DELEGATED REPORT

SUBJECT: **J ANDERSON - RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS) - LOT 272 ON NR6957 - 437 KOAH ROAD, KOAH - RAL/19/0011**

DATE: 8 August 2019

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J Anderson	**ADDRESS**	437 Koah Road, Koah
DATE LODGED	31 May 2019	**RPD**	Lot 272 on NR6957
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 lots)		

FILE NO	RAL/19/0011	**AREA**	17.032 hectares
LODGED BY	Urban Sync Pty Ltd	**OWNER**	J Anderson
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone (2 hectare precinct)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:
1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 32 July 2019

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.

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OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J Anderson	**ADDRESS**	437 Koah Road, Koah
DATE LODGED	31 May 2019	**RPD**	Lot 272 on NR6957
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 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 8 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7695-LL1 Rev A	Proposed Reconfiguration of a Lot (1 lot into 8 lots)	Twine Surveys Pty Ltd	9.2.2016

(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

2.1 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 or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to 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 a contribution per additional 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

An access crossover must be constructed to each allotment (from the edge of the Koah Road pavement to the boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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.

4.2.2 All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Water Supply

All lots must be provided with a water supply via:

(a) A bore or bores provided in accordance with the Design Guidelines (including flow rate) set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

(b) 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.

Note: *A notation will be placed on Council's rates database ensuring any prospective purchaser is aware of the requirement to install rainwater tank supply at time of dwelling installation.*

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, 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.

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 $9,400.00 (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 (roads) servicing the land ($4,700.00 per additional lot)
- The trunk parks and open space network servicing the land ($4,700.00 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.

(c) Notation on Rates Record

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

- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report
- an approved source of water supply
- Department of State Development, Manufacturing, Infrastructure and Planning conditions regarding regulated vegetation

(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) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 31 July 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 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

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.

The subject land is described as Lot 272 on NR6957, situated at 437 Koah Road, Koah.

The land has an area of 17.032 hectares, with frontages of approximately 540 metres to Koah Road and 277 metres to an unformed road reserve along the northern boundary. Koah Road is formed to an approximate 6 metre wide bitumen sealed standard for the entire frontage.

Access to the land is currently obtained via a single crossover off Koah Road.

The land contains an established dwelling house and several old tobacco barns sheds all sited in the north-eastern corner. A small orchard is established to the west of the dwelling house.

The Clohesy River adjoins the site's western boundary. A narrow band of native vegetation remains along the bank of the Clohesy River. The majority of the subject land is relatively flat and has been cleared during past farming operations.

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 8 lots) in accordance with the plans shown in **Attachment 1**.

The proposed allotments are:

- Lot 721, area of 2 ha, frontage of 58.826m to Koah Road and 277m to unnamed road;
- Lot 722, area of 2.148 ha, frontage of 75.85m to Koah Road;
- Lot 723, area of 2.148 ha, frontage of 72.078m to Koah Road;
- Lot 724, area of 2.148 ha, frontage of 70.375m to Koah Road;
- Lot 725, area of 2.148 ha, frontage of 69.097m to Koah Road;
- Lot 726, area of 2.148 ha, frontage of 72.835m to Koah Road;
- Lot 727, area of 2.148 ha, frontage of 60.495m to Koah Road; and
- Lot 728, area of 2.144 ha, frontage of 60.597m to Koah Road.

Access to the lots will be provided by new crossovers onto Koah Road.

All lots will be serviced by on-site water supply, wastewater disposal and provided with electricity and telecommunications connections.

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:

- *Local Conservation Corridors*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	**Land Use Categories** • Rural Residential Area **Natural Environment Elements** • Biodiversity Areas
Zone:	Rural Residential zone
Preferred Area/Precinct:	2 hectare precinct
Overlays:	Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope 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:

6.2.10 Rural residential zone code
8.2.3 Bushfire hazard overlay code
8.2.4 Environmental significance overlay code
8.2.6 Flood hazard overlay code
8.2.8 Hill and slope 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 outcome 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 residential 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).
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).
Hill and slope 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) 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 development, which will create seven additional rural residential lots, is predicted to place additional demand on Council's trunk transport network (roads) and trunk open space infrastructure (parkland/reserves).

The developer must pay a one off payment of **$9,400.00** (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.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land ($4,700.00 per additional lot)
- The trunk open space infrastructure servicing the land ($4,700.00 per additional lot)

REFERRALS

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

That Department advised in a letter dated 31 July 2019 that they require the conditions to be attached to any approval **(Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: *8 August 2019*

DECISION BY DELEGATE

DECISION

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

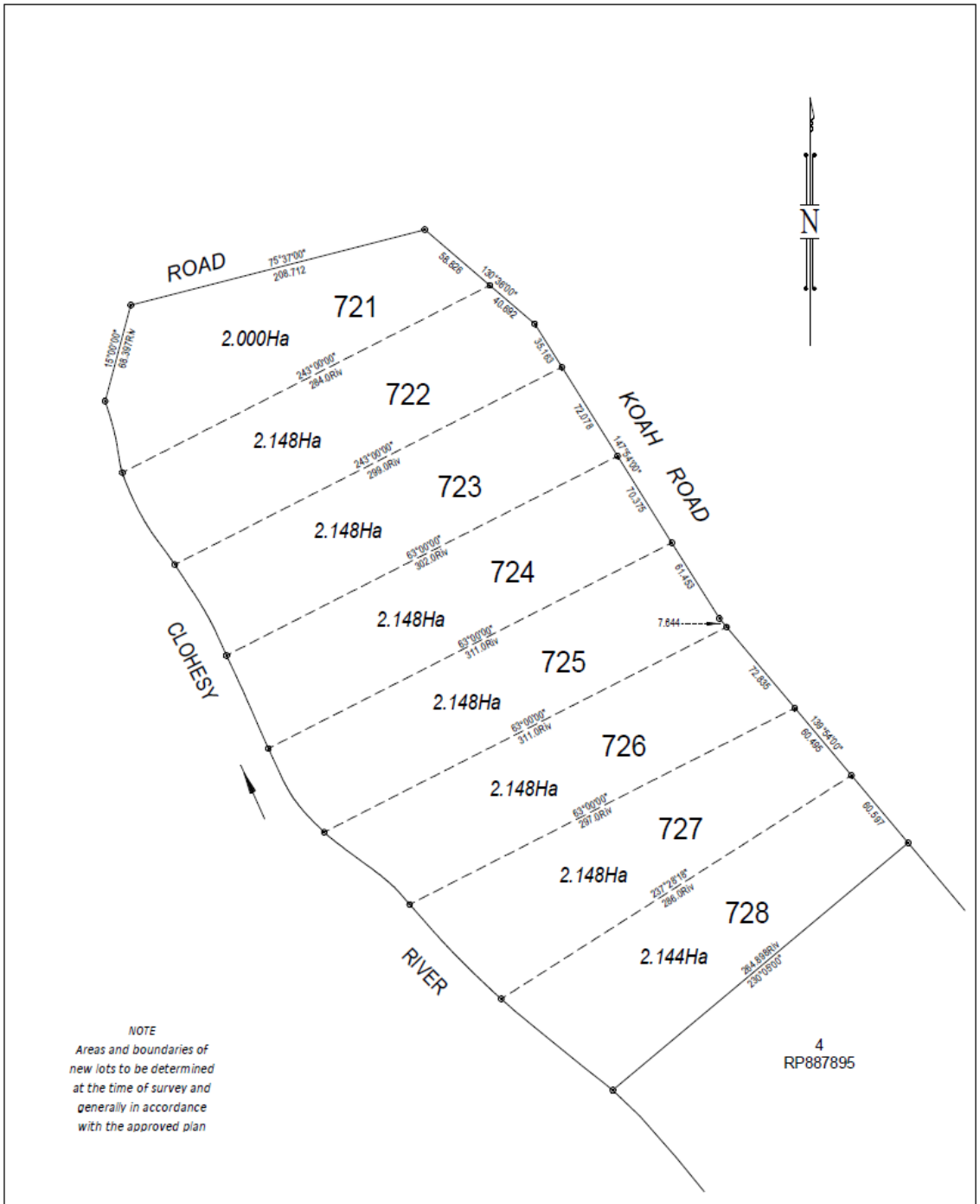
Dated the 9TH day of AUGUST 2019

BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS



SCALE : 1 : 2500

0m 100m 200m 300m 400m

PROPERTY DESCRIPTION	REGISTERED OWNER
LOT 272 ON NR6957	J H ANDERSON

AMENDMENTS
A - ORIGINAL

LOCAL GOVERNMENT: MSC
LOCALITY: KOAH
SITUATED AT :
437 KOAH ROAD

PROPOSED RECONFIGURATION OF A LOT (1 LOT INTO 8 LOTS)

DWG NO. 7695 - LL1 9.2.2016 REV A

TWINE SURVEYS PTY LTD
36 Mabel St, Atherton 4883
PO Box 146, Atherton 4883
P 07 40911303
E info@twinesurveys.com.au

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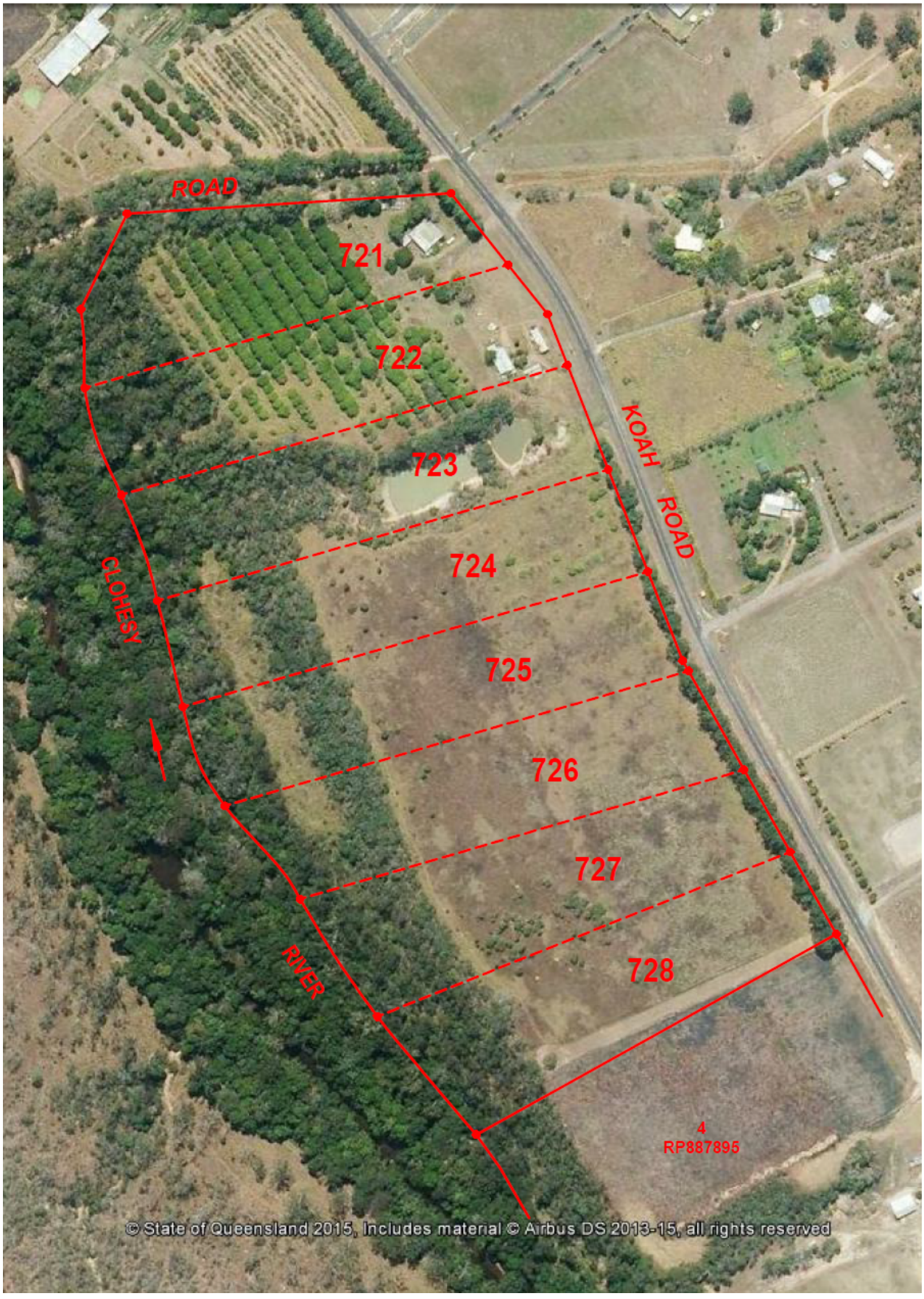

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ATTACHMENT 2

RA6-N

Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

SARA reference: 1906-11836 SRA
Council reference: RAL/19/0011
Applicant reference: 19-437

31 July 2019

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—437 Koah Road, Koah

Reconfiguring a Lot - Subdivision (1 into 8 Lots)

(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 25 June 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	31 July 2019
Conditions:	The conditions in **Attachment 1** must be attached to any development approval.
Advice:	Advice to the applicant is in **Attachment 2**.
Reasons:	The reasons for the referral agency response are in **Attachment 3**.

Development details

Description:	Development permit	Reconfiguring a Lot - Subdivision (1 into 8 Lots)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017)	
	Development application for reconfiguring a lot where clearing native	

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

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	vegetation may be carried out
SARA reference:	1906-11836 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	437 Koah Road, Koah
Real property description:	272NR6957
Applicant name:	John Henry Anderson
Applicant contact details:	C/- UrbanSync PO Box 2970 Cairns QLD 4870 justin@urbansync.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 Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow
Manager (Planning)

cc John Henry Anderson, justin@urbansync.com.au

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

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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
Reconfiguring a lot		
Schedule 10, Part 3, Division 4, Table 2 – Clearing native vegetation— The chief executive administering the *Planning Act 2016* nominates the Director-General of the Department of Natural Resources and Mines 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.	No clearing of vegetation is to occur within areas identified as Area A (Parts A^{1}-A^{10}) as shown on the attached Technical Agency Response Plan (TARP) 1906-11836 SRA dated 25 July 2019.	At all times
2.	No built structure is to be established, constructed or located within areas identified as Area A (Parts A^{1}-A^{10}) as shown on attached Technical Agency Response Plan (TARP) 1906-11836 SRA dated 25 July 2019.	At all times
3.	No built structure, other than for fences, roads and underground services is to be established, constructed or located within areas identified as Area B (Parts B^{1}-B^{2}) and Area C (Parts C^{1}-C^{9}) as shown on attached Technical Agency Response Plan (TARP) 1906-11836 SRA dated 25 July 2019.	At all times
4.	Any person(s) engaged or employed to carry out the clearing of vegetation, 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 clearing authorised by this development approval.	Prior to clearing

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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) version 2.4 effective 16 November 2019. 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.	To request an electronic file of the Derived Points (Attached to Plan: 1906-11836 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at northvegetation@dnrme.qld.gov.au and include application reference (1906-11836 SRA).

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Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The lots have been designed to ensure native vegetation clearing has been avoided and minimized as much as possible.
- The proposed subdivision will only result in a small amount of exempt clearing of native vegetation as a result of the new boundaries of the lots.
- The vegetation on the subject lot is part of a much larger area. Sufficient vegetation will be retained to support the local and regional ecosystem.
- Conditions will limit clearing to that identified in conditions, to ensure the adverse impacts of clearing are minimised and reasonably avoided.
- There are no wetlands within 100m of the subject lot.
- Salinity expression indicators are not evident within 100m of the proposed clearing.
- There no endangered or of concern regional ecosystems mapped on the subject lot.

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 effective 16 November 201), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

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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

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules[1] regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence 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 concurrence 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 concurrence 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.[2]

28.3. A concurrence 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 concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence 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 concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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1 Pursuant to Section 68 of the *Planning Act 2016*

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

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Part 7: Miscellaneous

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.[3]

[3] 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.

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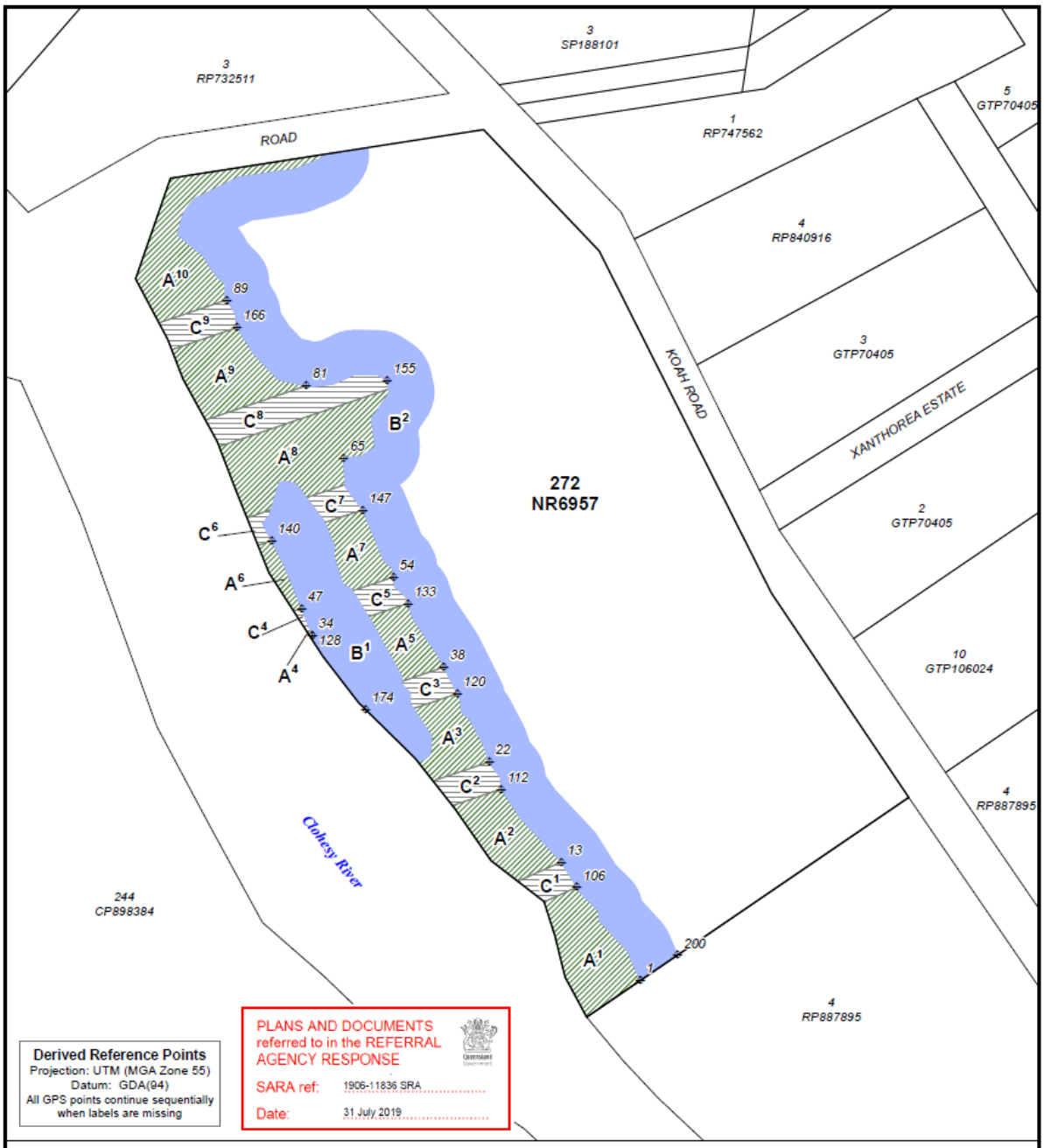

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