

APPLICATION FOR A DEVELOPMENT PERMIT

RECONFIGURING A LOT  
1 LOT INTO 2 LOTS

on behalf of  
John Hay

at  
97 Oaky Creek Road, Cooktown, QLD

on  
Lot 1 on SP172676





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## 1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, John Hay, in support of a development application seeking a Development Permit for a Reconfiguring a Lot (1 into 2 Lots) on land at 97 Oaky Creek Road, Cooktown, formally described as Lot 1 on SP172676.

To assist in Council's determination of this development application, this planning report covers the following matters:

- Section 2:- Subject site description.
- Section 3:- A detailed description of the development proposal.
- Section 4:- A review of the relevant legislation provisions.
- Section 5:- An assessment of the proposal against the relevant code provisions of the Cook Shire Planning Scheme 2017.
- Section 6:- Conclusion.

The development application is made in accordance with section 51 of the *Planning Act 2016* and contains the mandatory supporting information specified in the applicable DA Form, included in **Appendix A**. In accordance with section 51 of the *Planning Act 2016*, owner's consent is not required as the applicants are also the owners of the land subject to the application. The application is subject to code assessment and therefore public notification is not required.

In accordance with Schedule 10 of the *Planning Regulation 2017*, the application does not trigger any referrals.



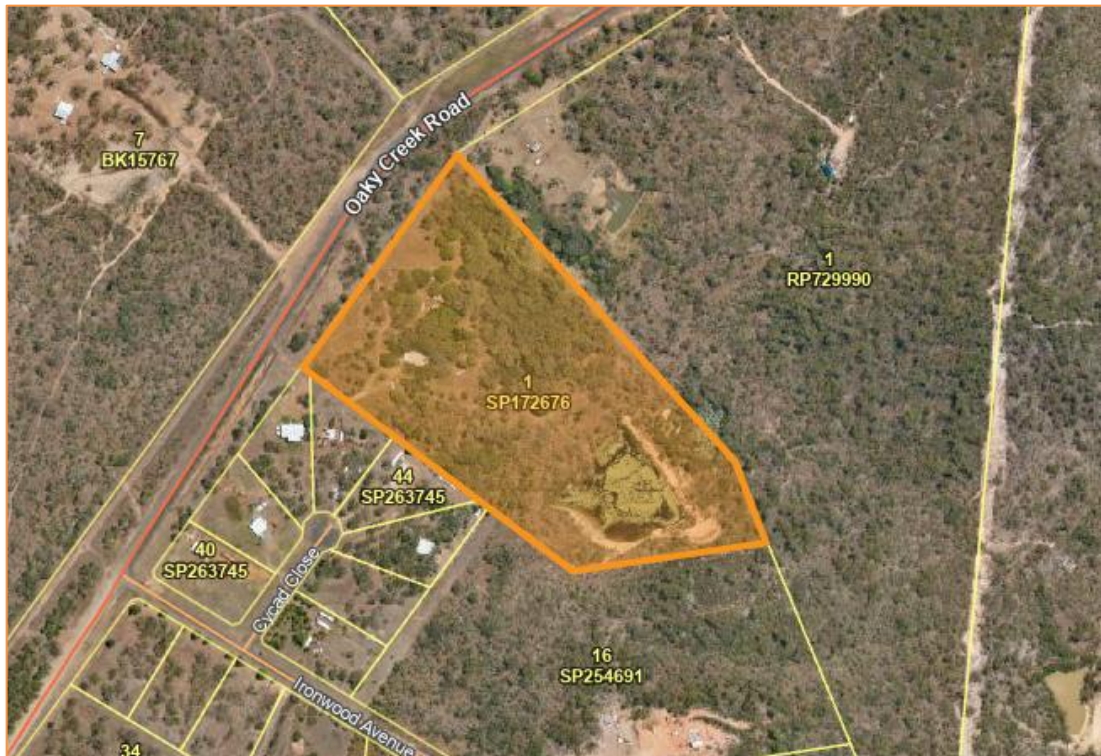
## 2.0 THE SUBJECT SITE

The subject site is located at 97 Oaky Creek Road, Cooktown, formally described as Lot 1 on SP172676. The subject site is currently improved by a dwelling, shed, and associated infrastructure including a dam at the rear of the lot. **Figure 1** below shows the extent of the subject site which contains an area of 5.554 hectares (ha) with frontage of 202.18m to Oaky Creek Road.

The site is vegetated, and slopes gently downwards in a south-eastern direction to the rear of the site. The subject site is zoned as rural residential, while surrounding lots vary from rural residential and rural zoned land.

Essential utilities infrastructure including water and septic are located on-site as the subject site is outside of Council's serviced area. Electricity and telecommunications are located within proximity to the proposed development area and access to these services is readily available.

The Certificate of Title confirming ownership of the subject site by the applicant, John Hay, is included in **Appendix B**. The title also identifies that the site is not encumbered by any easements. A copy of the SmartMap indicating the existing lot configuration is also included in **Appendix B**.



**Figure 1:** Aerial image of the subject site (Source: Queensland Globe)



### 3.0 THE PROPOSAL

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (1 lot into 2 lots), as identified on the plan of proposed reconfiguration (Brazier Motti Drawing No. 35277/001C) included within **Appendix D** and an extract within **Figure 2** below.

The proposed reconfiguration will result in the creation of the following rural residential lots:

- Proposed Lot 1 – 5,645m<sup>2</sup>
- Proposed Lot 2 – 4.99ha



**Figure 2:** Extract of Proposed Plan 35277/001C prepared by Brazier Motti

The reconfiguration will result in proposed Lot 1 containing the existing shed, while proposed Lot 2 will contain the existing dwelling and dam. Both lots contain sufficient area to comply with the minimum lot area requirements for the Rural Residential Zone, and frontage will remain to Oaky Creek Road. Proposed Lot 1 contains an existing access, while proposed Lot 2 will require a new access from Oaky Creek Road.

A discussion on the key planning matters related the proposal are detailed as follows:

#### 3.1 Vegetation

Regulated vegetation management mapping depicts that the site contains native vegetation described as Category B. The proposed reconfiguration will result in the new boundary setback 10m from the mapped vegetation, therefore not creating further exempt clearing of native vegetation in establishment of new firebreaks, as depicted in **Figure 3**. The proposed reconfiguration will not result in fragmentation of regulated vegetation habitat.



Figure 3: Extract of Proposed Plan 35277/001C prepared by Brazier Motti

### 3.2 Infrastructure and utilities

The existing dwelling contained within proposed Lot 2 will continue to utilise the water supply, septic, and electrical and telecommunications services contained entirely within the proposed boundary of Lot 2. Proposed Lot 1 will be provided with a separate source of water supply, on-site septic system, electricity, and telecommunications connections at the time when required.

Overall, the proposed reconfiguration for the creation of an additional rural residential allotment is considered minor in nature and is in keeping with the character and amenity of the surrounding area.



## 4.0 RELEVANT LEGISLATION

### 4.1 Commonwealth Legislation

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)*, as it is not anticipated that the development will significantly impact upon a matter of national environmental significance.

### 4.2 The Planning Act 2016

The *Planning Act 2016* provides the framework for coordinating local, regional and state planning. Given the nature of the development, the application requires assessment against this legislation.

### 4.3 State Assessment and Referrals

As mentioned above, the subject site contains areas mapped as Category B native vegetation. Consideration of the proposed development against Schedule 10 of the *Planning Regulation 2017* determined the development does not trigger referral. As the new boundaries have been positioned 10m from the mapped vegetation, further clearing exemptions are not created, therefore the proposed reconfiguration does not trigger referral for vegetation matters.

### 4.4 State Planning Policy

In accordance with section 2.1 – State Planning Policy (SPP) of the planning scheme, the Minister has identified that all aspects of the SPP have been integrated into the planning scheme. Hence, for the purposes of this development, we consider that assessment of the proposal against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

### 4.5 Cape York Regional Plan

Section 2.2 of the Planning Scheme declares that the Minister has identified that the *Cook Shire Council Planning Scheme 2017* appropriately advances the *Cape York Regional Plan*. Accordingly, a separate assessment against the *Cape York Regional Plan* is not required.

### 4.6 Assessment Manager and Planning Scheme

Cook Shire Council is nominated as the assessment manager for the application. The applicable planning scheme is the *Cook Shire Planning Scheme 2017 (V2.0)*.

### 4.7 Public Notification

The proposed development on the subject site does not require public notification under the provisions of the *Planning Act 2016*.



## 5.0 THE PLANNING FRAMEWORK

### 5.1 The Cook Shire Planning Scheme 2017

The *Cook Shire Planning Scheme 2017* (Planning Scheme) seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable solutions. Land identified within the Planning Scheme is divided into a number of zones. Zones are further identified within individual precincts and local plans. The Planning Scheme further identifies numerous overlay codes.

### 5.2 Planning Scheme Designations

In accordance with the Planning Scheme, the site is subject to the designations listed in the table below. These designations will assist in determining which Tables of Assessment are applicable to the proposed development on the subject site, and therefore assist in the determination of the category of assessment and the codes applicable to the proposed development. **Table 1** below outlines the applicable zone and overlays.

**Table 1:** Planning Scheme designations

Type of Designation	Designation and Applicability
<b>Zone</b>	Rural Residential Zone
<b>Biodiversity Overlay</b>	MSES Regulated vegetation category B
<b>Bushfire Hazard Overlay</b>	Medium potential bushfire intensity Potential impact buffer
<b>Rural Land Use Overlay</b>	Stock routes Important agricultural areas Agricultural land class B
<b>Water Resources Overlay</b>	Water Resource Catchment Area (Duck Farm)

### 5.3 Level of Assessment, Assessable Benchmarks and Applicable Codes

The subject site is designated within the Rural Residential Zone and identified on four (4) overlays. The relevant table of assessment within the Planning Scheme (Table 5.6.1) identifies the Reconfiguring a Lot as assessable development and is code assessable. Furthermore, the Tables of Assessment identify that an application for Reconfiguring a Lot requires assessment against the Planning Scheme and hence the following codes:

- Rural Residential Zone Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Reconfiguring a Lot Code
- Works, Services and Infrastructure Code

#### 5.3.1 Rural Residential Zone Code

Under the *Cook Shire Council Planning Scheme 2017*, the subject site is within the Rural Residential Zone. The purpose of the Rural Residential Zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.

#### Response

The subject site is contained within Important Agricultural Areas - Agricultural Land Class B and is adjacent to a stock route. The proposal involves the creation of a rural residential allotment with areas and dimensions in accordance with the Rural Residential Zone Code and will result in a development consistent with the scale and density of existing development in the surrounding area. The locality is a well-established rural residential area, and the proposed development is





consistent with and maintains the local character of the area. Future uses are intended for rural residential purposes that will not impact on the stock route.

Overall, the proposal generally complies with the Rural Residential Zone Code as the reconfiguration provides sufficient land to support the intended uses while maintaining rural landscape values, water, resources and environmental qualities of the locality.

A detailed assessment of the proposal against the Rural Zone Code is included within **Appendix C**.

### 5.3.2 Biodiversity Overlay Code

Under the *Cook Shire Council Planning Scheme 2017*, the subject site is within the Biodiversity Overlay. The purpose of the Biodiversity Overlay Code is to protect biodiversity by identifying areas of environmental significance and minimising the adverse impacts of development on these areas.

#### Response

The subject site contains regulated vegetation Category B, native vegetation of concern regional ecosystems. The proposed boundary is positioned 10m from the mapped as regulated vegetation, allowing a 10m firebreak on either side of the proposed boundary without creating further clearing exemptions. Clearing is therefore limited to that necessary for the provision of a boundary firebreak as generally represented in the surrounding development and locality, and avoids areas mapped as regulated vegetation.

Furthermore, the proposed reconfiguration will not impact the fauna and flora values of the larger land holdings contained within the Rural Zone that surrounds the existing rural residential development.

Overall, the proposed reconfiguration responds to the biodiversity values of the subject site and surrounding land, and proposed exempt clearing maintains the connectivity and function of environmentally significant areas.

A detailed assessment of the proposal against the Biodiversity Overlay Code is included within **Appendix C**.

### 5.3.3 Bushfire Hazard Overlay Code

Under the *Cook Shire Council Planning Scheme 2017*, the subject site is within the Bushfire Hazard Overlay. The purpose of the Bushfire Hazard Overlay Code is to ensure that risk to life, property, community, economic activity and the environment during bushfire events is minimised.

#### Response

The subject site contains Medium Potential Bushfire Risk and Potential Impact Buffer areas. The proposal includes the provision of a 10m wide firebreak on either side of the proposed boundary. Proposed Lot 2 will continue to be serviced by the existing water supply and will require a new access. Proposed Lot 1 will be serviced by the existing access and is expected to be provided water supply at the time of construction of a dwelling house. Both lots will be maintained at all times not to create a fire hazard.

While the proposal will result in development being located within the bushfire hazards area, the subject site demonstrates resilience to bushfire hazards as it:

- Has direct access to Oaky Creek Road for emergency vehicles;



- Can be conditioned for the provision of 10,000L water storage for fire-fighting purposes at building approval stage;
- Can be conditioned for the creation and maintenance of fire breaks on the property boundaries; and
- Can be conditioned for building setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater.

Furthermore, the development of the site will increase the bush fire resilience of adjoining properties and locality in the form of additional fire breaks and fire-fighting capabilities (water storage). The proposal can be appropriately conditioned to comply with the acceptable outcomes.

A detailed assessment of the proposal against the Bushfire Hazard Overlay Code is included within **Appendix C**.

### 5.3.6 Reconfiguring a Lot Code

Under the *Cook Shire Council Planning Scheme 2017*, the proposal is required to be assessed against the Reconfiguring a Lot Code. The purpose of the Reconfiguring a Lot Code is to ensure new lots are suitable for their intended use and are appropriately designed and sited given the local landscape and topography.

#### Response

The proposed reconfiguration will result in the creation of the following rural residential allotments:

- Proposed Lot 1 = approx. 5,645m<sup>2</sup>
- Proposed Lot 2 = approx. 4.99ha

The proposed lots achieve the specified minimum lot dimensions for the Rural Residential Zone, and each lot has sufficient area to accommodate the intended land use whilst adequately protecting environmental features and the rural amenity of the locality. Both proposed lots have frontage to Oaky Creek Road and are within reasonable distance to services and facilities. Proposed Lot 2 will continue to use the existing on-site services contained within Lot 2 and provided a new access from Oaky Creek Road, while proposed Lot 1 will be provided with all relevant services on-site at the time of construction of a dwelling house.

Future development can be appropriately conditioned to comply with AO6.2 to prevent additional groundwater extraction and infiltration of sewerage effluent or other contaminants, as the subject site is within the Duck Farm Sub-Artesian Area and Annan River Water Resource Catchment.

Overall, the proposal generally complies with the outcomes identified in the Reconfiguring a Lot Code. A detailed assessment of the proposal against the Reconfiguring a Lot Code is included within **Appendix C**.

### 5.3.7 Works, Services and Infrastructure Code

Under the *Cook Shire Council Planning Scheme 2017*, the proposal is required to be assessed against the Works, Services and Infrastructure Code. The purpose of the code is to ensure development is provided with the range of infrastructure services expected by the community and is designed and constructed to a suitable standard.



### Response

The proposal is for the reconfiguration of land only, no infrastructure works, or excavation and filling are proposed. The dwelling within proposed Lot 2 will continue to be serviced by the on-site water, septic, electricity supply, and telecommunication services contained entirely within the boundary. Proposed Lot 1 is expected to be provided with a separate on-site septic system, electricity supply, telecommunication, and water supply of a minimum 50,000L at the time of construction of a dwelling house. The provision of a new access from Oaky Creek Road to service proposed Lot 2 can be appropriately conditioned.

Overall, it is considered that the proposed development can be appropriately conditioned to achieve consistency with the applicable acceptable measures and performance criteria of the Works, Services and Infrastructure Code. Assessment of further development will be subject to this code, and future works will be undertaken in accordance with the relevant guidelines.

A detailed assessment of the proposal against the Works, Services and Infrastructure Code is not considered necessary for this application.

Overall, all aspects of the proposed development are considered to be generally consistent with the relevant acceptable measures and/or performance criteria of each of the applicable codes identified above.



## 6.0 CONCLUSION

This proposal details a development application to Cook Shire Council seeking a Development Permit for Reconfiguring a Lot (1 into 2 Lots) on land at 97 Oak Creek Road, Cooktown, formally described as Lot 1 on SP172676.

In summary, the proposed development is recommended for approval based on the following reasons:

- The proposal generally complies with the codes nominated by the planning scheme as being relevant to the assessment of a proposal of this nature and can be conditioned accordingly.
- The proposed Reconfiguration of a Lot is of a scale and nature that contributes to the proper and orderly development of the locality and will not have any significant impacts on the infrastructure, environment or community of the surrounding area.
- Both proposed lots can be maintained so as to avoid creating a bushfire risk.
- Relevant infrastructure can be provided to proposed Lot 1.
- Both proposed lots can be provided with safe and convenient access.

Accordingly, subject to the imposition of reasonable and relevant conditions, we request that Council issue a Development Permit for Reconfiguring of a Lot (1 lot into 2 lots).

# APPENDIX A

brazier motti



# DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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 only 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 (i.e. material change of use, operational work or reconfiguring a lot)**, 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)	John Hay c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	07 4054 0400
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	35277-001-01

### 1.1) Home-based business

Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

### 2) Owner's consent

#### 2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application  
 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
		97	Oaky Creek Road	Cooktown
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4895	1	SP172676	Cook 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.

- 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: <input type="text"/>	

- 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: <input type="text"/>	

#### 3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development 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):

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**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

**6.4) Is the application for State facilitated development?**

- Yes - Has a notice of declaration been given by the Minister?
- No

**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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>

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

- Yes
- No

**8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?**

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

**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 <i>(complete 10)</i> | <input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>   |
| <input type="checkbox"/> Boundary realignment <i>(complete 12)</i>   | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i> |





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

Cook 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
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have 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 Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- SEQ northern inter-urban break – tourist activity or sport and recreation activity



- SEQ northern inter-urban break – community activity
- SEQ northern inter-urban break – indoor recreation
- SEQ northern inter-urban break – urban activity
- SEQ northern inter-urban break – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material *(from a watercourse or lake)*
- Water-related development – referable dams
- Water-related development – levees *(category 3 levees only)*
- Wetland protection area

**Matters requiring referral to the local government:**

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

**Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:**

- Infrastructure-related referrals – Electricity infrastructure

**Matters requiring referral to:**

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- Infrastructure-related referrals – Oil and gas infrastructure

**Matters requiring referral to the Brisbane City Council:**

- Ports – Brisbane core port land

**Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:**

- Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- Ports – Strategic port land

**Matters requiring referral to the relevant port operator, if applicant is not port operator:**

- Ports – Land within Port of Brisbane’s port limits *(below high-water mark)*

**Matters requiring referral to the Chief Executive of the relevant port authority:**

- Ports – Land within limits of another port *(below high-water mark)*

**Matters requiring referral to the Gold Coast Waterways Authority:**

- Tidal works or work in a coastal management district *(in Gold Coast waters)*

**Matters requiring referral to the Queensland Fire and Emergency Service:**

- Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**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 this development application, or include details in a schedule to this development application *(if applicable)*.

## PART 6 – INFORMATION REQUEST

### 19) Information request under 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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 – a 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 (e.g. building and construction work is less than \$150,000 excluding GST)

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 ESR/2015/1791) 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 "ESR/2015/1791" as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### Clearing native vegetation

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

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### 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](http://www.qld.gov.au) for further information on environmental offsets.

### Koala habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.desi.qld.gov.au](http://www.desi.qld.gov.au) for further information.



### Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

**Note:** Contact the Department of Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.qld.gov.au). If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

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

No

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.qld.gov.au). For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### 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](http://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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) and [www.business.qld.gov.au](http://www.business.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, Science and Innovation at [www.desi.qld.gov.au](http://www.desi.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.resources.qld.gov.au](http://www.resources.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.desi.qld.gov.au](http://www.desi.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.desi.qld.gov.au](http://www.desi.qld.gov.au) for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

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

23.14) 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

### **Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation**

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

No

**Note:** See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for further information.

## **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 [DA 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 the 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 COMPLETION OF THE ASSESSMENT MANAGER – 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 (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

# APPENDIX B

brazier motti



Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b> 50737176	<b>Search Date:</b> 24/03/2025 10:20
<b>Date Title Created:</b> 16/09/2008	<b>Request No:</b> 51306105
<b>Previous Title:</b> 50468605	

#### ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 172676

Local Government: COOK

#### REGISTERED OWNER

Dealing No: 711917652 12/09/2008

JOHN HAY

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20112127 (POR 5V)

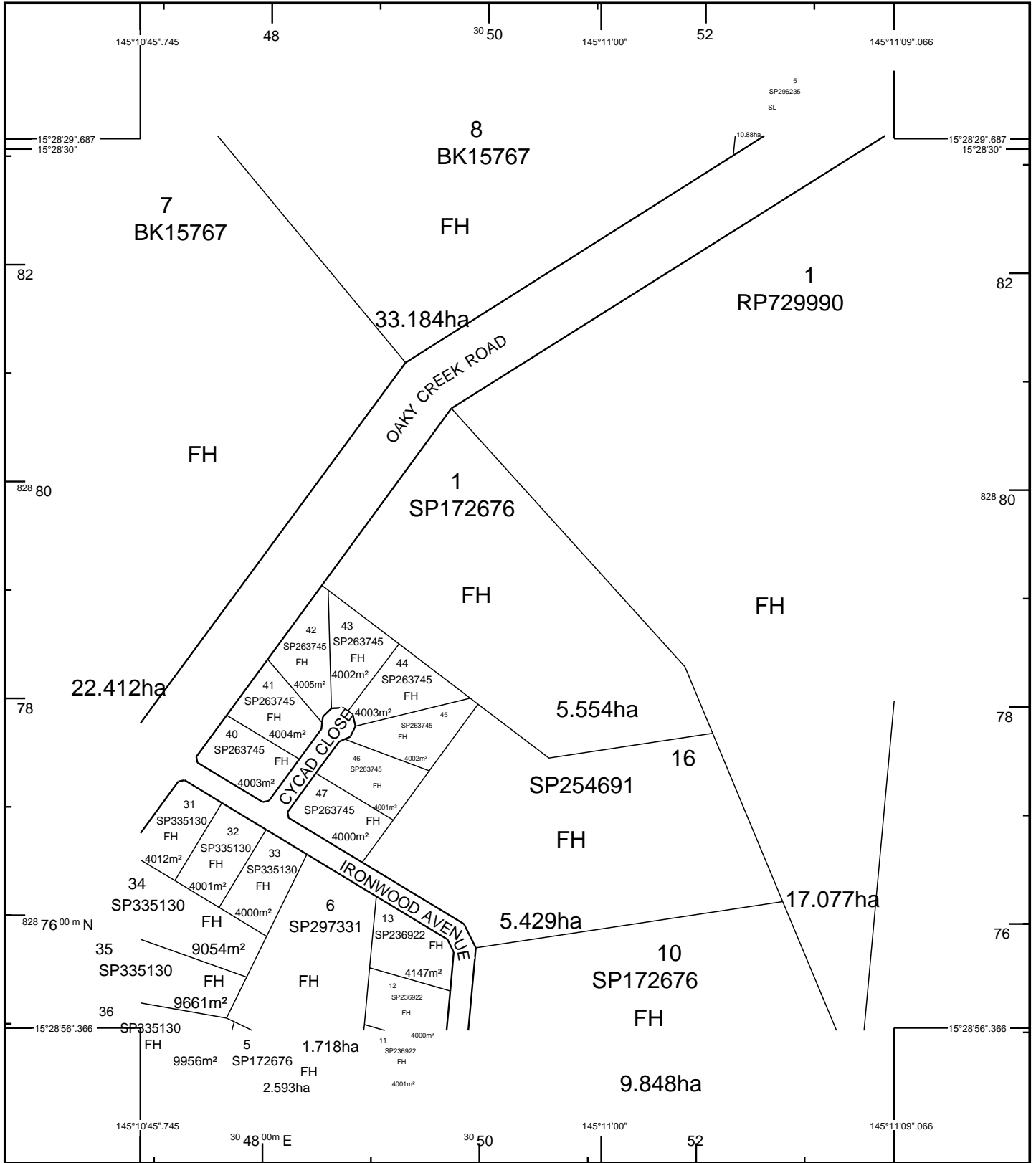
#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

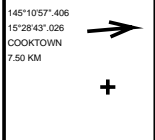
\*\* End of Current Title Search \*\*



STANDARD MAP NUMBER  
7967-32321



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/SP172676
Lot/Plan	1/SP172676
Area/Volume	5.554ha
Tenure	FREEHOLD
Local Government	COOK SHIRE
Locality	COOKTOWN
Segment/Parcel	8258/33

CLIENT SERVICE STANDARDS

PRINTED 24/03/2025

DCDB 23/03/2025

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

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**SmartMap**

An External Product of SmartMap Information Services

Based upon an extraction from the Digital Cadastral Data Base



Queensland Government

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# APPENDIX C

brazier motti



## 6.2.9 Rural zone code

### 6.2.9.1 Application

This code applies to assessing a material change of use or a reconfiguring a lot for development in the rural residential zone. When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5.

### 6.2.9.2 Purpose

- (1) The purpose of the rural residential zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.
- (2) The purpose of the code will be achieved through the following overall outcomes;
  - a) The Rural residential zone is characterised by large residential lots offering a high standard of residential amenity in a semi-rural setting;
  - b) The predominant built form is one dwelling house per lot, with a maximum height of two storeys;
  - c) Low impact activities such as hobby farming occur where compatible with the rural residential nature of the surrounds and do not detrimentally impact upon local amenity via odour, chemical sprays, traffic or noise;
  - d) Where town water and sewerage are not available, domestic infrastructure is contained entirely within the boundaries of the site;
  - e) Rural residential areas do not alienate agricultural land or compromise farming activities on adjoining rural zoned land;
  - f) Community services and facilities are readily accessible; and
  - g) The environmental and biodiversity values of the land are protected.
  - h) Rural residential zoned land is protected from subdivision or changes of use. OM6 – Future Urban Expansion Overlay Map identifies Rural Residential land that may provide for the long-term expansion of the township only where there is an overwhelming community need.

**Table 6.8 — Accepted development subject to requirements and assessable development**

Performance Outcomes	Acceptable Outcomes	Applicant Response
Section 1 For accepted development subject to requirements and assessable development		

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Built Form</b>		
<p><b>PO1</b> The scale and height of buildings and structures have the appearance and bulk of a single house, and are consistent with the semi-rural character of the area.</p>	<p><b>AO1.1</b> Accommodation density does not exceed one dwelling per site. Note: A secondary dwelling is not a separate dwelling for the purpose of satisfying this outcome.  <b>And</b>  <b>AO1.2</b> Building height does not exceed 8.5m.  <b>And</b>  <b>AO1.3</b> Site cover does not exceed 50%.  <b>And</b>  <b>AO1.4</b> Buildings have a pitched roof.</p>	<p><b>Not applicable</b>  The proposal is for the reconfiguration of land only. The existing dwelling within proposed Lot 2 will be retained.</p> <p>The reconfiguration allows provision of suitable land for the development of a future dwelling while maintaining consistency with the surrounding rural built form.</p>
<b>Siting</b>		
<p><b>PO2</b> Buildings and structures are sited to protect the residential amenity of the area when viewed from roads and neighbouring properties and are consistent with the existing pattern of construction in the area.</p>	<p><b>AO2.1</b> Buildings and structures are setback:</p> <ul style="list-style-type: none"> <li>a) 6m from the any street frontage;</li> <li>b) 1.5m from all other boundaries for residential buildings and structures; and</li> <li>c) 3m from all other boundaries for non-residential buildings and structures.</li> </ul>	<p><b>Complies AO2.1</b>  The proposal is for the reconfiguration of land only. While no building envelope has been proposed, future structures will be sited to comply with the relevant requirements.</p> <p>Proposed Lot 1 contains sufficient land to site a future dwelling and appropriately responds to the surrounding locality and adjoining lots, therefore protecting rural amenity.</p>
<p><b>PO3</b> Extractive industry operations and known resource deposits are protected from the encroachment of incompatible land uses.</p>	<p><b>AO3.1</b> A dwelling is not located within:</p> <ul style="list-style-type: none"> <li>a) 200m from an extractive industry or resource not involving blasting;</li> <li>b) 1,000m from an extractive industry or resource involving blasting</li> </ul>	<p><b>Complies AO3.1</b>  Both lots are not located within proximity to extractive industry activities.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Section 2 For assessable development</b>		
<b>Siting</b>		
<p><b>PO4</b> The siting of buildings and structure ensures:</p> <ul style="list-style-type: none"> <li>a) High standards of residential amenity are maintained;</li> <li>b) Landscaping can minimise adverse impacts on the amenity of adjoining properties and their streetscape.</li> </ul>	<p><b>AO4.1</b> Non-residential buildings and structures (excluding a Roadside Stall) are setback:</p> <ul style="list-style-type: none"> <li>a) 50m from the centre line of a State controlled road identified on <b>OM10 – State Controlled Roads Overlay Map</b>; and</li> <li>b) 6m from the any other street frontage;</li> <li>c) 3m from all other boundaries;</li> <li>d) 6m from the edge of the road reserve for Roadside Stalls;</li> <li>e) 2m from the primary road frontage and 6m from all other boundaries for an Advertising Device.</li> </ul>	<p><b>Complies AO4.1</b></p> <p>The subject site has frontage to Oaky Creek Road. The proposal is for the reconfiguration of land only.</p> <p>The existing dwelling is sited at a sufficient distance from the boundaries of proposed Lot 2. Proposed Lot 1 contains sufficient land to site future development while maintaining an appropriate buffer distance between the noise source and the noise sensitive place.</p>
<b>Landscaping</b>		
<p><b>PO5</b> Landscaping is used to provide an attractive presentation to the street.</p>	<p>No Acceptable Outcome specified.</p>	<p><b>Not applicable</b></p> <p>The proposal is for the reconfiguration of land only. No landscaping or further development is proposed.</p>
<b>Acid Sulphate Soils</b>		
<p><b>PO6</b> Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual acid sulphate soil by:</p> <ul style="list-style-type: none"> <li>a) Avoiding disturbance of such areas; or</li> <li>b) Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels; and</li> <li>c) Treating and managing surface and groundwater flows from areas of acid sulphate soils to minimise environmental harm.</li> </ul>	<p><b>AO6.1</b> Where the proposal disturbs soil below 5m AHD or 500m<sup>3</sup> or more of soil, the impacts are appropriately managed.</p>	<p><b>Complies PO5</b></p> <p>The proposal is for the reconfiguration of land only. The proposal does not have the capacity to expose or disturb acid sulfate soils.</p>



Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Pest Management</b>		
<p><b>PO7</b> Movement of State declared or environmental pest plants and pest animals is prevented by:</p> <ul style="list-style-type: none"> <li>(a) not introducing any new declared or environmental pest plants or animals onto the property; and</li> <li>(b) not allowing seed or plant parts of declared or environmental pest plants to leave the property.</li> </ul>	<p>No Acceptable Outcome specified.</p>	<p><b>Complies A07.1</b> The proposal is for the reconfiguration of land only.</p>

## 8.2.2 Biodiversity overlay code

### 8.2.2.1 Application

- (a) Accepted development subject, where acceptable outcomes of this code are identified requirements in a table of assessment for an overlay (section 5.10); or
- (b) Assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for an overlay (section 5.10); or
- (c) Impact assessable development

### 8.2.2.2 Purpose

(1) The purpose of the Biodiversity overlay code is to protect biodiversity through:


- (a) avoiding development within biodiversity areas;
- (b) minimising the adverse impacts of development on biodiversity;
- (c) management of pest and invasive species;
- (d) strategic rehabilitation occurs through restoration of terrestrial and aquatic ecosystems;
- (e) encourage expansion of habitat connectivity;
- (f) minimise downstream impacts on biodiversity including fish habitats and the Great Barrier Reef.

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

- (a) Conservation, consolidation, connection and restoration of the network of lands with environmental significance.
- (b) Protection and enhancement of waterways, wetlands and coastal environments with environmental significance and their hydrological value and water-cleaning functions.
- (c) Avoidance of impacts to areas of environmental significance through the appropriate design and location of development.

**Table 8.2—Assessable development**

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Section 1- Accepted subject to requirements and assessable development</b>		
<p><b>PO1</b> Development avoids areas of environmental significance.</p>	<p><b>AO1.1</b> Development does not result in the clearing of vegetation and is set back a minimum of 20 metres from a wetland or water course mapped on OM12 – Wetland and Watercourses Overlay Map.</p>	<p><b>Complies PO1</b>                      Regulated vegetation management mapping depicts that the site contains native vegetation described as Category B (containing of concern regional ecosystems).</p> <p>The proposed reconfiguration will result in the new boundary located outside the area mapped as remnant of concern regional ecosystems, creating no further exempt clearing of native vegetation (refer image below). The proposed boundary is located a minimum of 10m from mapped native vegetation to allow for the establishment of a 10m wide firebreak on either side of the proposed boundary. Both lots have sufficient cleared areas (Category X area) to site future built infrastructure with the provision of an appropriate vegetation buffer distance.</p> <p>No changes to existing infrastructure and no new development are proposed within this application.</p> <p>Clearing is therefore limited to that necessary for the provision of a boundary firebreak and avoids areas mapped as native vegetation. The subject site is not within 20m of a wetland or watercourse.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
		
<b>- Assessable development</b>		
<p><b>PO2</b> Development is sited in a State environmental area only where there is no reasonable opportunity to avoid the area and where the extent of development in the State environmental area has been minimised.</p>	<p>No Acceptable Outcome.</p>	<p><b>Complies PO2</b> The site contains State environmental areas, however establishing the proposed boundary within these areas has been avoided.</p> <p>There is sufficient cleared land on each proposed lot to contain development without further encroaching on environmentally significant areas.</p>
<p><b>PO3</b> Development minimises or mitigates adverse impacts on areas of environmental significance where such impacts are unavoidable.</p>	<p><b>A03.1</b> Development within an area identified on OM1 – Biodiversity Overlay Map does not involve vegetation clearing. <b>Or</b> <b>A03.2</b> Where development within an area identified on OM1 – Biodiversity Overlay Map is unavoidable, measures recommended by a</p>	<p><b>Complies A03.1</b> Refer to comment PO2.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
	<p>suitably qualified ecologist are incorporated to protect and retain the environmental values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practical.</p> <p>Editor's note: To demonstrate compliance with AO2 or PO2, Council may require the applicant to provide an ecological assessment prepared by a suitably qualified ecologist.</p>	
<p><b>PO4</b> Development is designed to avoid and minimise edge effects and other impacts to Protected Areas, Marine Parks and Declared Fish Habitat Areas identified on OM1 – Biodiversity Overlay.</p>	<p><b>AO4.1</b> Development is setback a minimum of 100m from Protected Areas, Marine Parks and Declared Fish Habitat Areas identified on OM1 – Biodiversity Overlay.</p> <p><b>Or</b></p> <p><b>AO4.2</b> Development which is compatible with the long-term preservation of Protected Areas, Marine Parks and Declared Fish Habitat Areas identified on OM1 – Biodiversity Overlay is located within 100m of the areas, including:</p> <ul style="list-style-type: none"> <li>(a) roads and pathways;</li> <li>(b) landscaping or habitat restoration areas consisting of local indigenous plant species;</li> <li>(c) open space land uses;</li> <li>(d) storage areas;</li> <li>(e) employee or communal recreation areas;</li> <li>(f) stormwater management infrastructure where adopting water sensitive urban design solutions.</li> </ul>	<p><b>Complies AO4.1</b></p> <p>The subject land is not in proximity to and does not contain any areas of Protected Areas, Marine Parks and Declared Fish Habitat Areas.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
	<p><b>And</b>  <b>AO4.3</b> Development minimises noise and light spillage into Protected Areas, Marine Parks and Declared Fish Habitat Areas identified on OM1 – Biodiversity Overlay. by:</p> <ul style="list-style-type: none"> <li>(a) directing light away from the nominated areas or using light shields;</li> <li>(b) establishing 20m dense native vegetation buffers between development and the nominated areas;</li> <li>(c) locating artificial noise-generating activities away from the nominated areas.</li> </ul>	
<p><b>PO5</b> An adequate buffer to wetlands identified on OM1 – Biodiversity Overlay Map is provided and maintained.</p>	<p><b>AO5.1</b> A buffer for an area of state environmental significance (wetland protection area) has a minimum width of: 111 Performance Outcome Acceptable Outcome</p> <ul style="list-style-type: none"> <li>(a) 200 m where the area is located outside an urban area; or</li> <li>(b) 50 m where the area is located within an urban area.</li> </ul>	<p><b>Not applicable</b>  The subject land is not in proximity to and does not contain any wetland areas.</p>

## 8.2.3 Bushfire hazard overlay code

### 8.2.3.1 Application

- (a) Accepted development subject, where acceptable outcomes of this code are identified requirements in a table of assessment for an overlay (section 5.10); or
- (b) Assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for an overlay (section 5.10); or
- (c) Impact assessable development

### 8.2.3.2 Purpose

(1) The purpose of the Bushfire Hazard Overlay Code is to:

- (a) Provide for the assessment of the suitability of development in the Bushfire Hazard Overlay area to ensure that risk to life, property, community, economic activity and the environment during bushfire events is minimised.
- (b) Ensure that development does not increase the potential for bushfire damage onsite or to other property.

(2) The purpose of the Bushfire Hazard Overlay Code will be achieved through the following overall outcomes:

- (a) the development siting, layout, and access responds to the risk of the bushfire hazard and minimises risk to personal safety
- (b) the development is resilient to bushfire hazard events by ensuring siting and design accounts for the potential risks of bushfire hazards to property
- (c) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities
- (d) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of then bushfire hazard and does not significantly increase the potential for damage on the site or to other properties
- (e) development avoids the establishment or intensification of vulnerable uses in or near areas subject to bushfire hazard
- (f) the development avoids the release of hazardous materials as a result of a bushfire hazard event
- (g) impacts from bushfire mitigation treatments on natural processes and the protective function of landforms and/or vegetation are avoided or minimised.

**Table 8.3—Assessable development**

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Section 1- Accepted subject to requirements and assessable development</b>		
<p><b>PO1</b> Development is sited in a Bushfire Hazard area only where there is no reasonable opportunity to avoid the area and where the extent of development in the Bushfire Hazard area has been minimised.</p>	<p>No Acceptable Outcome</p>	<p><b>Complies PO1</b>            Bushfire Hazard mapping shows the subject site is contained within medium potential bushfire intensity and potential impact buffer areas.</p> <p>The existing dwelling within proposed Lot 2 is within the medium potential bushfire intensity area, and the existing shed within proposed Lot 1 is within the potential impact buffer. Both proposed lots will be maintained at all times so as not to create a fire hazard.</p> <p>While the proposal will result in development being located within the bushfire hazard area, the subject site demonstrates resilience to bushfire hazards as it:</p> <ol style="list-style-type: none"> <li>1. Has direct access to Oaky Creek Road for emergency vehicles;</li> <li>2. Can be conditioned for the provision of 10,000L water storage for fire-fighting purpose at building approval stage;</li> <li>3. Can be conditioned for the creation and maintenance of fire breaks on the property boundaries; and</li> <li>4. Can be conditioned for building setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater.</li> </ol>



Performance Outcomes	Acceptable Outcomes	Applicant Response
		<p>The map displays a residential area with several lots. A red outline highlights a specific area that includes lot 1SP172676 and a portion of the SP263745 lots. Lot 1RP729990 is located to the northeast of the outlined area. The lots are labeled as follows: 41SP263745, 42SP263745, 43SP263745, 44SP263745, 45SP263745, 46SP263745, and 47SP263745. The street 'Daly Creek Road' is visible on the left side of the map.</p>
Safety		

<p><b>PO2</b> Development maintains the safety of people and property by avoiding Bushfire Hazard areas or mitigating the risk of bushfire hazard through lot design, firebreaks, emergency vehicle access, safe evacuation and adequate water supply.</p>	<p><b>AO2.1</b> Development will be located in an area with a Low or Very Low Bushfire Hazard Rating in accordance with the 'Bushfire Hazard Checklist' in Bushfire Hazard Analysis Planning Scheme Policy.</p> <p>Note: A copy of the completed Bushfire Hazard Checklist must be submitted to Council with the MCU or ROL development application. For accepted MCU development, a copy must be provided to the building certifier.</p>	<p><b>Complies PO2</b></p> <p>The subject site is almost entirely contained within the medium bushfire hazard area, therefore avoiding these areas is not possible.</p> <p>Emergency vehicle access and adequate water supply will be established at the time of construction of a dwelling house.</p> <p>Furthermore, the development of the site will increase the bushfire resilience of adjoining properties and locality in the form of additional fire breaks and fire-fighting capabilities (water storage).</p>
<p><b>PO3</b> Landscaping does not increase the potential bushfire risk.</p>	<p><b>AO3.1</b> Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads in separation areas.</p>	<p><b>Not applicable</b></p> <p>The proposal is for the reconfiguration of land only.</p> <p>The proposed lots will be maintained at all times so as not to create a fire hazard.</p>
<p><b>PO4</b> The risk of bushfire and the need to mitigate that risk is balanced against the impacts on natural processes and the protective function of landforms and/or vegetation.</p>	<p><b>AO4.1</b> Bushfire risk mitigation treatments do not involve vegetation clearing within an area identified on OM1 – Biodiversity Overlay Map.</p>	<p><b>Complies PO4</b></p> <p>The provision of a 10m wide firebreak on either side of the proposed boundary. Clearing will not impact on the natural processes and function of the environment.</p> <p>Lots will be maintained at all times not to create a fire hazard.</p>
<p><b>Private water supply – in areas with no water reticulation</b></p>		
<p><b>PO5</b> The development provides adequate water supply for fire fighting purposes, safely located and</p>	<p><b>AO5.1</b> A water tank is provided within 10 metres of each building (other than a Class 10 building) which:</p> <p>(a) Is either below ground or of non-flammable construction; and</p>	<p><b>Complies AO5.1</b></p> <p>Proposed Lot 2 will continue to be serviced by the existing water supply contained within Lot 2.</p>

<p>freely accessible for fire fighting purposes at all times.</p>	<p>(b) Provides the following capacities exclusively for fire fighting purposes:</p> <p>(c) 10KL for residential buildings;</p> <p>i. 45KL for industrial buildings;</p> <p>ii. 20KL for other buildings; and</p> <p>(d) Minimum pressure and flow of 10L per second at 200kPa; and</p> <p>(e) Fitted with a 50mm male camlock or, if underground, an access hole of a minimum 200mm to accommodate suction lines; and</p> <p>(f) Includes a hardstand area allowing a 15 tonne fire appliance access within 6 metres of the tank;</p> <p><b>Or</b></p> <p><b>A05.2</b> The property contains:</p> <p>(a) Storage in an accessible location such as a dam or swimming pool installed upon construction of the dwelling.</p>	<p>Proposed Lot 1 will have access to adequate water supply with the provision of minimum 50,000L rainwater tanks and include no less than 10,000L capacity for fire-fighting purposes with a 50mm camlock for water delivery. Water supply will be provided at the time of construction of a dwelling house.</p> <p>In addition to the above the existing dam onsite can provide fire-fighting resources.</p>
<p><b>Private water supply – in areas with water reticulation</b></p>		
<p><b>PO6</b> The water supply must be reliable and have sufficient flow and pressure requirements for fire fighting purposes at all times.</p>	<p><b>A06.1</b> Reticulated water supply is provided in accordance with FNQROC.</p>	<p><b>Not applicable</b></p> <p>The subject site is not connected to Council’s reticulated water supply.</p>
<p><b>Section 2- For assessable development</b></p>		
<p><b>Firebreaks and vehicular access for Reconfiguring a Lot applications</b></p>		
<p><b>PO7</b> Firebreaks and roads must:</p> <p>(a) Enable access for fire fighters, residents and equipment;</p> <p>(b) Mitigate against fire hazard by slowing a fire's rate of spread.</p>	<p><b>A07.1</b> The subdivision design incorporates a firebreak and vehicular access that:</p> <p>(a) Is located between the perimeter boundary of the lots and proposed house sites; and</p> <p>(b) has a minimum cleared width of 6 metres; and</p>	<p><b>Complies PO7</b></p> <p>The proposal is for the reconfiguration of land only. Proposed Lot 1 will continue to be serviced by the existing access which provides suitable access for fire fighting vehicles. Proposed Lot 2 will be serviced by a new access and appropriate firebreak.</p>

	<p>(c) A maximum gradient of 16% with adequate drainage to prevent soil erosion and minimise ongoing maintenance; and</p> <p>(d) accommodates geometry and turning radii in accordance with Qld Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines.</p> <p><b>And</b></p> <p><b>A07.2</b> Private driveways:</p> <p>(a) Have a maximum length of length of 60m from the street to the building; and</p> <p>(b) Do not exceed a gradient of 12.5%; and</p> <p>(c) Have a minimum width of 3.5 metres; and</p> <p>(d) Have a minimum of 4.8 metres vertical clearance; and</p> <p>(e) Serve no more than 3 dwellings or buildings.</p> <p><b>And</b></p> <p><b>A07.3</b> Road design is capable of providing access for fire fighting and emergency vehicles in accordance with the FNQROC.</p> <p><b>And</b></p> <p><b>A07.4</b> Vehicular links are provided along the firebreak either to existing firebreaks or roads, and these links are designed to suit topography, fire fighter safety and access to water supplies.</p> <p><b>And</b></p> <p><b>A07.5</b> The firebreak and/or road has vehicle access at both ends to either another firebreak or road.</p> <p><b>Or</b></p>	<p>Details will be provided at the time of application for a development permit for building works.</p>
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	<p><b>A07.6</b> A turning circle, or 'T' or 'Y' shaped turning bay, is provided at the end of the firebreak/road, provided it is of sufficient size for the turning of a fire fighting vehicle.</p> <p><b>And</b></p> <p><b>A07.7</b> The firebreak provides areas for vehicles to pass or turn at intervals of not more than 400 metres and with a maximum grade of 5% (1 in 20).</p> <p><b>And</b></p> <p><b>A07.8</b> Firebreaks/vehicle access located on private land have an access easement granted in favour of Council and fire brigades.</p>	
<b>Land use</b>		
<p><b>PO8</b> Vulnerable uses must not result in a high concentration of people living or congregating in a Very High, High or Medium Bushfire Hazard Area unless there is an overriding need or other exceptional circumstances.</p>	<p><b>A08.1</b> Vulnerable uses are not established or expanded in a Very High, High or Medium Bushfire Hazard Area unless supported by a Bushfire Hazard Management Plan.</p> <p><b>Or</b></p> <p><b>A08.2</b> Vulnerable uses proposed in a Very High, High or Medium Bushfire Hazard Areas are supported by a Bushfire Hazard Management Plan demonstrating satisfactory safety measures and have direct access to low hazard evacuation routes.</p> <p>Note: To demonstrate compliance with this provision, the applicant shall engage a suitably qualified person to prepare a Bushfire Hazard Management Plan; and submit the Plan with their development application to Council. Council reserves the right to refer the Plan to the Queensland Fire &amp; Rescue Service for third party advice during their assessment of the development application. If Council approves the development, a condition may be included to require compliance with the Plan at all times.</p>	<p><b>Complies PO8</b></p> <p>The proposal is for the creation of an additional rural residential allotment and therefore will not result in high concentrations of people living or congregating in bushfire hazard areas.</p> <p>The proposal considers the threat of bushfire and includes the provision of firebreaks and water storage (including existing dam onsite). Furthermore, the development of the site will increase the bush fire resilience of adjoining properties and locality in the form of additional fire breaks and fire-fighting capabilities (water storage).</p> <p>The reconfiguration responds to environmental and potential hazard constraints.</p>

<p><b>PO9</b> Development involving hazardous materials manufactured or stored in bulk does not create an increase in risk of bushfire hazard.</p>	<p><b>A09.1</b> The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard area.</p>	<p><b>Not applicable</b> The proposal is for the reconfiguration of land only. No development involving hazardous materials is proposed.</p>
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## 9.4.1 Reconfiguring a lot code

### 9.4.1.1 Application

This code applies to assessing development for reconfiguring a lot, with the exception of lot amalgamation, where identified as code or impact assessable in Part 5. When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5.

### 9.4.1.2 Purpose

(1) The purpose of the Reconfiguring a lot code is to ensure new lots are suitable for their intended use and are appropriately designed and sited given the local landscape and topography:

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

- (a) Lots are of a size and dimension suitable for their intended use and have due regard to local geographical constraints, identified hazards, fragmentation of agricultural land and community expectations of residential separation and character.
- (b) Environmental and scenic values are protected;
- (c) Reconfiguration does not impact on the Shire's water resources;
- (d) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;
- (e) Lots are provided with the appropriate level of infrastructure to meet user requirements;
- (f) A range and mix of lot sizes is provided to facilitate a variety of commercial, industry and housing types;
- (g) Subdivision design achieves road networks that provide connectivity and circulation for vehicles and provides safe and efficient access for pedestrians, cyclists and public transport;
- (h) Subdivision design provides opportunities for walking and cycling, for recreation and as alternative methods of travel;
- (i) 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 region;
- (j) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and connectivity between areas with conservation values;
- (k) Subdivision of land in the Rural zone does not result in the fragmentation or alienation of Good Quality Agricultural Land.
- (l) Subdivision within the Rural zone maintains rural landholdings in viable parcels unless it can be demonstrated that the land is suitable for rural lifestyle allotments that and the other overall outcomes in this section are not compromised.

(m) New Rural Lifestyle Lots:

- a. Are in reasonable proximity to services and facilities such as health, education and retail opportunities;
- b. Have frontage to a road and access to a road network that complies with the rural roads design criteria in the FNQROC Development Manual;
- c. Protects rural activities and extractive industry from encroachment by sensitive land uses;
- d. Will not impact transport/supply chains critical to rural production, rural industry and extractive industry; 153
- e. Have a sustainable level of impact on the natural environment having regard to water supply and water quality effluent disposal, potential erosion and natural habitat.
- f. Provide a high level of residential and scenic amenity and safety from risk of natural hazards such as bushfire;
- g. Does not compromise the orderly development of land where such land is subject to the Future Urban Expansion Overlay.

**Table 9.6—Assessable development**

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>Lot configuration</b>		
<p><b>PO1</b> Lots have adequate area and appropriate dimensions for their intended use and agricultural land is not lost to production through its fragmentation into economically unviable units, unless over-riding public benefit can be demonstrated. The subdivision is demonstrated to be appropriate having regard to:</p> <ol style="list-style-type: none"> <li>(a) The unique size, shape, location or topography of existing and proposed allotments;</li> <li>(b) The unique character of the proposed use intended to be made of the land following subdivision (as set out in the development application);</li> <li>(c) The existing and future amenity of the locality;</li> <li>(d) The ability of the site to accept and disperse wastewater within the site</li> </ol>	<p><b>AO1.1</b> Lots comply with the minimum area and dimensions for those zones listed in Schedule 1 of this code.</p>	<p><b>Complies AO1.1</b></p> <p>The minimum area identified in Schedule 1 of the Reconfiguring a Lot Code for a Rural Zone is 4,000m<sup>2</sup>, with a minimum road frontage of 40m.</p> <p>The proposed lot sizes are as follows:</p> <ul style="list-style-type: none"> <li>• Lot 1 = 5,645m<sup>2</sup></li> <li>• Lot 2 = 4.99ha</li> </ul> <p>The proposed reconfiguration responds appropriately to the rural landscape values, water, resources and environmental qualities of the locality.</p>



Performance Outcomes	Acceptable Outcomes	Applicant Response
<p>without causing infiltration of the groundwater or runoff to nearby watercourses;</p> <p>(e) The relevant zone and overlay overall outcomes and performance outcomes.</p>		
<b>Subdivision design</b>		
<p><b>PO2</b> Subdivision design:</p> <p>(a) Provides each lot with practical access to the public road system;</p> <p>(b) Minimises strip development;</p> <p>(c) Provides for safe and efficient traffic movements; and</p> <p>(d) Does not compromise the long term potential for further higher density subdivision in the Cooktown locality.</p>	<p><b>AO2.1</b> Subdivision of land in the Rural and Rural Residential Zones provides for the opening of a new internal public road connecting to the external public road system and access to all lots is via the internal road.</p> <p><b>And</b></p> <p><b>AO2.2</b> Applications for subdivisions creating 10 or more additional lots are accompanied by a Traffic Impact Assessment prepared by a suitably qualified engineer. At a minimum such assessment shall detail existing conditions, expected vehicle trip generation and the capacity of the local and trunk road network to deal with the additional demand.</p>	<p><b>Complies PO2</b></p> <p>Proposed Lot 2 will be serviced with a new access from Oaky Creek Road and will be designed and constructed in accordance with the relevant requirements.</p> <p>Proposed Lot 1 will continue to be serviced via the existing access.</p> <p>The intended use remains for rural residential purposes and will not generate excessive traffic, therefore not impacting on the road network.</p>
<p><b>PO3</b> Noise amelioration features are incorporated in the development to mitigate impacts from road networks and such noise amelioration features are designed to minimise adverse impacts on visual amenity.</p>	<p>No Acceptable Outcome specified.</p>	<p><b>Complies PO3</b></p> <p>The proposal is for the reconfiguration of land only. The dwelling within proposed Lot 2 will remain as existing.</p> <p>The subject site provides sufficient area for future development to be sited an appropriate distance from the road network and is not considered to require noise or visual amelioration features.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
<p><b>PO4</b> Rear lots only occur in exceptional circumstances where justified by the need to protect amenity or where the site's physical characteristics make this form of subdivision more practical.</p>	<p><b>AO4.1</b> The development does not propose rear lots.  <b>Or</b>  <b>AO4.2</b> If the development proposes rear lot access, the access handle is located and constructed to:</p> <ul style="list-style-type: none"> <li>(a) Minimise impacts on adjoining properties</li> <li>(b) Allow all weather practical access</li> <li>(c) Prevent erosion and sedimentation due to vehicle movements;</li> <li>(d) Minimise dust generation; and</li> <li>(e) Ensure stormwater flow is managed and discharged to a legal point.</li> </ul>	<p><b>Not applicable</b>  No rear lots are proposed.</p>
<p><b>PO5</b> Secure access of adequate width and standard to accommodate emergency vehicles is provided to all rear lots.</p>	<p><b>AO5.1</b> Where the access handle from the public road does not form part of the rear lot, the handle is protected by an access easement shown on the plan of survey.  <b>And</b>  <b>AO5.2</b> The minimum width of access handles for land in each zone is as follows:</p> <ul style="list-style-type: none"> <li>(a) Rural Zone – 10m</li> <li>(b) Rural Residential, Township or Industry Zone – 6m</li> <li>(c) All other zones – 4m</li> </ul>	<p><b>Not applicable</b>  No rear lots are proposed.</p>
<p><b>Duck Farm Sub-Artesian Area</b></p>		
<p><b>PO6</b> Development does not have an adverse impact on the capacity or water quality of the Duck Farm Sub-Artesian Area.</p>	<p><b>AO6.1</b> Development does not create additional lots in the Duck Farm Sub-Artesian Area or the Annan River Water Resource Catchment as shown on OM11 – Water Resource Overlay Map.  <b>Or</b></p>	<p><b>Complies AO6.2</b>  The subject land is within the Duck Farm Sub-Artesian Area and Annan River Water Resource Catchment.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
	<p><b>AO6.2</b> Development wholly or partly within the Duck Farm Sub-Artesian Area or the Annan River Water Resource Catchment as shown on OM11 – Water Resource Overlay Map does not result in:</p> <ul style="list-style-type: none"> <li>(a) Additional groundwater extraction.</li> <li>(a) Infiltration of sewerage effluent or other contaminants.</li> </ul>	<p>The proposal is for the reconfiguration of land only. Proposed Lot 2 contains an existing onsite effluent disposal system. Proposed Lot 1 will require a separate onsite effluent disposal system.</p> <p>Future development can be appropriately conditioned to comply with AO6.2 to prevent additional groundwater extraction and infiltration of sewerage effluent or other contaminants.</p>
<b>Public open space</b>		
<p><b>PO7</b> Public open space for recreation purposes is provided in a manner which:</p> <ul style="list-style-type: none"> <li>(a) Meets the recreation and leisure needs of the community;</li> <li>(b) Is not subject to constraints such as inundation or excessive slope which would reduce its usefulness;</li> <li>(c) Has a functional shape;</li> <li>(d) Connects with existing public open space or natural areas where feasible;</li> <li>(e) Is readily and safely accessible by vehicles, cyclists and pedestrians; and</li> <li>(f) Conserves and takes advantage of significant landmarks and natural vegetation.</li> </ul>	<p><b>AO7.1</b> Public open space (or monetary payment) is provided in accordance with the Provision of Public Open Space Planning Scheme Policy.</p> <p><b>And</b></p> <p><b>AO7.2</b> Land within 20m of the edge of the dam at the Old Dam Site shown on OM13 – Old Dam Overlay Map is transferred to public ownership.</p>	<p><b>Not applicable</b></p> <p>No public open space is proposed.</p>
<b>Erosion prone land</b>		
<p><b>PO8</b> Reconfiguration of Erosion Prone Areas provides protection from future development that increases risk of erosion.</p>	<p>No Acceptable Outcome specified.</p>	<p><b>Complies PO8</b></p> <p>The subject land is not within an erosion prone area.</p>
<b>Acid sulfate soils</b>		
<p><b>PO9</b> Natural or built environments and human health are not harmed by the production of acid</p>	<p>No Acceptable Outcome specified.</p>	<p><b>Complies PO9</b></p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
<p>leachate resulting from disturbance of potential and/or actual acid sulphate soil by:</p> <ul style="list-style-type: none"> <li>(a) Not reconfiguring lots in such areas; or</li> <li>(b) Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels; and</li> <li>(c) Treating and managing surface and groundwater flows to minimise environmental harm.</li> </ul>		<p>The subject land does not contain acid sulfate soils. No filling or excavation is proposed.</p>
<b>Watercourse protection</b>		
<p><b>PO10</b> Where reconfiguration involves land adjacent to or including a wetland and/or watercourses, there are no significant adverse effects on:</p> <ul style="list-style-type: none"> <li>(a) Water quality;</li> <li>(b) Ecological and biodiversity values; or</li> <li>(c) Landscape quality.</li> </ul>	<p>No Acceptable Outcome specified.</p>	<p><b>Complies PO10</b> The proposal is for the reconfiguration of land only. Proposed allotments are of sufficient area to accommodate the intended land use whilst adequately protecting environmental features on the site.</p>
<b>Protection of rural values – Rural Zone</b>		
<p><b>PO11</b> Reconfiguring a lot in the Rural Zone results in lots that:</p> <ul style="list-style-type: none"> <li>(a) reflect the capability and sustainability of land for agricultural or pastoral purposes;</li> <li>(b) Protects rural activities and extractive industry from encroachment by sensitive land uses; and</li> <li>(c) Will not impact transport/supply chains critical to rural production, rural industry and extractive industry.</li> </ul>	<p><b>AO11.1</b> Each proposed lot has access from a constructed, gazetted road; <b>And</b> <b>AO11.2</b> The proposed subdivision achieves the minimum area, road frontage and depth to frontage ratio specified in Schedule 1 below. <b>Or</b> <b>AO11.3</b> The subdivision results in one or more allotments with a minimum area, road frontage and/or depth to frontage ratio less than specified in Schedule 1 and the proposed allotments</p>	<p><b>Not applicable</b> The land is not contained within the Rural Zone.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
	contain building envelopes capable of accommodating a dwelling house that: <ul style="list-style-type: none"> <li>(a) Maintains the minimum separation distances to existing rural activities or extractive industry as detailed in Schedule 1 of the Rural Zone Code;</li> <li>(b) Ensures risks associated with flood, bushfire and landslide hazard can be managed;</li> <li>(c) Maintain safe road access; and</li> <li>(d) Each allotment sustains a proven and reliable water supply.</li> </ul>	
<b>Rural Lifestyle Allotments</b>		
<b>PO12</b> Reconfiguring a lot in the Rural Zone results in Rural Lifestyle Lots that: <ul style="list-style-type: none"> <li>(a) Are in reasonable proximity to services and facilities such as health, education and retail opportunities;</li> <li>(b) Have frontage to a road and access to a road network that complies with the rural roads design criteria in the FNQROC Development Manual;</li> <li>(c) Protects rural activities and extractive industry from encroachment by sensitive land uses;</li> <li>(d) Will not impact transport/supply chains critical to rural production, rural industry and extractive industry;</li> <li>(e) Have a sustainable level of impact on the natural environment having regard to water supply and water quality effluent</li> </ul>	No Acceptable Outcome specified.  Note – as contemplated in section 3.4.1.1 of the scheme, Council will consider proposals for Rural Lifestyle Allotments down to 4ha in size, where compliance with the Performance Outcome is demonstrated.	<b>Not applicable</b> The land is not contained within the Rural Zone.

Performance Outcomes	Acceptable Outcomes	Applicant Response
<p>disposal, potential erosion and natural habitat.</p> <p>(f) Provide a high level of residential and scenic amenity and safety from risk of natural hazards such as bushfire;</p> <p>(g) Does not compromise the orderly development of land where such land is subject to the Future Urban Expansion Overlay.</p>		
<b>Protect key infrastructure and corridors</b>		
<p><b>PO13</b> Reconfiguration of lots does not compromise or adversely impact upon the efficiency and integrity of major electricity infrastructure.</p>	<p><b>AO13.1</b> Residential subdivision of land containing Major Electricity Infrastructure or the Electricity Substation (as identified on OM7 – Infrastructure Overlay Map) demonstrates that all allotments are capable of siting all buildings and structures outside of easements or otherwise a minimum of:</p> <p>(a) 20m for transmission lines up to 132 kilovolts; or</p> <p>(b) 30m for transmission lines between 133 kilovolts and 275 kilovolts; or (c) 40m for transmission lines exceeding 275 kilovolts.</p>	<p><b>Complies PO13</b></p> <p>The subject land is not in proximity to major electricity infrastructure.</p>
<p><b>PO14</b> Reconfiguring of lots ensures that access requirements of major electricity and bulk water supply infrastructure are maintained.</p>	<p><b>AO14.1</b> Major Electricity Infrastructure or an Electricity Substation traversing or within private land (as identified on OM7 – Infrastructure Overlay Map) are protected by an easement in favour of the service provider for access and maintenance</p>	<p><b>Complies PO14</b></p> <p>The subject land is not in proximity to major electricity infrastructure and bulk water supply infrastructure.</p>

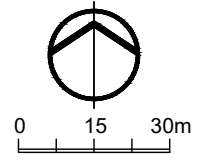
# APPENDIX D

brazier motti



# PROPOSED RECONFIGURATION

Lots 1 & 2  
Cancelling Lot 1 on SP172676



Sheet 1 of 2

Date: 31st March, 2025	
Scale: 1:1500	A3
Drawn: MJM	
Job No: 35277/1-1	
Plan No: 35277/001 C	

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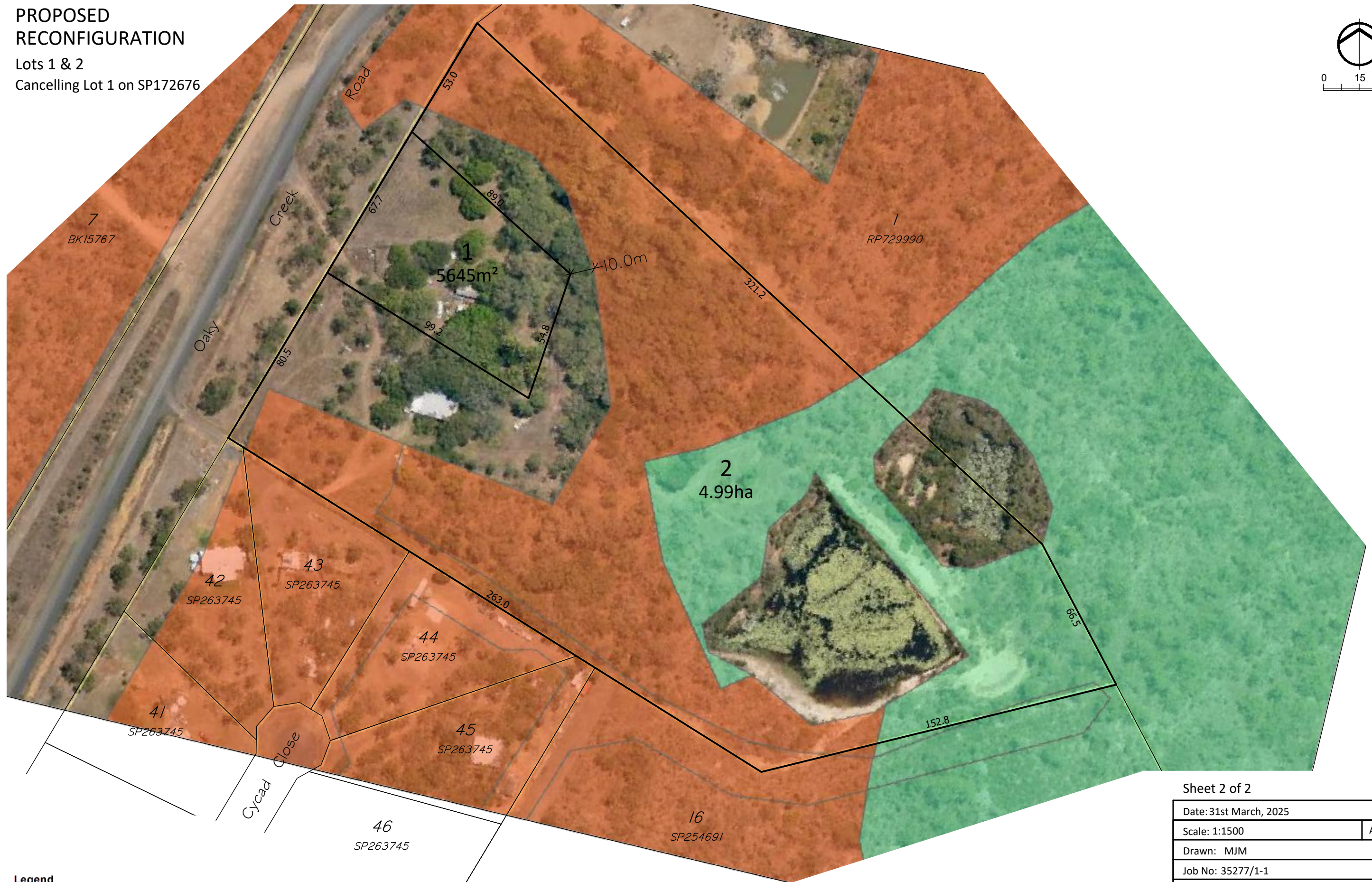
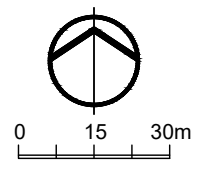


This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.



**PROPOSED RECONFIGURATION**

Lots 1 & 2  
Cancelling Lot 1 on SP172676



**Legend**

- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem

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Sheet 2 of 2

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