# Planning Report

APPLICATION FOR MATERIAL CHANGE OF USE – AIR SERVICES (AIRSTRIP) AND SHORT TERM ACCOMMODATION– IMPACT ASSESSABLE, LOT 99 RP901954 AND LOCATED AT MOODY ROAD, MUTARNEE

Townsville City Council

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# Table of Contents

1:	Int	troduction			
2:	Pre-lodgment				
3:	The assessment framework				
	3.1:	Townsville City Plan3			
	3.2:	Planning Act 2016			
	3.3:	Planning Regulation 2017			
	3.4:	Regional Plan			
4:	The	site4			
5:	Pro	posal7			
RE	FERRAL	_ REQUIREMENTS 10			
6:	Stat	te Assessment and Referrals			
	6.1:	Planning Act 2016			
	6.2:	State Assessment and Referrals10			
PL	ANNING	G ASSESSMENT			
7:	Tow	nsville City Plan			
	7.1:	Strategic Framework			
	7.2	Rural zone code11			
	7.3:	Bushfire hazard code			
	7.4:	Flood hazard overlay code			
	7.5:	Natural assets overlay code			
	7.6:	Healthy waters code			
	7.7:	Landscaping code			
	7.8:	Transport impact, access and parking code			
	7.9	Works code			
7:	Con	clusion			

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14 November 2024

Chief Executive Officer Townsville City Council PO Box 1268 Townsville Qld 4810

#### **Attention: Planning and Development**

Dear Sir/Madam

# RE: APPLICTION FOR MATERIAL CHANGE OF USE FOR AIR SERVICES (AIRSTRIP) AND SHORT TERM ACCOMMODATIONS UNITS LOCATED AT MOODY ROAD, CRYSTAL CREEK - LOT 99 RP901954

# 1: Introduction

JVS Planning acts of behalf the owners, Maurice and Terri Kranz of The Kranz Family Trust, with regard the above Impact Assessable development application for Air Service (Airstrip) and Short Term Accommodation Units at Moody Road, Crystal Creek and properly described as Lot 99 on RP901954.

The application is made in accordance with s51 of the Planning Act 2016.

It is understood the fees applicable for an application for Air Services is price on application. Previous negotiation has seen this fee reduced from an initial quote of \$25,160 to \$12,600, which remains the applicant's opinion to be excessive. Accordingly, I would welcome further negotiation/discussion in relation to the fee to be calculated. The fees in relation to the Short term accommodation are as per the Fees and Charges Schedule.

Material Change of Use – Air Services	\$TBA
Short Term Accommodation (4 Units)	\$3,336 (4 units)
Impact assessable fee	\$1,112
Total	\$TBA

Once a total fee has been negotiated, I would request that payment options be provided to the owner at: <a href="mailto:townsvillepoolsupplies@yourhub.com.au">townsvillepoolsupplies@yourhub.com.au</a>

The application is supported by the following information:

- DA Form 1
- Authority of Owner to make the application
- Proposal Plans
- Assessment against the Townsville City Plan

**2 |** Page



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# 2: Pre-lodgment

No pre-lodgement has been undertaken other than fee negotiation.

# 3: The assessment framework

# 3.1: Townsville City Plan

The subject site is located within the Townsville City Council Local authority area and therefore the application is assessed in accordance with the Townsville City Plan. The subject site is within the Rural zone and more specifically the Horticulture precinct where an Air Services use and Short term accommodation are both Impact assessable. Therefore, the application is assessed against the whole Town Plan and not just the relevant codes.

# 3.2: Planning Act 2016

The Planning Act 2016 (the Act) provides the framework for Queensland's planning system and coordinates local, regional, and State planning. The Act provides the framework in which a planning is made and is supported by subordinate planning legislation and instruments such as Planning Regulations, State Planning policies, Regional Plans and local planning schemes. The provisions of the Act are therefore applicable to the proposed development.

# 3.3: Planning Regulation 2017

The Planning Regulation 2017 (the Regulation) is established under the Act and provides support to with regard to functionality at a practical level. Assessment Manager, Referral Agencies, State Planning Policy (SPP) and State Development Assessment Provisions (SDAP) relevant to the development are determined by the Regulation. The provisions of the Regulation are therefore applicable to this development.

It is noted this application does not trigger referral or assessment to or by Referral Agencies.

# 3.4: Regional Plan

The North Queensland Regional Plan (the Regional Plan) applies to the local government areas of Townsville City, Hinchinbrook Shire, Burdekin Shire, Charters Towers Regional, and Palm Island Aboriginal Shire. The Regional Plan was implemented in March 2020, and focuses on:

- expanding health and knowledge industries in and around the Townsville CBD and James Cook University, with potential for a future rapid transport link
- supporting expanded land-based aquaculture developments to supply domestic and international markets
- defence industries and future economic opportunities linked with the Australian-Singapore Military Training Initiative
- supporting the development of agriculture-based energy production, diversifying agriculture and secondary cropping for bioenergy and biopharmaceutical opportunities



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- greater opportunities for tourism development on Palm Island and in conservation areas
- opportunities for agricultural expansion in upper catchments (balanced with protection of the Great Barrier Reef)
- nominating opportunities for new renewable energy developments along key corridors and in proximity to major energy users
- better addressing the resilience of the regional economy to climate change
- strengthen policy outcomes to support the consolidation of residential development to the Townsville Urban Area.

The Queensland Government developed the regional plan in close collaboration with local councils, traditional owners, state agencies, industry and the community.

The proposed development is considered to align with the goals outlined in the Regional Plan, specifically, Goal 1 – A leading economy in regional Australia.

# 4: The site

The subject property is located at 29 Moody Road, Crystal Creek and formally described as Lot 99 on RP901954, and is 70.43ha in area. The property is located within the Rural zone and more specifically the Horticulture precinct where an application for Air Services and Short-Term accommodation uses are deemed to be Impact assessable. The subject land is surrounded by the Environmental management and conservation zone which forms part of the Paluma Range National Park. The Paluma pipeline traverses the site in the north eastern corner, separating a parcel of land within the same description from the major parcel.

The site, formally a pineapple farm and sugar cane farm at various times, is now operated more as a hobby farm with an orchid of macadamia trees and a small herd of cattle. Two existing dwellings of varying state of repair and various farm sheds are currently located on the property. The site is accessed via Moody Road which has direct access off Barrett Road. The Mount Spec Road is adjacent to the eastern boundary on the site. However, no access is obtained from this road.

The site has an uncleared area that is within the Natural assets overlay on the western boundary and a further area, which, earliest aerial photography indicates has been cleared since at least from 2004/05 on the eastern boundary. An existing dam is located within this overlay on the western boundary and again this is evident by the aerial photograph referred to above.

The site also has areas within the Bushfire hazard overlay of both high and medium hazard. Areas of these overlays are cleared and are adjacent to the dam which can provide sufficient firefighting resources should it be required.

Finally, an area of the site is within the Flood hazard overlay. However, the proposed development is not within the mapped overlay area.

<sup>4 |</sup> Page

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Figure 1 – Locality Plan – Aerial Photograph



Figure 2 – Rural zone

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Figure 3 – Natural assets overly



Figure 4 – Bushfire hazard overlay

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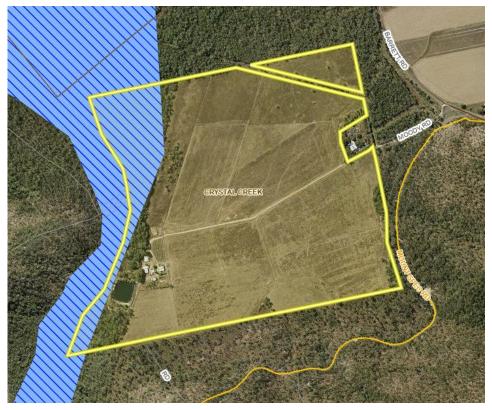


Figure 5 – Flood hazard overlay

# 5: Proposal

The application proposes the commencement of an Air Services use for the purposes providing an airstrip for touring light aircraft enthusiasts. The airstrip will be supported by 4 Short term accommodation units for the pilot and passenger of each aircraft. The aircraft capable of landing on site are only capable of carry two persons, i.e. a pilot and passenger and have a very limited payload of 600kgs (inclusive of pilot, passenger, fuel and cargo). An image of a typical aircraft is provided below in Figure 6.

The client perceives an interest within the light aircraft aviation community for the creation of such a facility. It is noted the interest is perceived and as such there is no data in relation to this group of the aviation community. However, peak aircraft movements of 350 to 400 annually is a target that would be optimal for the development in the long term. It is proposed to seek approval for the development in its entrity, i.e. air strip and 4 accommodation units. However, should approval be granted, it is proposed to construct one accommodation unit to support the air strip and add additional units should the development garner sufficient support from the aviation community.



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The client considers the subject site is ideally situated to take advantage of the natural attractions of the area which include the Paluma Range National Park and Mount Spec area, northern beaches of Townsville and surrounding areas of Ingham and Cardwell to the north and Charters Towers to the west.

As the visiting aviators will not have transport in which to explore the area, it is proposed a vehicle will be made available for clients, whether they be in groups or occupants of a single aircraft.

Short term accommodation in the form of four individual units are proposed, three of which will be adjacent to the airstrip and a fourth some distance away and adjacent to the existing dwellings on site. Each unit has the capacity to sleep up to four guests and can be configured to lock one of the bedrooms off should only one bedroom be required for 1 to 2 guests. All units are identical in design and are to be powered by solar, will have tanked potable water and serviced by on-site waste water facilities. The fourth unit is proposed to be stand-alone away for the other three units and is within the High bushfire hazard overlay.

#### <u>Aircraft</u>

Aircraft capable of landing on site will be generally of size to a Pipistrel shown below. These aircraft only require a runway of 300m to 600m or less and run on unleaded fuel. To that end a landing area of 30m in width and 560m in length is proposed. Refueling facilities will not be provided on site. However, should aircraft need to be refueled during their stay, they can be by purchasing jerry cans of fuel from a nearby service station. Furthermore, it is not proposed to provide hangars or maintenance services for visiting aircraft.



Figure 6 – Typical light aircraft associated with the use

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#### **Infrastructure**

Water - As indicated above, water will be provided to the accommodation units via tanked rain water collected from from the roof of the units. Tanks can also to be topped up from the on-site dam if/when necessary. It is proposed to initially provide one 20,000l tank to service the three grouped units and a 20,000l tank to service the standalone unit should it be granted approval. Being in the Medium Bushfire overlay, a 20,000l tank will address Code requirements. Additional tanks can be added to the grouped units should it be deemed necessary. Water will be treated to potable standard via a 3-stage filtration system with UV technology.

Sewerage – Units will be serviced by on-site wastewater systems. It is envisaged appropriate conditions will be attached to any approval for this development with the final design submitted with a hydraulic application.

Power – will be supplied to each unit via solar system.

#### CASA

The Civil Aviation Safety Authority (CASA) was contacted with regard to their regulations concerning rural or private airstrips, including limitations, if any, on the number of aircraft movements. The response received is as follows:

**Answer**: A small airstrip operated on rural or residential property will most likely be considered an aeroplane landing area (ALA). ALA are not subject to oversight by CASA and do not require a permit or approval to be used as an aerodrome. In short, any place may be used as an aerodrome if the pilot in command and/or operator of the aircraft determines that it is suitable and safe for that purpose, in accordance with subregulation 91.410(3) of <u>Civil Aviation Safety Regulations 1998</u>.

CASA cannot provide guidance about specifications or dimensions of a ALA. The owner of the proposed ALA should engage with any aircraft operators that will use the ALA to determine the minimum appropriate dimensions/infrastructure required.

*Guidance regarding the use of ALA by smaller aircraft may be of use and can be found in <u>AC 91-02 v1.2 -</u> <i>Guidelines for aeroplanes with MTOW not exceeding 5 700 kg - suitable places to take off and land (casa.gov.au).* 

Sewerage – Units will be services by on-site wastewater systems. It is envisaged appropriate conditions will be attached to any approval for this development with the final design submitted with an hydraulic application.

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# **REFERRAL REQUIREMENTS**

# 6: State Assessment and Referrals

# 6.1: Planning Act 2016

The Act provides a framework for coordinating planning across local, regional and state levels. As the subject site is located within 25m off a state-controlled road, the application requires assessment by and referral to the State.

# 6.2: State Assessment and Referrals

As can be seen from the Department Assessment Mapping System below, the site is within 25m of a State controlled road, being Mount Spec Road. Accordingly, the application requires referral to SARA for the following trigger being:

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 Item 1 (a) – all or part of the premises are within 25m of a State transport corridor.



# Figure 7 – SARA DA Mapping

**10 |** P a g e

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# **PLANNING ASSESSMENT**

# 7: Townsville City Plan

# 7.1: Strategic Framework

The planning scheme incorporates a strategic framework, which sets the policy direction, and basis for ensuring appropriate development occurs within the planning scheme area.

The strategic framework is represented by the following four themes:

- (i) Shaping Townsville;
- (ii) Strong, connected community;
- (iii) Environmentally sustainable future; and
- (iv) Sustaining growth.

The strategic framework provides strategic outcomes for each of the above four themes. It is noted that the proposal furthers the outcomes sought by the above themes and their outcomes, particularly when considering:

- The development proposal seeks to obtain the appropriate development permits to allow people from diverse backgrounds to enjoy alternative recreation activities;
- The proposed development provides an opportunity for tourism within the local area and thereby supporting economic growth; and
- The proposed development is environmentally friendly as it does not require clearing of land and will have no ecological impact on the environment;

# 7.2 Rural zone code

The purpose of the Rural Zone Code is to provide for a wide range of agricultural uses such as cropping, horticulture, animal industries, primary production and uses that are compatible with agriculture, and the surrounding environment. It ensures productivity and opportunities for rural production is maximised while maintaining the ecology and character of the land. The land is also within the Grazing precinct which is predominately broad hectare grazing.

#### Response

The development proposes the commencement of additional uses on the land in the form of tourism activities which will complement and not prohibit the existing rural activities of grazing and agriculture thereon.

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Performance outcomes	Acceptable outcomes	Response		
For assessable development				
General benchmarks				
<ul> <li>PO8 Development: <ul> <li>(a) is located on the least productive parts of a site;</li> <li>(b) does not restrict the ongoing safe and efficient use of nearby rural uses; and</li> <li>(c) is adequately separated or buffered where it is likely to be sensitive to the operational characteristics associated with rural uses, rural industries, extractive industries or other lawful use.</li> </ul></li></ul>	No acceptable outcome is nominated.	<ul> <li>(a) As indicated above, the land operated as a pineapple farm and sugar cane farm. However, aerial photography would indicate these crops ceased between 2005 and 2009. The land is now operated more as a hobby farm with a small herd of cattle and a small orchid of macadamia trees. The proposed use/s will only utilise a relatively minimal area of the site will provide sufficient areas for productive farming.;</li> <li>(b) The site is surrounded by the Paluma Range National Park. Productive sugarcane farming occurs to the north east on Barrett Road; and</li> <li>(c) The land is separated from other Rural land by Barrett Road and therefore is adequately buffered from the sugarcane farming of the general area. An existing residence is located on a lot that has been excised from the subject site. All indications at this stage suggest the resident here does not object to the proposed use. However, as the application is Impact assessable, they will have an opportunity to lodge a submission during the notification period.</li> </ul>		
<b>PO9</b> Tourism-related uses are established only where they are directly associated and compatible with rural production, natural resources or landscape amenity in the immediate vicinity.	No acceptable outcome is nominated.	The propose use has the opportunity to develop into Farm Stays as there are currently agricultural activities occurring on site. While it is proposed the Short-term accommodation units are to support the aviation community, it also has the opportunity host the non-aviation community.		
<b>PO11</b> Development is designed and managed so that it provides appropriate protection for community health and safety, and avoids unacceptable risk to life and property.	No acceptable outcome is nominated.	The alignment of the airstrip will ensure the residence on the adjoining lot is appropriated protected from aircraft accessing the site.		



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<ul> <li>PO12 Development does not adversely impact on the character, amenity or scenic values of the locality, having regard to: <ul> <li>(a) the scale, siting and design of buildings;</li> <li>(b) the visibility of buildings, structures and infrastructure;</li> <li>(c) likely emissions including water- borne contaminants, noise, dust, lighting and odour; and</li> <li>(d) the nature or volume of traffic generated.</li> </ul></li></ul>	No acceptable outcome is nominated.	The site is located in a position that is not visible from Barrett Road. However, there is limited visibility from Mount Spec Road. The Short-term accommodation units are single storey and therefore will not have a detrimental impact on the character or scenic values of the locality.
<ul> <li>PO13</li> <li>Ecological values, habitat corridors and soil and water quality are protected, having regard to:</li> <li>(a) maximisation of vegetation retention and protection of vegetation from the impacts of development;</li> <li>(b) avoidance of potential for erosion and minimisation of earthworks;</li> <li>(c) retention and protection of natural drainage lines and hydrological regimes; and</li> <li>(d) avoidance of leeching by nutrients, pesticides or other contaminants, or potential for salinity.</li> </ul>	No acceptable outcome is nominated.	<ul> <li>(a) The proposed development does not require the removal of vegetation.</li> <li>(b) Earthworks associated with the use may only require minimal leveling of the airstrip .</li> <li>(c) As above.</li> <li>(d) As indicated above, no refuelling or maintenance of aircraft is proposed as part of this development. Wastewater facilities will be installed in accordance with policy guideline and Australian Standards.</li> </ul>
Horticulture precinct		
<b>P014</b> Productive land within this precinct is maintained.	No acceptable outcome is nominated.	Productive land within the site will be available to continue the existing farming practices carried out on the land.
<b>P015</b> Rural industries are established only where associated with rural production in the immediate vicinity.	No acceptable outcome is nominated.	Not applicable – the development does not propose a rural industry use.
Tourist related uses are limited to small-scale bed and breakfast and farm stay which do not detract from the ongoing productive use of the site.	No acceptable outcome is nominated.	The Short-term accommodation component of the application has the potential to support both bed and breakfast and farm stay uses. The inclusion of the air strip is a minimal area that will not detract from the productive capabilities of the land.
<b>P017</b> Reconfiguration is limited to protect the ongoing viability of existing and potential horticulture.	No acceptable outcome is nominated.	Not applicable, reconfiguration is not proposed.

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# 7.3: Bushfire hazard code

The purpose of the bushfire hazard overlay code is to ensure development does not increase the extent or severity of bushfire hazard or increase the risk to life, property, community, and the environment.

#### Code response

Other than the one stand-alone short term accommodation unit, all other aspects of the development are not within the mapped overlay area. This unit is proposed to be located within an existing cleared area for privacy and view maximization and will be provided with a 20,000l water tank. Furthermore, the unit will be in close proximity to the dam on site from which water can be drawn if required.

The images below provide an indication of the approximate location the fourth unit.



Figure 8 - Vehicle demonstrates approximate location of proposed accommodation unit

**14 |** Page

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Figure 8 – Panoramic view of the proposed unit site

Performance outcomes	Acceptable outcomes	Response		
General — all development Editor's note — Applicants should also refer to the <u>Mitigating bushfire hazard planning scheme policy no. SC6.8</u> for additional information.				
<b>PO1</b> Development maintains the safety of people and property.	No acceptable outcome is nominated.	The location of the unit is within a clear area of the site. Existing uncleared vegetation on site and within the Paluma Range National Park is adjacent to the proposed unit. The unit will be serviced by a 20,000l water tank with an additional water supply within the dam also adjacent. In the event of any Bushfire threats, the development provides sufficient alternative accommodation outside of the overlay area.		
<b>PO2</b> Highly vulnerable development does not occur in high hazard areas unless there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal.	<ul> <li>AO2 The following uses are not located in a high bushfire hazard area: <ul> <li>a) child care centre; or</li> <li>b) detention facility; or</li> <li>c) educational establishment; or</li> <li>d) emergency services; or</li> <li>e) hospital; or</li> <li>f) industry activities involving manufacture or storage of hazardous materials in bulk; or</li> <li>g) multiple dwelling; or</li> <li>h) residential care facility; or</li> <li>i) retirement facility; or</li> <li>j) relocatable home park; or</li> <li>k) rooming accommodation; or</li> <li>m) short-term accommodation; or</li> </ul></li></ul>	The proposed location of the unit has been chosen for aesthetics. While the alterative locations are available on site, the chosen location is cleared and will be ably supported by sufficient water supply. Further, as indicated above, should there be a risk of bushfire, the site provides suitable alternative accommodation options.		

15 | Page

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<b>PO3</b> Development mitigates the risk of bushfire hazard through the siting and design of the development. <b>Editor's note</b> —In demonstrating compliance with this performance outcome, applicants should be aware that setbacks and buffers for fire management purposes are in addition to any buffers or setbacks required for ecological purposes and are located outside of areas of ecological significance to the greatest extent possible.		The area in which the accommodation unit is to be located is cleared.
<b>P04</b> Development provides for an adequate and accessible water supply for firefighting purposes.	The development is connected to	The unit will be serviced by a 20,000l water tank with an additional water supply within the dam also adjacent.
<b>PO5</b> Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk	<b>AO5</b> Development does not involve the manufacture or storage of hazardous materials within a high or medium bushfirehazard area as identified on overlay <u>map OM-02</u> .	The proposal is for accommodation, not manufacturing.
<b>PO9</b> Development provides a fire break which also facilitates adequate access for firefighting and emergency vehicles, and safe evacuation.		The locsation of the unit is situated within a cleared area of the site with sufficient fire break areas surrounding it.

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# 7.4: Flood hazard overlay code

The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas so that risk to life, property, community, economic activity and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on-site or to other property.

#### Code response

An in-depth assessment against the Code has not been undertaken as all elements of the development are not located within the mapped overlay.

#### 7.5: Natural assets overlay code

The purpose of the Natural Assets Overlay Code is to protect and maintain areas of environmental significance, and the ecological processes/biodiversity values of their ecosystems, water quality, and hydrological functions of waterway/wetland areas.

**17 |** Page

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#### Code response

An in-depth assessment against the Code has not been undertaken as the use is not proposed in the area along the western boundary of the site that is within the overlay. The overlay includes an area in the north eastern corner of the site that has been cleared for a number of decades and therefore in very unlikely to hold any existing ecological value.

# 7.6: Healthy waters code

The purpose of the Healthy waters code is to ensure development manages stormwater and wastewater as part of the integrated total water cycle, and in ways that help protect the environmental values specified in the Environmental Protection (Water) Policy 2009.

#### Code response

Performance outcomes	Acceptable outcomes	Code response
For assessable developme	nt	
Stormwater drainage gene	erally	
<b>PO10</b> The proposed stormwater management system or site works does not adversely affect flooding or drainage characteristics	<b>AO10.1</b> The development does not result in an increase in flood level or flood duration on upstream, downstream or adjacent properties.	The development proposed a grassed airstrip at grade and Short term accommodation units raised above the ground. Accordingly, the stormwater characteristics of the site will not be altered in any significant manner.
of properties that are upstream, downstream or adjacent to the development site.	<b>AO10.2</b> The stormwater management system is designed and constructed in accordance with the Development manual planning scheme policy SC6.4 – <u>SC6.4.8 Stormwater</u> <u>Management, SC6.4.9 Stormwater Quantity;</u> and <u>SC6.4.10 Stormwater Quality.</u>	
<b>PO11</b> Development does not cause ponding, or changes in flows and velocities such that the safety, use and enjoyment of nearby properties are adversely affected.	<b>AO11</b> The stormwater management system is designed and constructed in accordance with the Development manual planning scheme policy SC6.4 – SC6.4.8 Stormwater Management, SC6.4.9 Stormwater Quantity; and SC6.4.10 Stormwater Quality.	See above.
<b>P012</b> The drainage network has sufficient capacity to safely convey stormwater run- off from the site.	<b>A012</b> Development is undertaken in accordance with the Development manual planning scheme policy SC6.4 – SC6.4.8 Stormwater Management, SC6.4.9 Stormwater Quantity; and SC6.4.10 Stormwater Quality.	See above.

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# 7.7: Landscaping code

The purpose of the code is to manage development so that there is no increase to the severity of a landslide hazard and/or risk to life, property, community and the environment during landslide events. It ensures development is compatible with the nature of the landslide hazard.

# Code response

Landscaping is not proposed as part of the development given it is a working farm. However, the client may provide some landscaping around the Short term accommodation units.

# 7.8: Transport impact, access and parking code

The purpose of the Transport impact, access and parking code is to ensure appropriate provision for transport and end of trip facilities and to facilitate, as far as practicable, an environmentally sustainable transport network. It ensures the function, safety and efficiency of the transport network is optimised and that pedestrians and cyclists are provided with a high level of accessibility.

# <u>Response</u>

The intent of the development is to provide accommodation for the aviation community when they fly into the site. It is proposed that a vehicle will be provided to allow these visitors to explore the area. However, it is acknowledged that this does not preclude short stays from the motoring community. Accordingly, given the limited number of vehicle movements to and from the site, it is not proposed that any road works or formalized parking facilities will be provided with the development.

# 7.9 Works code

The purpose of the code is to ensure all works associated with the development achieve an appropriate level of service which maintains or enhances community health, safety and amenity and are undertaken in an environmentally sensitive manner.

# **Response**

The proposed development is located within a Rural area with no connected services. <u>Water</u> – will collected for unit rooves and treated before storage into tanks for each unit. Supplementary water can be drawn from the on-site dam.

<u>Wastewater</u> – On-site wastewater system/s will be installed. It is envisaged the standard condition will be imposed requiring a subsequent hydraulics application to be made.

<u>Energy supply</u> – power to the accommodation units is to\_provided via solar system.

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# 7: Conclusion

The proposal is considered to be an appropriate development with the Rural residential zone as demonstrated above. The proposed development will result in minimal impact on the amenity of the area and will not be detrimental to the streetscape of the general locality. As such, it is considered that the proposal is an appropriate development and should therefore be approved with reasonable conditions.

If you have any queries please do not hesitate to contact me on 0428136814.

# Regards

Jeff Smíth