

DELEGATED REPORT

SUBJECT: ROSELLA SUB TC PTY LTD - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 155 ON SP202897 & LOT 156 ON SP202896 - 2332 MAREEBA-DIMBULAH ROAD, ARRIGA - RAL/19/0009

DATE: 3 June 2019

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Rosella Sub TC Pty Ltd	ADDRESS	2332 Mareeba-Dimbulah Road, Arriga
DATE LODGED	16 May 2019	RPD	Lot 155 on SP202897 & Lot 156 on SP202896
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

FILE NO	RAL/19/0009	AREA	Lot 155 - 255.3 hectares Lot 156 - 578.9 hectares
LODGED BY	RPS Australia East Pty Ltd	OWNER	Rosella Sub TC Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

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.

Draft conditions were provided to the Applicant/ care of their consultant and have been agreed.

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	
APPLICANT	Rosella Sub TC Pty Ltd	ADDRESS	2332 Mareeba-Dimbulah Road, Arriga
DATE LODGED	16 May 2019	RPD	Lot 155 on SP202897 & Lot 156 on SP202896
TYPE OF APPROVAL	Development Permit		
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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), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

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 - Boundary Realignment

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
SP311517	Plan of Lots 155 & 156	RPS Australia East Pty Ltd	-

(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.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage

4.1.1 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.

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

(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) 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.

(e) 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.

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

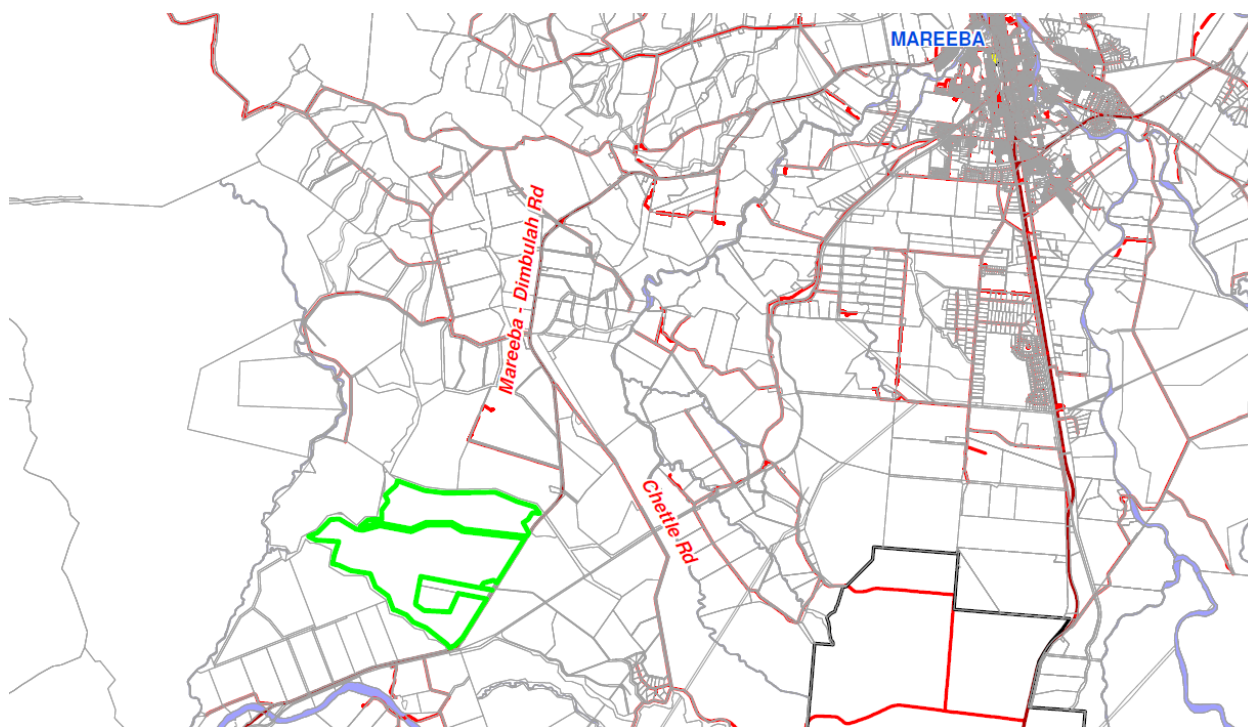
THE SITE

The subject site comprises the following allotments:

- Lot 155 on SP202897, area of 255.3 hectares, frontage of approximately 80 metres to the Mareeba-Dimbulah Road;
- Lot 156 on SP202896, area of 578.9 hectares, access via existing crossovers onto the Mareeba-Dimbulah Road (SunWater land is located between Lot 156 and the Mareeba-Dimbulah Road).

**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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Access to both lots is provided off the Mareeba-Dimbulah Road. Mareeba-Dimbulah Road is bitumen sealed for the relevant length.

Both lots have been extensively developed for irrigated sugarcane production. Lot 156 contains several dwelling houses, sheds and two large water storage dams. Lot 155 contains multiple farm sheds. Unnamed waterways adjoin the northern and southern boundaries of both lots.

The subject site is entirely surrounded by Rural zoned allotments which are also developed for irrigated agricultural production.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The proposed allotments are generally in accordance with the following:

- Lot 155 - area of 361.4ha, frontage of approximately 80 metres to the Mareeba-Dimbulah Road;

- Lot 156 - area of 472.7ha, access via existing crossovers onto the Mareeba-Dimbulah Road.

The realignment will transfer approximately 106 hectares of Lot 156 into Lot 155. It is intended that the realigned Lot 155 will be developed with orchards, whilst Lot 156 will remain under irrigated sugarcane production.

The boundary realignment will not alter the access or servicing arrangements for either allotment.

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. 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

	Land Use Categories
Strategic Framework:	<ul style="list-style-type: none"> ▪ Rural Agricultural Area ▪ Rural Other
Zone:	Rural zone <ul style="list-style-type: none"> ▪ Agricultural Land Overlay ▪ Airport Environs Overlay ▪ Bushfire Hazard Overlay ▪ Environmental Significance Overlay ▪ Flood Hazard Overlay ▪ Transport Infrastructure Overlay
Overlays:	

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 solutions (or probable solutions/performance criteria where no acceptable solution 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).
Flood 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).
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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
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) Adopted Infrastructure Charges Notice

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.

As the proposed development is for boundary realignment only, no infrastructure charges/contributions are payable.

REFERRALS

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

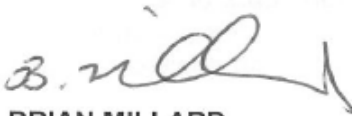
Date Prepared: 3 June 2019

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 *4TH* day of *JUNE* 2019



BRIAN MILLARD
SENIOR PLANNER

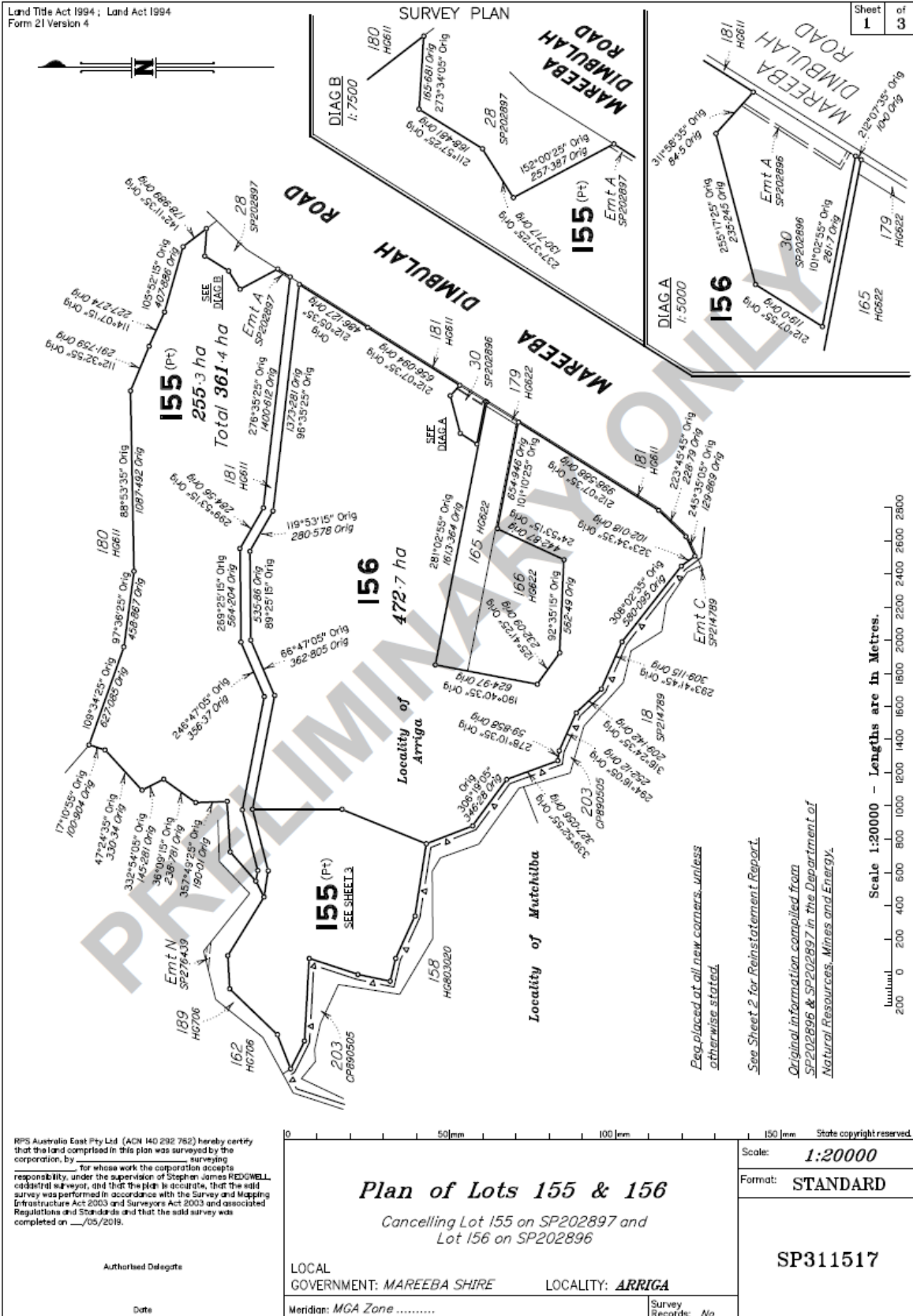


ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

PR136253_01/KJB/SJR/Cairns



Land Title Act 1994; Land Act 1994
Form 21 Version 4

Sheet 1 of 3

RPS Australia East Pty Ltd (ACN 140 292 782) hereby certify that the land comprised in this plan was surveyed by the corporation, by _____ surveying _____ for whose work the corporation accepts responsibility, under the supervision of Stephen James HEDGECOCK, a qualified surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 05/05/2018.

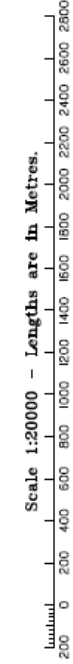
Authorized Delegates

Date

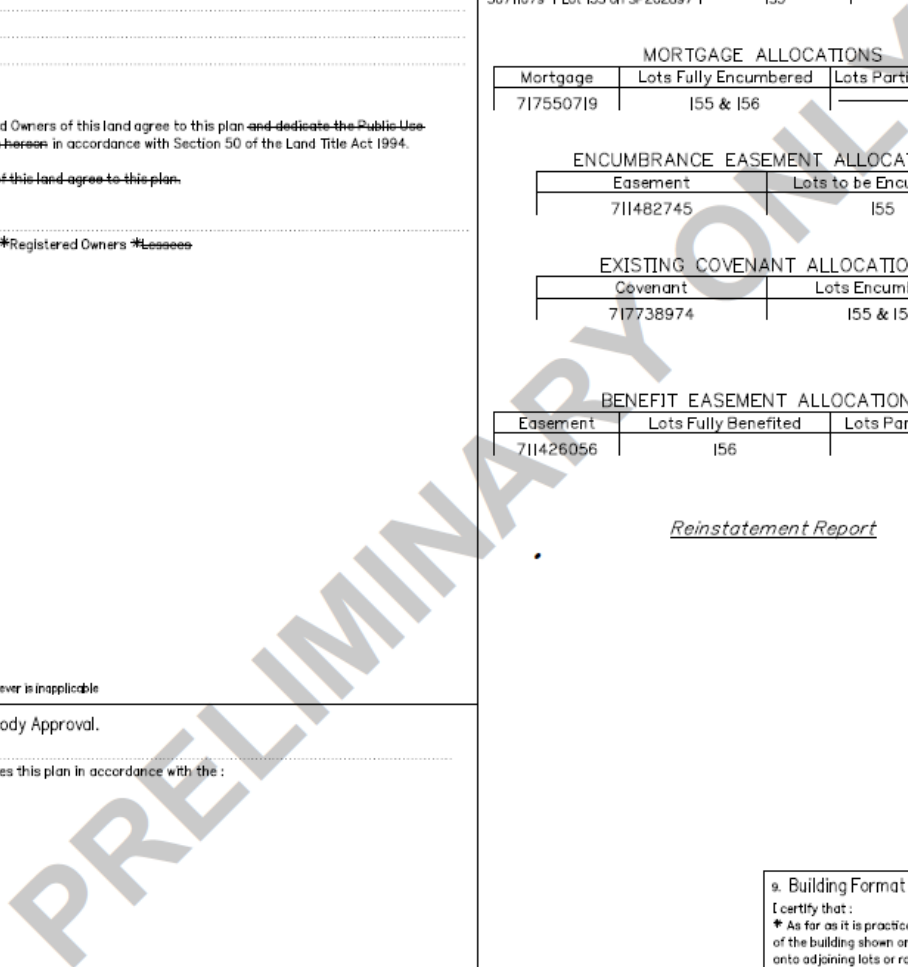
0 50mm 100mm 150mm State copyright reserved.	
Plan of Lots 155 & 156	
Cancelling Lot 155 on SP202897 and Lot 156 on SP202896	
LOCAL GOVERNMENT: MAREEBA SHIRE	LOCALITY: ARRIGA
Meridian: MGA Zone	Survey Records: No
Scale: 1:20000	Format: STANDARD
SP311517	

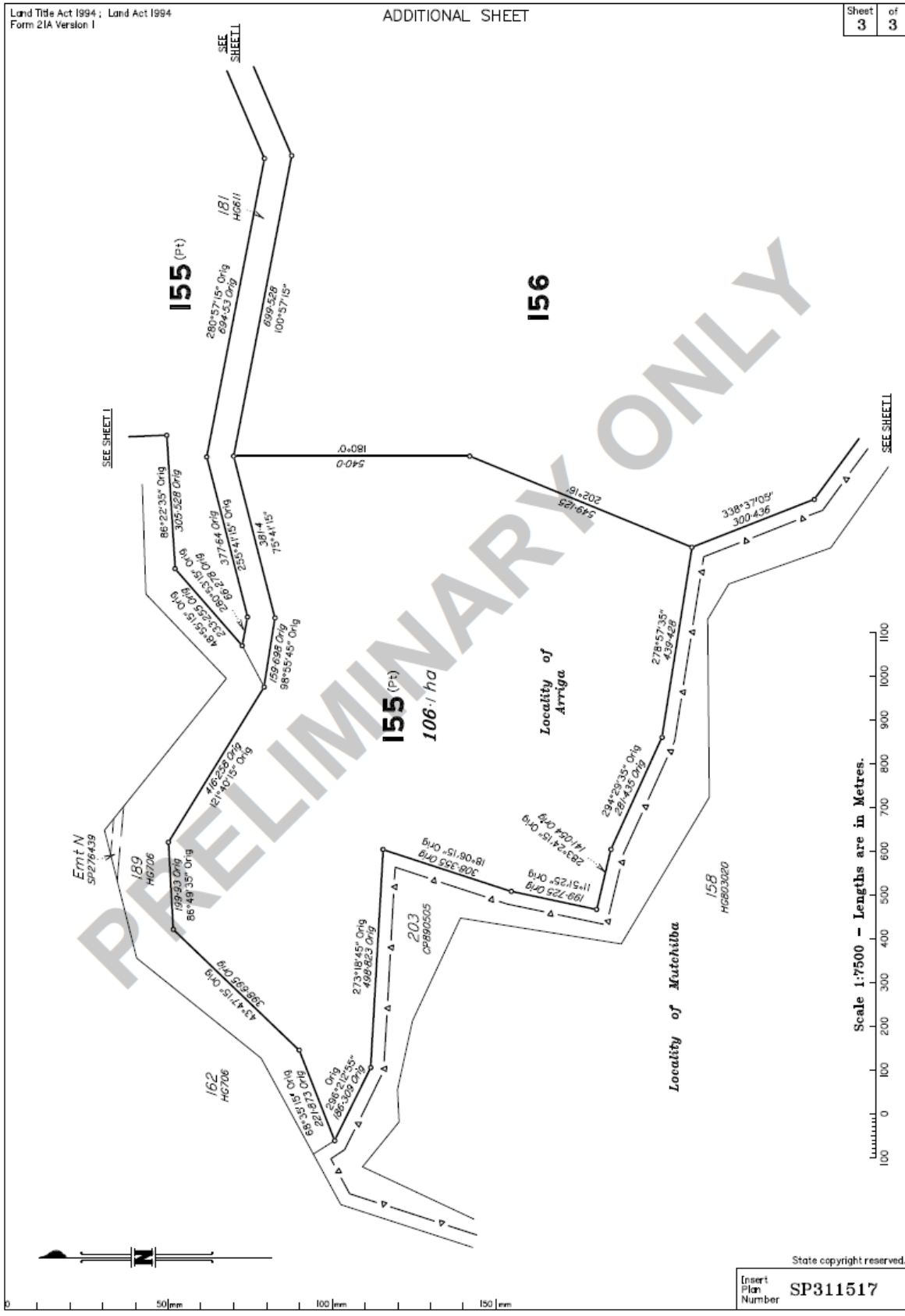
Scale 1:20000 - Lengths are in Metres.
Original information compiled from SP202896 & SP202897 in the Department of Natural Resources, Mines and Energy.

See Sheet 2 for Reinstatement Report.
Eas placed at all new corners, unless otherwise stated.



<p>Land Title Act 1994 : Land Act 1994 Form 2B Version 1</p> <p style="text-align: center;">(Dealing No.)</p>	<p>WARNING : Folded or Mutilated Plans will not be accepted. Sheet 2 of 3 Plans may be rolled. Information may not be placed in the outer margins.</p> <p>5. Lodged by</p> <p>(Include address, phone number, reference, and Lodger Code)</p>																																			
<p>1. Certificate of Registered Owners or Lessees.</p> <p>1/We <u>ROSELLA SUB.TC.PTY.LTD. ACN 164 892 059</u> <u>TRUSTEE UNDER INSTRUMENT 717550666</u></p> <p>(Names in full)</p> <p>*as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994. *as Lessees of this land agree to this plan.</p> <p>Signature of *Registered Owners *Lessees</p> <p>* Rule out whichever is inapplicable</p>	<p>6. Existing Created</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Title Reference</th> <th>Description</th> <th>New Lots</th> <th>Road</th> <th>Secondary Interests</th> </tr> </thead> <tbody> <tr> <td>50706562</td> <td>Lot 156 on SP202896</td> <td>I55 & I56</td> <td></td> <td></td> </tr> <tr> <td>50711679</td> <td>Lot 155 on SP202897</td> <td>I55</td> <td></td> <td></td> </tr> </tbody> </table> <p style="text-align: center;">MORTGAGE ALLOCATIONS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Mortgage</th> <th>Lots Fully Encumbered</th> <th>Lots Partially Encumbered</th> </tr> </thead> <tbody> <tr> <td>717550719</td> <td>I55 & I56</td> <td></td> </tr> </tbody> </table> <p style="text-align: center;">ENCUMBRANCE EASEMENT ALLOCATIONS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Easement</th> <th>Lots to be Encumbered</th> </tr> </thead> <tbody> <tr> <td>711482745</td> <td>I55</td> </tr> </tbody> </table> <p style="text-align: center;">EXISTING COVENANT ALLOCATIONS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Covenant</th> <th>Lots Encumbered</th> </tr> </thead> <tbody> <tr> <td>717738974</td> <td>I55 & I56</td> </tr> </tbody> </table> <p style="text-align: center;">BENEFIT EASEMENT ALLOCATIONS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Easement</th> <th>Lots Fully Benefited</th> <th>Lots Partially Benefited</th> </tr> </thead> <tbody> <tr> <td>711426056</td> <td>I56</td> <td>I55</td> </tr> </tbody> </table> <p style="text-align: center;"><i>Reinstatement Report</i></p>	Title Reference	Description	New Lots	Road	Secondary Interests	50706562	Lot 156 on SP202896	I55 & I56			50711679	Lot 155 on SP202897	I55			Mortgage	Lots Fully Encumbered	Lots Partially Encumbered	717550719	I55 & I56		Easement	Lots to be Encumbered	711482745	I55	Covenant	Lots Encumbered	717738974	I55 & I56	Easement	Lots Fully Benefited	Lots Partially Benefited	711426056	I56	I55
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711426056	I56	I55																																		
<p>2. Planning Body Approval.</p> <p>* hereby approves this plan in accordance with the : %</p> <p>Dated this day of</p> <p>..... # #</p> <p>* Insert the name of the Planning Body. % Insert applicable approving legislation. # Insert designation of signatory or delegation</p>	<p>9. Building Format Plans only. I certify that: * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road. * Part of the building shown on this plan encroaches onto adjoining lots and road</p> <table style="width:100%;"> <tr> <td style="width:10%;">156</td> <td style="width:50%;">Lot 156 on CP HG623</td> <td style="width:40%;"></td> </tr> <tr> <td>155</td> <td>Lot 155 on CP HG611 & Lot 156 on CP HG623</td> <td></td> </tr> </table> <p>Cadastral Surveyor/Director* Date *delete words not required</p> <p>10. Lodgement Fees :</p> <table style="width:100%;"> <tr> <td>Survey Deposit</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Lodgement</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>..... New Titles</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Photocopy</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Postage</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: right;">\$</td> </tr> </table> <p>11. Insert Plan Number SP311517</p>	156	Lot 156 on CP HG623		155	Lot 155 on CP HG611 & Lot 156 on CP HG623		Survey Deposit	\$	Lodgement	\$ New Titles	\$	Photocopy	\$	Postage	\$	TOTAL	\$																	
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<p>3. Plans with Community Management Statement :</p> <p>CMS Number : Name :</p>	<p>4. References :</p> <p>Dept File : Local Govt : Surveyor : PRI36253-2</p> <p>7. Orig Grant Allocation :</p> <p>8. Passed & Endorsed :</p> <p>By: RPS Australia East Pty Ltd Date : Signed : Designation : Cadastral Surveyor</p>																																			





Scale 1:7500 - Lengths are in Metres.

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Insert Plan Number SP311517