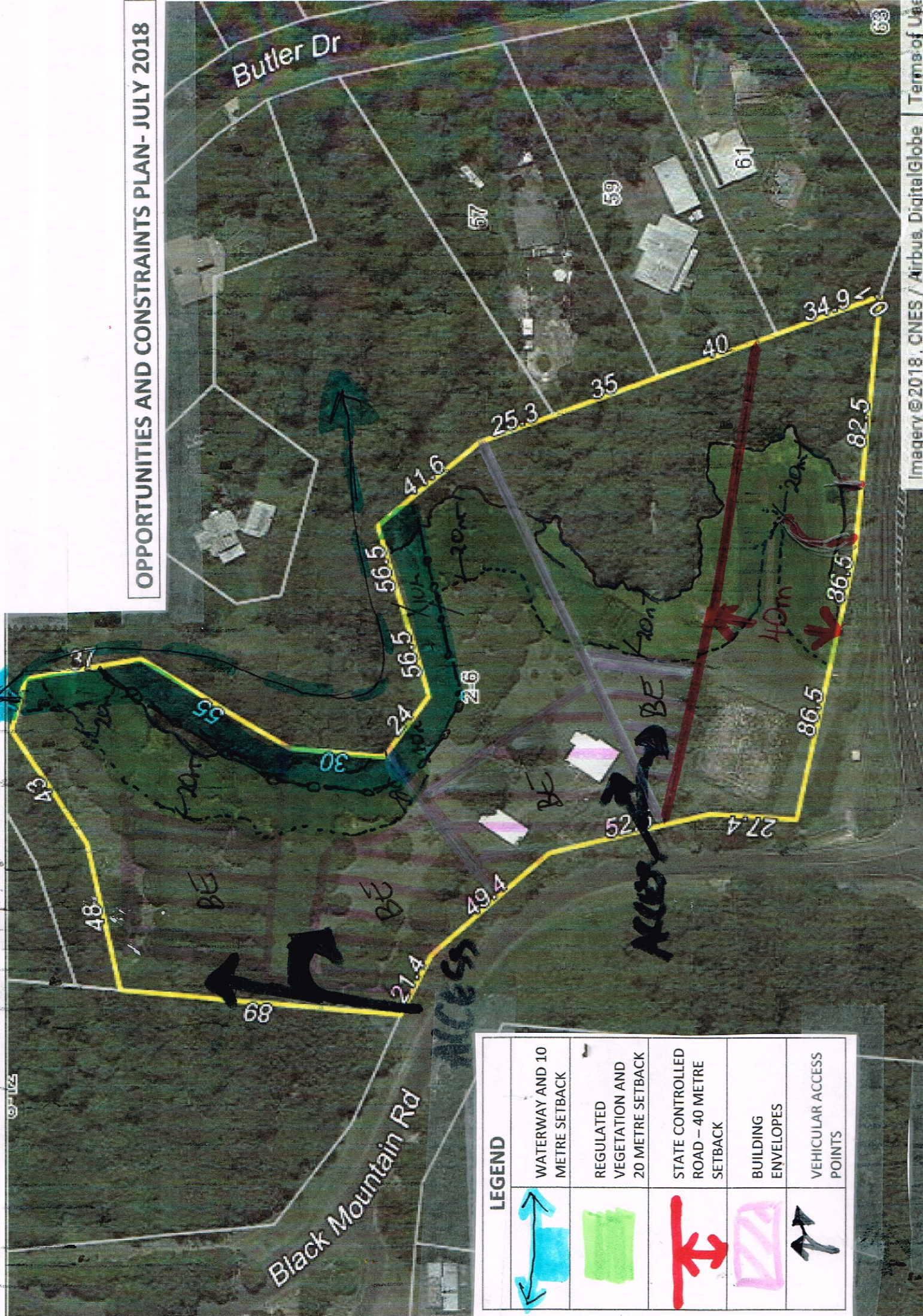
E A TAYLOR
JULY, 2018

APPENDIX: 1



APPENDIX: 2

OPPORTUNITIES AND CONSTRAINTS PLAN- JULY 2018



LEGEND	
	WATERWAY AND 10 METRE SETBACK
	REGULATED VEGETATION AND 20 METRE SETBACK
	STATE CONTROLLED ROAD - 40 METRE SETBACK
	BUILDING ENVELOPES
	VEHICULAR ACCESS POINTS

APPENDIX: 3

JULY 2018



