

**DELEGATED REPORT**

**SUBJECT:** I REID - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 8 ON SP167414 - 12 POWELL ROAD, MAREEBA - RAL/19/0007

**DATE:** 10 June 2019

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	I Reid	<b>ADDRESS</b>	12 Powell Road, Mareeba
<b>DATE LODGED</b>	18 April 2019	<b>RPD</b>	Lot 8 on SP167414
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

<b>FILE NO</b>	RAL/18/0007	<b>AREA</b>	5.167 hectares
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	I & D Reid
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**

1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 30 May 2019

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**EXECUTIVE SUMMARY**

*Council is in receipt of a development application described in the above application details.*

*The application is code assessable and was not required to undergo public notification.*

*It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.*

*It is recommended that the application be approved in full with conditions.*

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	I Reid	<b>ADDRESS</b>	12 Powell Road, Mareeba
<b>DATE LODGED</b>	18 April 2019	<b>RPD</b>	Lot 8 on SP167414
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
R4-19(1)	Proposed Development Plans - 1 into 2 allotments	U&i Town Plan	25.03.19

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

## 3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

### 3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

### 3.9 Rural Addressing

The applicant must pay the relevant fee per lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

4.1.1 An access crossover must be upgraded/constructed to each proposed lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.1.2 A bitumen, asphalt, or reinforced concrete driveway shall be provided within the access handle of proposed Lot 8 to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum formation width of 3 metres;
- be constructed for the full length of the access handle and be connected to the crossover;
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and
- include service and utility conduits to be provided for the full length of the access handle.

##### 4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

##### 4.3 Water Supply

Proposed Lot 7 must be provided with a water supply via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
  - (i) with a minimum capacity of 90,000L;
  - (ii) fitted with a 50mm ball valve with a camlock fitting;
  - (iii) which are installed and connected prior to the occupation or use of the development.

At the time of construction of a dwelling on proposed Lot 8, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
  - (i) with a minimum capacity of 90,000L;
  - (ii) fitted with a 50mm ball valve with a camlock fitting;
  - (iii) which are installed and connected prior to the occupation or use of the development.

#### 4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 8, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

#### 4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

#### 4.7 Building Envelope – Lot 8

- (a) The approved building envelope for proposed Lot 8 is designated by plan R4-19(1) dated 25 March 2019.
- (b) All buildings and effluent disposal areas must be located within the approved Building Envelope Area.

#### 4.8 Landscape Buffering

Landscape buffers are to be established in the locations designated by plan R4-19(1) dated 25 March 2019. All buffers must be planted prior to the endorsement of the plan of survey

#### 5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay a one-off payment of \$9,170.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$4,585.00 per additional lot)
- The trunk public parks and land for community facilities servicing the land (\$4,585.00 per additional lot)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- Approved building envelope on Lot 8

(e) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(f) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 30 May 2019.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

## (H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

## THE SITE

The subject land is described as Lot 8 on SP167414, situated at 12 Powell Road, Mareeba.

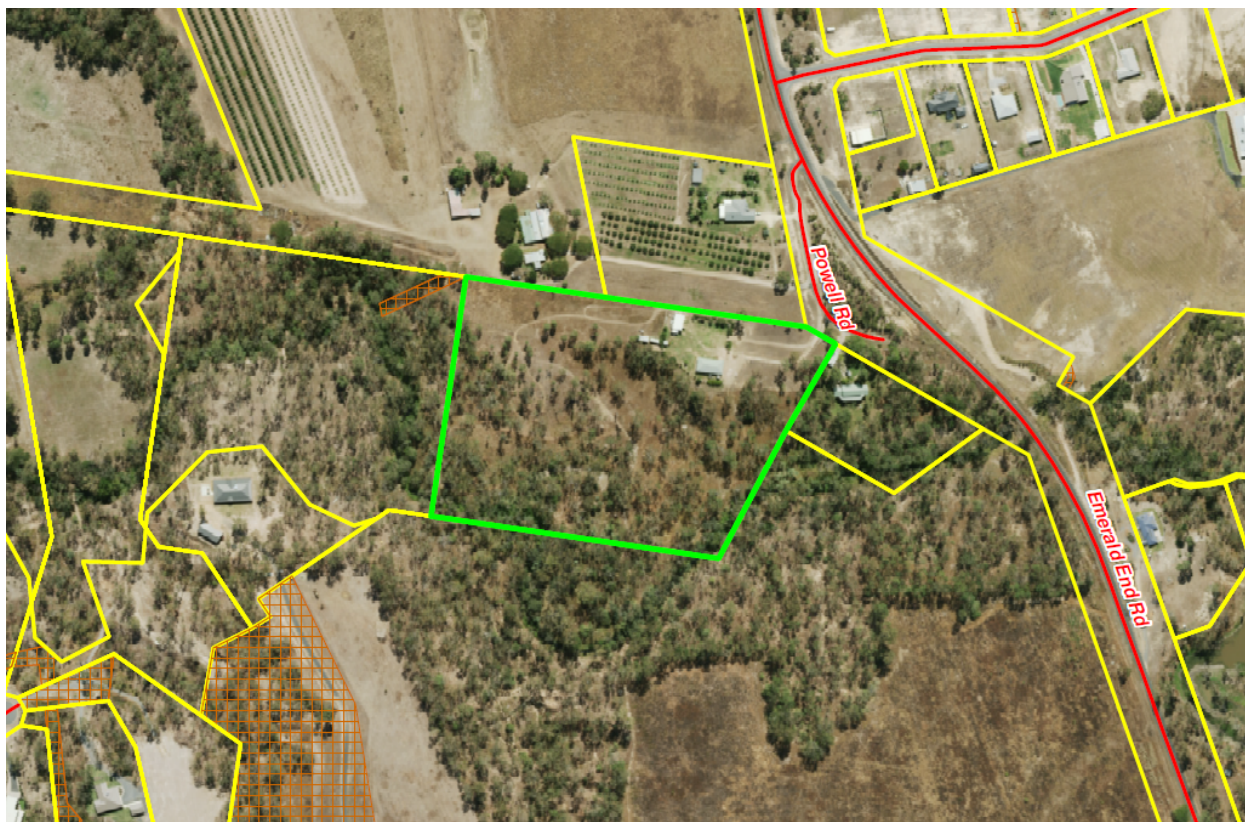
The land is irregular in shape, having an area of 5.167 hectares with a frontage of approximately 27 metres to Powell Road. Powell Road is formed to bitumen sealed standard for the entire frontage with the subject land.

The land is improved by a dwelling house and multiple sheds, all of which are sited in the north-eastern corner. One shed will be removed to allow access to the proposed development.

Cobra Creek meanders along the southern boundary of the subject land. The land falls considerably from the highest point around the dwelling house down to Cobra Creek. Extensive native vegetation remains over the southern two-thirds of the subject land.

Reticulated electricity and telecommunication infrastructure is connected to the existing dwelling house.

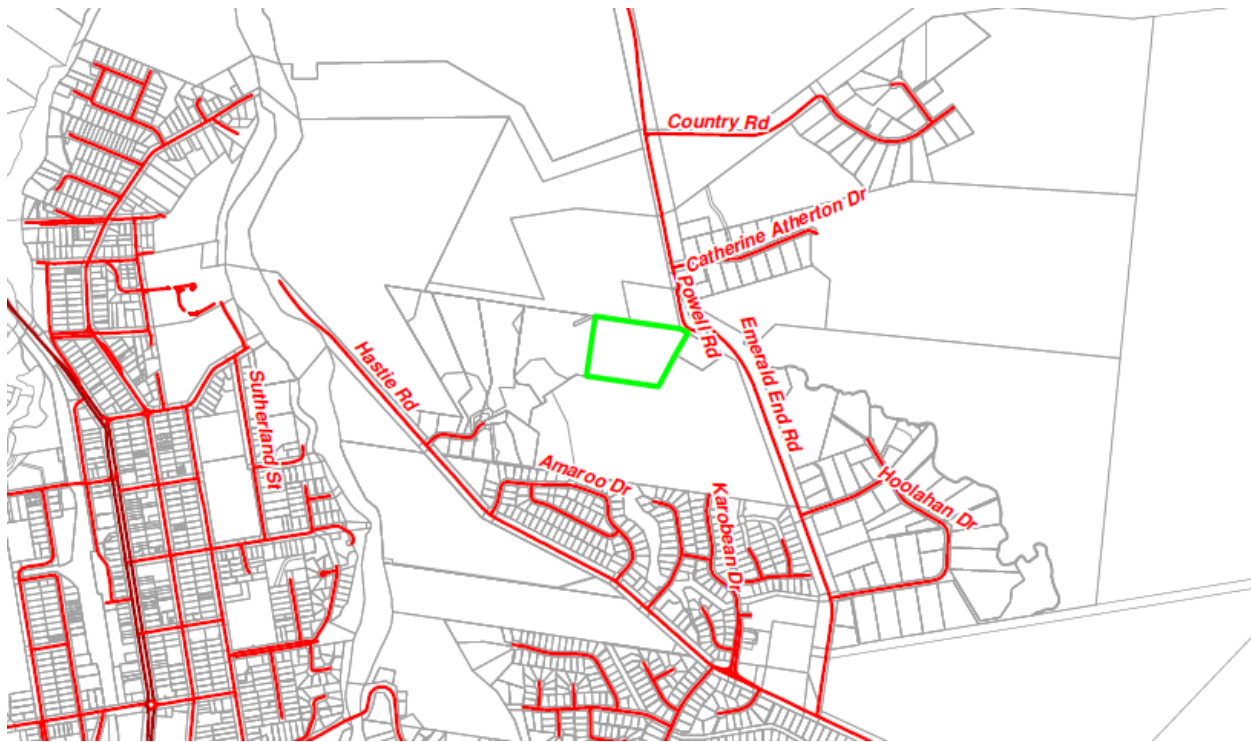
Land adjoining to the south and west is zoned Low Density Residential. Land to the east is predominantly Rural Residential. Land to the north is zoned Rural.



### Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.





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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 7 - area of 2.167 hectares, approximately 20 metres frontage to Powell Road;
- Lot 8 - area of 3 hectares, approximately 8 metre wide access handle to Powell Road.

All proposed lots will be accessed via the Powell Road frontage. A bitumen sealed access handle will be provided adjacent to the northern boundary to allow access to the main body of proposed Lot 3.

Both proposed lots will be provided with access to reticulated electricity and telecommunications. The water supply and effluent disposal for each lot will be via on site arrangements.

The established dwelling house will be retained within proposed Lot 7. Proposed Lot 8 will be vacant at the time of creation.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Rural Area - <i>Rural Other</i>
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay

## RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

### (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

### (b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

### (c) Mareeba Shire Council Planning Scheme 2016

#### Relevant Development Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code

- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO1</li> </ul> Compliance with the higher order Performance Outcome PO1 of the Reconfiguring a Lot Code is demonstrated.
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

#### (e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

#### **(f) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the *Planning Act 2016* allows Council to condition additional trunk infrastructure outside the PIA.

The subject land is not serviced by reticulated water and sewerage networks. The proposed development will impact on the following infrastructure networks:

- Transport; and
- Public parks and land for community facilities

Based on the Adopted Infrastructure Charges Resolution (No.1) 2019, the following contribution towards these two infrastructure networks is applicable:

- 1 additional allotment x \$9,170.00 = **\$9,170.00**

#### **REFERRALS**

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency (clearing of regulated vegetation).

The Department advised in a letter dated 30 May 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

#### **Internal Consultation**

Technical Services

#### **PLANNING DISCUSSION**

Compliance with Performance Outcome PO1 of the Reconfiguring a Lot Code is summarised as follows:

##### *Reconfiguring a Lot Code*

#### **PO1**

*Lots include an area and frontage that:*

- is consistent with the design of lots in the surrounding area;*
- allows the desired amenity of the zone to be achieved;*
- is able to accommodate all buildings, structures and works associated with the intended land use;*
- allow the site to be provided with sufficient access;*
- considers the proximity of the land to:*
  - centres;*
  - public transport services; and*
  - open space; and*
- allows for the protection of environmental features; and*
- accommodates site constraints.*

#### **AO1.1**

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

### Comment

Table 9.4.4.3B outlines the minimum area and dimensions (road frontage) for reconfiguring a lot. For all lots created in the rural zone, the minimum area is 60 hectares and the minimum road frontage is 400 metres.

Proposed Lots 7 and 8 both have areas less than 60 hectares and road frontages less than 400 metres. Accordingly, the proposed lots do not satisfy AO1.1.

Instead, the development must be assessed against Performance Outcome PO1 as follows:

(a) *is consistent with the design of lots in the surrounding area;*

There are approximately 133 allotments within 500 metres of the subject land. The average area of these 133 lots is 1.6 hectares.

The lots to be created by this reconfiguration will have an average area of approximately 2.5 hectares. This proposed lot size area is consistent with the design of lots in the surrounding area.

(b) *allows the desired amenity of the zone to be achieved;*

Both proposed lots will retain their rural living character and allow for a single dwelling house.

The intended final development density is in keeping with the rural zone in the immediate area.

(c) *is able to accommodate all buildings, structures and works associated with the intended land use;*

Proposed Lot 7 will contain the existing dwelling house and sheds.

Proposed Lot 8 will contain a large building envelope capable of accommodating all buildings and structures associated with the intended land use.

(d) *allow the site to be provided with sufficient access;*

Both lots will be accessed off Powell Road. A sealed internal driveway will be constructed along the access handle for proposed Lot 8.

(e) *considers the proximity of the land to:*

- (i) *centres;*
- (ii) *public transport services; and*
- (iii) *open space; and*

The proximity of the land to the nominated services and facilities is equivalent to most other rural, rural residential and residential lots in the Emerald End Road locality.

(f) *allows for the protection of environmental features; and*

No clearing of regulated vegetation is proposed. Existing and proposed building sites are appropriately setback from Cobra Creek.

(g) *accommodates site constraints.*

The southern two thirds of each proposed lot is mapped as flood hazard area. The existing buildings on proposed Lot 7 and the building envelope on proposed Lot 8 are outside of the flood hazard area.

Each proposed lot can readily accommodate the likely future land uses.

The proposed reconfiguration will satisfy PO1.

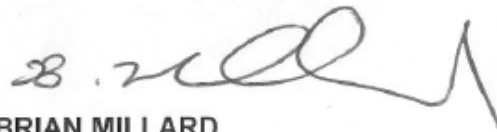
**Date Prepared:** 10 June 2019

## DECISION BY DELEGATE

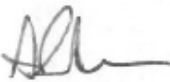
## DECISION

Having considered the Senior Planner's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 10<sup>TH</sup> day of JUNE 2019



**BRIAN MILLARD**  
**SENIOR PLANNER**



**ANTHONY ARCHIE**  
**MANAGER DEVELOPMENT & GOVERNANCE**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL







## ATTACHMENT 2

RA6-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

SARA reference: 1904-10896 SRA  
 Council reference: RAL/19/0007  
 Applicant reference: RA-19

30 May 2019

Chief Executive Officer  
 Mareeba Shire Council  
 PO Box 154  
 Mareeba Qld 4880  
 planning@msc.qld.gov.au

Attention: Brian Millard

Dear Sir/Madam

**SARA response—12 Powell Road, Mareeba**(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 26 April 2019.

**Response**

Outcome:	Referral agency response – with conditions
Date of response:	30 May 2019
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

**Development details**

Description:	Development permit    Reconfiguring a lot (1 lot into 2 lots)
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017)  Development application for reconfiguring of a lot – Clearing native vegetation
SARA reference:	1904-10896 SRA

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Far North Queensland regional office  
 Ground Floor, Cnr Grafton and Hartley  
 Street, Cairns  
 PO Box 2358, Cairns QLD 4870

1904-10896 SRA

Assessment Manager: Mareeba Shire Council  
Street address: 12 Powell Road, Mareeba  
Real property description: Lot 8 on SP167414  
Applicant name: Irwin Reid  
Applicant contact details: PO Box 2253  
Mareeba QLD 4880  
ramon@uitownplan.com.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 Sue Lockwood, Senior Planning Officer, on 40373215 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Irwin Reid, ramon@uitownplan.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)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
<b>Schedule 10, Part 3, Division 4, Table 2</b> — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy 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):		
1.	The reconfiguring of a lot must be carried out generally in accordance with the following plan: Proposed Development Plans – 1 into 2 Allotments, Plan No: R4-19(1), prepared by U&I Town Plan, dated 25.03.19.	At all times
2.	No built structure is to be established, constructed or located within areas identified as Areas A1 and A2 as shown on attached Technical Agency Response (Vegetation) Plan, TARP 1904-10896 SRA, dated 15 May 2019.	At all times
3.	No built structure, other than for fences, roads or underground services, is to be established, constructed or located within areas identified as Area B1 as shown on attached Technical Agency Response (Vegetation) Plan, TARP 1904-10896 SRA, dated 15 May 2019.	At all times
4.	Any person(s) engaged or employed to carry out the <u>clearing</u> of <u>vegetation</u> under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing

**Attachment 2—Advice to the applicant**

<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), v2.4. If a word remains undefined it has its ordinary meaning.
2.	Words underlined in these conditions have the same meaning given in the Glossary of Terms found within the state code 16: Clearing native vegetation.
3.	A reference to state code 16 is a reference to the version of the state code 16: Clearing native vegetation in effect as at the date of this development approval.
4.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to <a href="http://www.qld.gov.au">www.qld.gov.au</a> (search 'vegetation clearing requirements').

**Attachment 3—Reasons for referral agency response**

(Given under section 56(7) of the *Planning Act 2016*)

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**The reasons for the department's decision are:**

- The development proposal demonstrates that adverse impacts of clearing have been reasonably minimised.
- Clearing associated with the proposed development is unlikely to contribute to or accelerate land degradation through waterlogging, or salinisation of groundwater, surface water or soil.
- There are no wetlands within 100m of the proposed (potential) clearing.
- The proposal is not likely to have a Significant Residual Impact (SRI) as permanent removal of vegetation is not proposed and less than approximately 0.2ha of a least concern regional ecosystem would be required to be cleared for a fire management line for each lot within the relevant distance if the vegetation exemption was enabled.

**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**

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**Attachment 5—Approved plans and specifications**

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## Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*<sup>1</sup> regarding **representations about a referral agency response (concurrency)**.

### Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

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#### 28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.



### 30 Representations about a referral agency response

- 30.1. 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.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

**Proposed Development Plans - 1 into 2 Allotments**



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.

