Decision notice approval
Section 282 of the Planning Act 2016 for a decision notice (approval) under s63 Planning Act 2016

PLEASE QUOTE: RAL19/0008
YOUR REFERENCE: J000910:FAR:KLG
OUR REFERENCE: BJ:MP1906170954
ENQUIRIES TO: Byron Jones – Senior Planner/Strategic Planner

17 June 2019

D, M & P Farinelli
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Via email: kristy@gilvearplanning.com.au

Attention: Kristy Gilvear

Dear Madam

RAL19/0008 - Development application for Reconfiguring a Lot - Two (2) Lots into Three (3) Lots on land described Lot 11 on NR6131 and Lot 64 on NR5352, situated at Bruce Highway, Martyville

I acknowledge receipt of the above application on 7 May 2019 and confirm the following details.

I wish to advise that, on 14 June 2019 the above development application was -

☐ approved in full or
☐ approved in part for the following or
☒ approved in full with conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them or
☐ approved in part for the following, with conditions

The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Approval under s64(5)

This application is ☒/ is not ☐ taken to have been approved (a deemed approval) under section 64(5) of the Planning Act 2016.
1. Details of the approval

The following approvals are given:

<table>
<thead>
<tr>
<th>Planning Regulation 2017 reference</th>
<th>Development Permit</th>
<th>Preliminary Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- building work assessable under the planning scheme</td>
<td></td>
<td></td>
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<tr>
<td>- plumbing or drainage work</td>
<td></td>
<td></td>
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<tr>
<td>- material change of use</td>
<td></td>
<td></td>
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<tr>
<td>- reconfiguring a lot</td>
<td></td>
<td></td>
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<tr>
<td>- operational work</td>
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</tr>
</tbody>
</table>

2. Conditions

This approval is subject to the conditions in Attachment 1.

3. Referral agencies for the application

The referral agencies for this application are:

<table>
<thead>
<tr>
<th>For an application involving</th>
<th>Name of referral agency</th>
<th>Advice agency or concurrence agency</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development application for reconfiguring a lot that is assessable development under section 21, if—</td>
<td>Department of State Development, Manufacturing, Infrastructure &amp; Planning</td>
<td>Concurrence</td>
<td>Department of State Development, Manufacturing, Infrastructure &amp; Planning Far North Regional Office Main Office – Cairns</td>
</tr>
<tr>
<td>(a) all or part of the premises are within 25m of a State transport corridor; and</td>
<td></td>
<td></td>
<td>Visit: Ground Floor, Cairns Port Authority Building, Cnr Grafton and Hartley Streets, Cairns</td>
</tr>
<tr>
<td>(b) or more of the following apply—</td>
<td></td>
<td></td>
<td>Post: PO Box 2358, Cairns Qld 4870 Tel: 07 4037 3209</td>
</tr>
<tr>
<td>(i) the total number of lots is increased;</td>
<td></td>
<td></td>
<td>Email lodgement: <a href="mailto:CairnsSARA@dligp.qld.gov.au">CairnsSARA@dligp.qld.gov.au</a></td>
</tr>
<tr>
<td>(ii) the total number of lots adjacent to the State transport corridor is increased;</td>
<td></td>
<td></td>
<td>MyDAS2 electronic lodgement: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a></td>
</tr>
<tr>
<td>(iii) there is a new or changed access between the premises and the State transport corridor;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</td>
<td></td>
<td></td>
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<tr>
<td>(c) the reconfiguration does not relate to government supported transport infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. Approved plans and documents

<table>
<thead>
<tr>
<th>Plan/Document number</th>
<th>Plan/Document name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan No. 1464-01</td>
<td>Proposal Plan</td>
<td>Dated: 02/05/2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Received by Council:07/05/2019</td>
</tr>
</tbody>
</table>

5. Currency period for the approval (s.85)

The currency period for the development approval (Reconfiguring a Lot) shall be four (4) years starting the day the approval is granted or takes effect. In accordance with Section 85 of the Planning Act 2016 (PA), the development approval for a reconfiguration of a lot lapses if a plan for the reconfiguration is not given to Council within the abovementioned currency period.

An applicant may request Council to extend the currency period provided that such is made in accordance with Section 86 of PA and before the development approval lapses under Section 85 of PA.

6. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant’s appeal rights regarding this decision.

If you wish to discuss this matter further, please contact Senior Planner/Strategic Planner, Byron Jones on Ph: (07) 4030 2208.

Yours faithfully

[Signature]

Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT
Cc: Department of State Development, Manufacturing, Infrastructure & Planning

By email: cairnsSARA@dsdmip.qld.gov.au

Attention: Belinda Jones

Dear Madam

Please find attached for your records. Your reference: 1905-11152 SRA.

Yours faithfully

[Signature]

Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT
Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

1. **Proposal:** That the development be undertaken generally in accordance with the application, documentation and plans in the table below, accepted by Council on 7 May 2019, all relating to Development Application - RAL19/0008, excepting where varied by the following conditions.

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan No. 1464-01</td>
<td>Proposal Plan</td>
<td>Dated: 02/05/2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Received by Council: 07/05/2019</td>
</tr>
</tbody>
</table>

2. **Timing of Effect:** The conditions of the Development Permit must be complied with prior to the signing and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

3. **Stormwater Drainage:** The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, such that stormwater does not adversely affect surrounding properties to the satisfaction of the Director Planning & Regional Development.

4. **Outstanding Rates:** The applicant/owner is to ensure that all rates, interest and other charges levied on the property are paid prior to the endorsement of the Plan of Survey, to the requirements and satisfaction of the Chief Executive Officer.

5. **Survey Marks:** All existing survey marks are to be reinstated, new survey marks are installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing, to the requirements and satisfaction of the Director Planning & Regional Development, prior to the endorsement of the Plan of Survey.

6. **Public Infrastructure/Utilities - Alterations:** Any relocation or alteration to any public utilities in association with works pertaining to this reconfiguration must be undertaken as required by the relevant service provider and at no cost to Council. This includes stormwater infrastructure.

Part 2—Concurrence agency conditions

Department of State Development, Manufacturing, Infrastructure, and Planning (DSDMIP)


**Assessment Manager’s Advice**

a) **Currency Period:** The currency period for the development approval (Reconfiguring a Lot) shall be four (4) years starting the day the approval is granted or takes effect. In accordance with Section 85 of the *Planning Act 2016 (PA)*, the development approval for a reconfiguration of a lot lapses if a plan for the reconfiguration is not given to Council within the abovementioned currency period.

An applicant may request Council to extend the currency period provided that such is made in accordance with Section 86 of *PA* and before the development approval lapses under Section 85 of *PA*. 
b) **Aboriginal Cultural Heritage:** The applicant/owner is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes on all landowners, developers and the like; and

c) **Fees and Charges:** When the plan of subdivision for the reconfiguring of a lot is submitted to Council for endorsement, such plan shall be accompanied by the endorsement fee in accordance with Council’s Schedule of Fees and Charges.

d) **Council Indemnity:** The Council is indemnified against any claims arising from works carried out by the Applicant/Owner on Council property.

e) **Compliance with Laws:** This approval does not negate the requirement for compliance with all other relevant local laws and other statutory requirements.
Part 2 – Concurrence Agency Conditions

12 June 2019

Chief Executive Officer
Cassowary Coast Regional Council
PO Box 887
Innisfail Qld 4860
enquiries@cassowarycoast.qld.gov.au

Attention: Byron Jones

Dear Sir/Madam

SARA response—Bruce Highway, Martyville
(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 14 May 2019.

Response

Outcome: Referral agency response – with conditions.
Date of response: 12 June 2019
Conditions: The conditions in Attachment 1 must be attached to any development approval.
Advice: Advice to the applicant is in Attachment 2.
Reasons: The reasons for the referral agency response are in Attachment 3.

Development details

Description: Development permit Reconfiguring a lot (2 Lots into 3 Lots)
SARA role: Referral Agency
SARA trigger: 10.9.4.2.1.1 (Planning Regulation 2017) - Development application for a material change of use within 25m of a State transport corridor
SARA reference: 1905-11152 SRA
Assessment Manager: Cassowary Coast Regional Council
Street address: Bruce Highway, Martyville
Real property description: Lot 11 on NR6131 and Lot 84 on NR5352
Applicant name: D. M and P Farinelli
Applicant contact details: C/- Gilvear Planning
PO Box 228
BABINDA QLD 4861
kristy@gilvearplanning.com.au

State-controlled road access permit:

This referral included an application for a road access location, under section 62A(2) of Transport Infrastructure Act 1994. Below are the details of the decision:

- Approved
- Reference: TMR19-027333 (500-1391)
- Date: 7 May 2019

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@trmr.qld.gov.au.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules)

Copies of the relevant provisions are in Attachment 4.

A copy of this response has been sent to the applicant for their information.

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dsdmp.qld.gov.au who will be pleased to assist.

Yours sincerely

[Signature]

Brett Nancarrow
Manager (Planning)

cc D. M and P Farinelli, kristy@gilvearplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Change representation provisions
Attachment 5 - Approved plans and specifications
**Attachment 1—Referral agency conditions**

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

<table>
<thead>
<tr>
<th>No.</th>
<th>Conditions</th>
<th>Condition timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfiguring a lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.9.4.2.1.1 — The chief executive administering the <em>Planning Act 2016</em> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The road access locations are to be located generally in accordance with TMR Layout Plan (10N – 136.00km) prepared by Queensland Government Transport and Main Roads, dated 07/06/2019, File Reference TMR19-27333 (500-1964), Issue A.</td>
<td>At all times</td>
<td></td>
</tr>
</tbody>
</table>
## Attachment 2—Advice to the applicant

<table>
<thead>
<tr>
<th>General advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Terms and phrases used in this document are defined in the <em>Planning Act 2016</em> its regulation or the State Development Assessment Provisions (SDAP) v2.4. If a word remains undefined it has its ordinary meaning.</td>
</tr>
</tbody>
</table>
Attachment 3—Reasons for referral agency response
(Given under section 56(7) of the Planning Act 2016)

The reasons for the department’s decision are:
- The proposed development does not result in any new accesses to the State-controlled road (Bruce Highway). There are four existing sealed rural services accesses to the subject site and these will be retained.
- The access locations to the Bruce Highway have been approved under section 62(1) of the Transport Infrastructure Act 1994 (TIA).
- The proposed development does not involve any new buildings or works and the land will continue to be used for agricultural purposes (sugar cane).
- The proposed development is unlikely to impact on the operating performance of the State-controlled road due to minimal additional traffic being generated by the proposed development and no new accesses proposed.
- The proposed development complies with State Development Assessment Provisions, State code 1: Development in a State-controlled road environment.

Material used in the assessment of the application:
- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
Attachment 4—Change representation provisions

(page left intentionally blank – change representation provisions are separately attached)
Attachment 5—Approved plans

(page left intentionally blank – approved plans are separately attached)
TMR Layout Plan
(10N - 136.20km)

Proposed Lot 1
Permitted Road Access Location
(Proposed Lot 1)
Approx 410m from the northern boundary of western portion of Lot 11NR6131, and approx 330m north of Moresby River (126.56km LHS)
E 146.030973, N -17.611893

Proposed Lot 2
Permitted Road Access Location
(Proposed Lot 2)
Approx 80m from the southern boundary of western portion of Lot 64NR5352, and approx 30m south of Moresby River (126.20km LHS)
E 146.030446, N -17.615021

Proposed Lot 3
Permitted Road Access Location
(Proposed Lot 3)
Approx 460m from the northern boundary of eastern portion of Lot 11NR6131, and approx 330m north of Moresby River (126.56km LHS)
E 146.031236, N -17.611842

Proposed Lot 4
Permitted Road Access Location
(Proposed Lot 3)
Approx 80m from the southern boundary of eastern portion of Lot 64NR5352, and approx 30m south of Moresby River (126.20km RHS)
E 146.030686, N -17.615071

Proposed Lot 5
Permitted Road Access Location
(Proposed Lot 3)
Approx 80m from the southern boundary of eastern portion of Lot 64NR5352, and approx 30m south of Moresby River (126.20km RHS)
E 146.030446, N -17.615021

Moresby River
The Sustainable Planning Act 2009 is administered by the Department of Infrastructure and Planning, Queensland Government.

Approved Plans

IMPORTANT NOTE
This plan has been prepared for P & L Fairall from existing records for the purpose of showing the proposed lot reconfiguration to accompany a subdivision application to Caspary Coast Regional Council and should not be used for any other purpose.

TerraModus Surveying Pty Ltd therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred arising from any party who uses or relies upon this plan for any purpose other than in a document prepared for the sole purpose of making a subdivision application to Council and which may be subject to the consent of the council beyond the control of TerraModus Surveying Pty Ltd.

This is not a plan of an approved subdivision.

The lots/boundaries shown herein were not verified or marked at the time of survey but were determined by existing title dimensions and occupation (where available) and not by field measurement. As such, these dimensions could be out of date and assessed by modern standards. This plan should not be used for building or boundaries, or in presentation printed, without further boundary survey.

- This note is an integral part of this plan.
- Reproduction of this plan or any part of it without the scale being included in full will render the information shown on such reproduction invalid and not suitable for use.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the Planning Act 2016 states –
   (a) Matters that may be appealed to –
       (i) either a tribunal or the P&E Court; or
       (ii) only a tribunal; or
       (iii) only the P&E Court; and
   (b) The person-
       (i) who may appeal a matter (the appellant); and
       (ii) who is a respondent in an appeal of the matter; and
       (iii) who is a co-respondent in an appeal of the matter; and
       (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is –
   (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
   (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
   (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice us published under section 269(3)(a) or (4); or
   (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
   (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
   (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –
See the P&E Court Act for the court’s power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
   (a) the adopted charge itself; or
   (b) for a decision about an offset or refund-
       (i) the establishment cost of trunk infrastructure identified in a LGIP; or
       (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
   (a) is in the approved form; and
   (b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
   (a) the respondent for the appeal ; and
   (b) each co-respondent for the appeal; and
   (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
(d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
(e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
(f) for an appeal to the P&E Court – the chief executive; and
(g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

(4) The service period is –
(a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
(b) otherwise – 10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

(1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

(2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

(3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section –

*decision* includes-
(a) conduct engaged in for the purpose of making a decision; and
(b) other conduct that relates to the making of a decision; and
(c) the making of a decision or failure to make a decision; and
(d) a purported decision; and
(e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-
(a) is final and conclusive; and
(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.
Statement of Reasons
The following information is provided in accordance with section 63 of the Planning Act 2016.

Development Application: RAL19/0008
Property Description: Lot 64 on NR5352 & Lot 11 on NR6131
Property Address: Danesi Road, Martyville
Proposal: Reconfiguring a Lot (Two (2) Lots into Three (3) Lots)
Planning Scheme: Cassowary Coast Regional Council Planning Scheme 2015
Decision Date: Approved with conditions on 14 June 2019

REASONS FOR DECISION
The site does not currently meet the 60 hectare requirement for the Rural zone. The proposed lots will remain below the minimum area with Proposed Lots 1,2 and 3 being of a sufficient size to continue the agricultural operations on the site. In addition to this, the proposed reconfiguration reflects the existing topography and natural values of the sites, namely the Bruce Highway and Moresby River.

The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and Far North Queensland 2009-2031 Regional Plan and therefore the proposed application for a Reconfiguring a Lot - Two (2) Lots into Three (3) Lots is recommended for approval subject to reasonable and relevant conditions

ASSESSMENT BENCHMARKS

<table>
<thead>
<tr>
<th>Assessment Benchmarks:</th>
<th>State Planning Policy -</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Far North Queensland Regional Plan 2009-2031</td>
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<tr>
<td></td>
<td>Cassowary Coast Regional Council Planning Scheme 2015</td>
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<tr>
<td></td>
<td>• Rural Zone Code</td>
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<td></td>
<td>• Reconfiguring a Lot Code</td>
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<td></td>
<td>• Acid Sulphate Soils Overlay Code</td>
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<td>• Bushfire Hazard Overlay Code</td>
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<td></td>
<td>• Coastal Protection Overlay Code</td>
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<td>• Environmental Significance Overlay Code</td>
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<td>• Flood Hazard Overlay Code</td>
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<td>• Scenic Amenity Overlay Code</td>
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<td>• Waterway Corridors and Wetlands Overlay Code</td>
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<tr>
<td>Assessment Benchmark</td>
<td>Reasons for the approval despite non-compliance with benchmark</td>
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<tr>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
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<tr>
<td>Far North Queensland Regional Plan 2009-2031</td>
<td>Complies with benchmarks</td>
</tr>
<tr>
<td>Cassowary Coast Regional Council Planning Scheme 2015</td>
<td>9.4.7 Reconfiguration of a Lot Code</td>
</tr>
<tr>
<td>9.4.7 Reconfiguration of a Lot Code</td>
<td><strong>PO3</strong></td>
</tr>
<tr>
<td>AO3.1</td>
<td>Lots are of sufficient area and dimensions to:</td>
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<tr>
<td></td>
<td>(a) accommodate the intended land use;</td>
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<td></td>
<td>(b) provide for suitable building envelopes and safe vehicular</td>
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<td></td>
<td>and pedestrian access without the necessity for major</td>
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<td>earthworks and major retaining walls;</td>
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<td>(c) provide private outdoor space, on site landscaping and</td>
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<td>on site parking;</td>
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<td>(d) achieve consistency with the character of surrounding</td>
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<td></td>
<td>development;</td>
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<td></td>
<td>(e) protect environmental features and take into account site</td>
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<td></td>
<td>constraints.</td>
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<td></td>
<td><strong>Complies with PO3</strong></td>
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<td></td>
<td>Proposed Lot 1: 26.39 hectares</td>
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<td>Proposed Lot 2: 9.294 hectares</td>
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<td></td>
<td>Proposed Lot 3: 12.83 hectares</td>
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<td>The existing lots have the following configuration</td>
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<td></td>
<td>Lot 11 on NR6131: 33.92 hectares</td>
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<td></td>
<td>Lot 64 on NR5352: 15.62 hectares</td>
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<td>The site does not currently meet the 60 hectare requirement</td>
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<td>for the Rural zone.</td>
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<td>The proposed lots will remain below the minimum area with</td>
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<td>Proposed Lots 1,2 and 3 being of a sufficient size to</td>
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<td>continue the agricultural operations on the site. In</td>
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<td>addition to this, the proposed reconfiguration reflects the</td>
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<td>existing topography and natural values of the sites,</td>
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<td>namely the Bruce Highway and Moresby River.</td>
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<td>Cassowary Coast Regional Council Planning Scheme 2015</td>
<td>9.4.7 Reconfiguration of a Lot Code</td>
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<td><strong>PO5</strong></td>
</tr>
<tr>
<td>AO5.1</td>
<td>Lots which are configured to incorporate existing land uses</td>
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<td>ensure:</td>
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</tbody>
</table>
Lots comply with the area and dimensions identified for lots in the relevant zone or precinct in Table 9.4.7.4.

(a) lots are of a sufficient area and dimension;
(b) the provision of a safe, efficient and effective infrastructure network.

**Complies with PO5**

Proposed Lot 1: 26.39 hectares
Proposed Lot 2: 9.294 hectares
Proposed Lot 3: 12.83 hectares

The existing lots have the following configuration

Lot 11 on NR6131: 33.92 hectares
Lot 64 on NR5352: 15.62 hectares

The site does not currently meet the 60 hectare requirement for the Rural zone. The proposed lots will remain below the minimum area with Proposed Lots 1,2 and 3 being of a sufficient size to continue the agricultural operations on the site. In addition to this, the proposed reconfiguration reflects the existing topography and natural values of the sites, namely the Bruce Highway and Moresby River.