

8.2 D MARTIN - RECONFIGURING A LOT - SUBDIVISION (2 INTO 6 LOTS) - LOT 2 ON SP176556 & LOT 202 ON RP843530 - 2850 KENNEDY HIGHWAY & 116 KANERVO ROAD, KOAH - RAL/19/0022

Date Prepared: 7 January 2020

Author: Planning Officer

Attachments:

1. Proposal Plan [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning response 17 December 2019 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	D Martin	ADDRESS	2850 Kennedy Highway & 116 Kanervo Road, Koah
DATE LODGED	25 October 2019	RPD	Lot 2 on SP176556 & Lot 202 on RP843530
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 6 Lots)		
FILE NO	RAL/19/0022	AREA	Lot 2 - 15.47 ha Lot 202 - 15.72 ha
LODGED BY	Planning Plus QLD Pty Ltd	OWNER	D Morris
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment Only		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code.

All six (6) proposed allotments are smaller than the desired minimum reconfigured lot size of 60 hectares for land within the Rural zone.

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of an additional four (4) small rural lifestyle allotments, is in conflict with this intent.

On 9 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning enacted statutory Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (TLPI) for the Mareeba Shire Council Local Government Area. The purpose of the TLPI is

to ensure that Rural zoned land within the Mareeba Shire is not subdivided into lots less than 60 hectares. To achieve this intent, the TLPI makes all subdivision applications within the Rural Zone where proposing the creation of lots less than 60 hectares impact assessable development (increased from code assessment), and introduces amendments to the Planning Scheme's Strategic Framework and various Development Codes that include provisions ensuring that subdivision applications proposing the creation of lots less than 60 hectares (regardless of their original size) could not be supported by Council officers.

The TLPI was enacted after this development application was lodged with Council, therefore does not affect the level of assessment for this application and Council officers do not necessarily need to assess the application against the TLPI (and its amended Strategic Framework and Development Codes). However, all lots proposed by this application are less than 60 hectares in size, which would result in significant conflicts with the TLPI (amended Planning Scheme).

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	D Martin	ADDRESS	2850 Kennedy Highway & 116 Kanervo Road, Koah
DATE LODGED	25 October 2019	RPD	Lot 2 on SP176556 & Lot 202 on RP843530
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 6 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:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (2 into 6 Lots)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*

- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

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

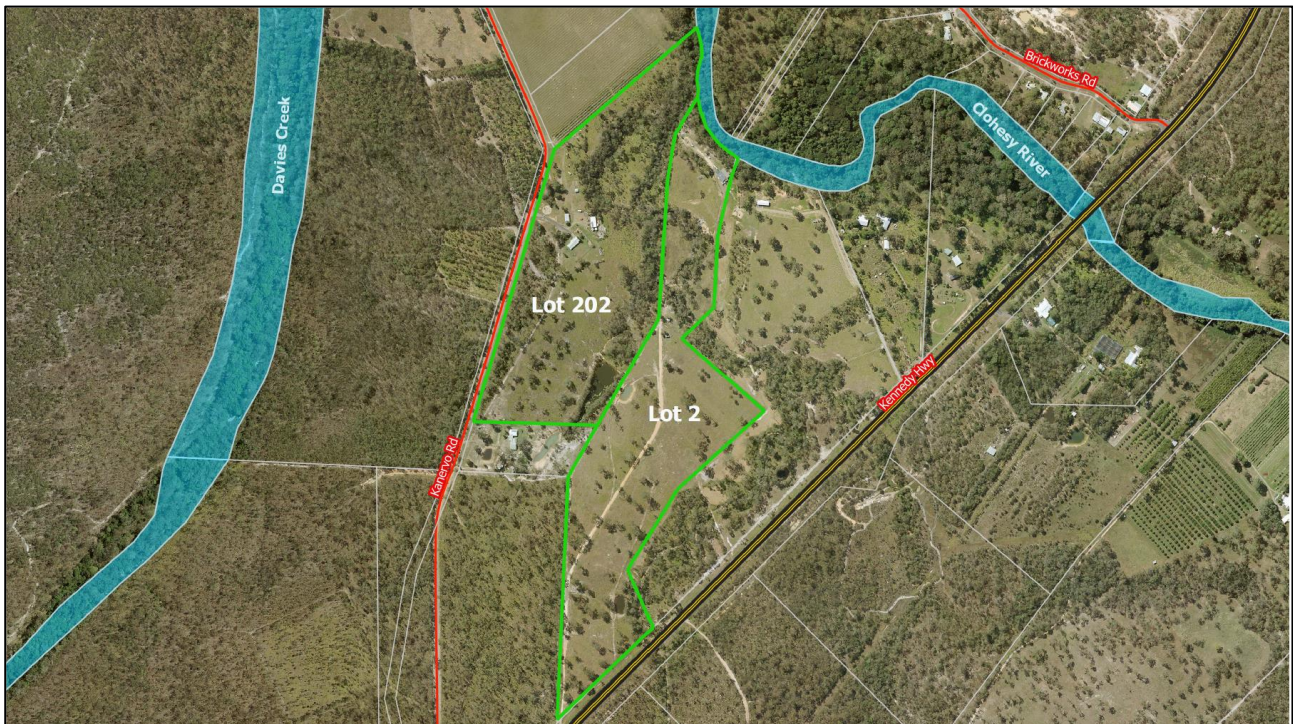
2. *That the application would significantly conflict with Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone).*

THE SITE

The subject land is made up of two (2) allotments situated at 2850 Kennedy Highway, Koah and 116 Kanervo Road, Koah, and more particularly described as Lot 2 on SP176556 and Lot 202 on RP843530 respectively. Despite fronting different roads, the two lots adjoin each other with a common boundary approximately 650 metres long. Both lots are situated within the Rural zone.

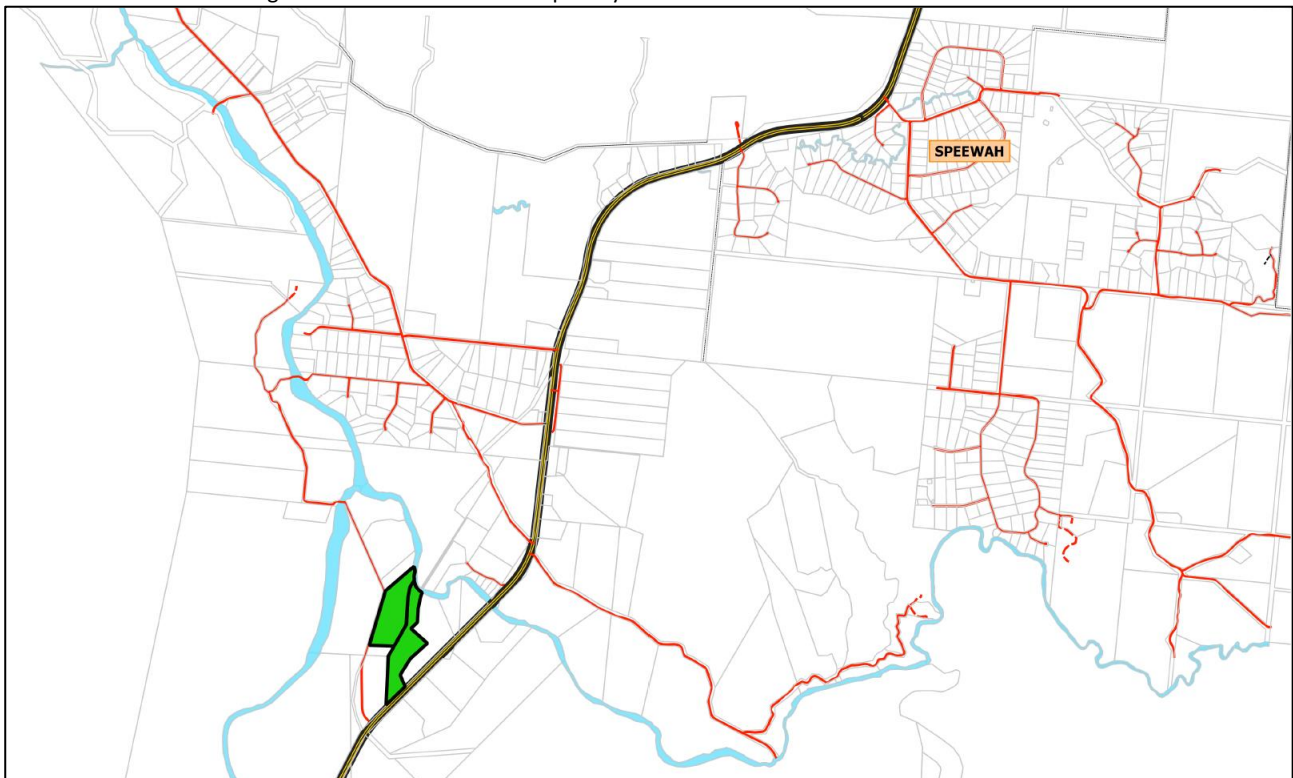
Lot 2 on SP176556 is irregularly shaped, with a total area of 15.72 hectares and a frontage of 251 metres to the Kennedy Highway which is constructed to a two directional bitumen sealed standard. A single gravel and rock access crossover services Lot 2 in the southern most corner. A long gravel driveway is used to access two sheds at the northernmost end of the property. Lot 2 has been predominately cleared with only scattered mature trees remaining. A seasonal watercourse runs through the northern end of the property and the lot also backs onto the Clohesy River for a distance of approximately 140 metres.

Lot 202 on RP843530 is also irregularly shaped with a total area of 15.72 hectares and a frontage of 527 metres to Kanervo Road which is constructed to a formed gravel standard. Access to Lot 202 is gained from Kanervo Road via a single gravel access crossover in the north-west corner of the site. A dwelling and multiple outbuildings are situated at the northern end of the property. Like Lot 2, Lot 202 has been predominately cleared with scattered mature trees covering the majority of the allotment with some pockets of more dense vegetation generally remaining in the lower lying section of the property and along the seasonal watercourse that meanders through the eastern side of the property. Lot 202 also backs onto the Clohesy River.



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 (2 into 6 Lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 1 - area of 2.9 ha, approximately 170 metres frontage to Kanervo Road;
- Lot 2 - area of 2.6 ha, approximately 170 metres frontage to Kanervo Road;
- Lot 3 - area of 2 ha, approximately 90 metres of frontage to Kanervo Road;
- Lot 4 - area of 2.8 ha, approximately 40 metres of frontage to Kanervo Road;
- Lot 5 - area of 10.2 ha, approximately 60 metres of frontage to Kanervo Road;
- Lot 6 - area of 11.7 ha, 250 metres of frontage to Kennedy Highway

Proposed Lots 3 and 5 will contain the established dwellings and sheds, while proposed Lots 1, 2, 4 and 6 all contain suitable flat, cleared areas to accommodate future dwellings.

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 as containing:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Other Natural Environment Elements <ul style="list-style-type: none"> • Biodiversity Area
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> • Bushfire Hazard Overlay • Environmental Significance Overlay • Flood Hazard Overlay • Hill and Slope Overlay • Transport Infrastructure 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 Developments Codes**

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

- 6.2.9 Rural 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 would conflict with the identified section of the Reconfiguring a Lot Code.

Relevant Codes	Comments
Rural Zone Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Flood Hazard Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a Lot Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following: <ul style="list-style-type: none"> • Performance Outcome PO1 and Acceptable Outcome AO1 Refer to planning discussion section of report.
Works, Services and Infrastructure Code	The application complies or can be conditioned to comply with the applicable acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

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 to be designed and constructed to FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning (SARA - DTMR) as a Referral Agency.

The Department advised in a letter dated 17 December 2019 (SARA Response) that they require the conditions to be attached to any approval **(Attachment 2)**.

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Noncompliance with the Performance Outcomes and Acceptable Outcomes of the Reconfiguring a Lot Code are summarised as follows:

Conflicts with the Reconfiguring a Lot Code**PO1**

Lots include an area and frontage that:

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

AO1.1

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

Comment

All proposed allotments have areas well below the 60 hectare minimum area nominated in Table 9.4.4.3B for rural allotments.

Proposed Lots 1 - 4 would have areas of between 2 ha and 2.9 ha, essentially making them rural residential allotments, while Lots 5 and 6 would be considered rural lifestyle lots.

The proposed development is not consistent with the intent of PO1/AO1 which is to maintain larger allotments and discourage the creation of rural residential/lifestyle allotments within the Rural zone.

It is acknowledged that multiple small rural and rural residential allotments already exist in the locality, however the majority of the small allotments were created prior to the commencement of the current planning scheme and is not sufficient grounds to justify further piecemeal and out of sequence rural residential development.

The proposed reconfiguration conflicts with PO1.

Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone)

On 9 December 2019, the Minister for State Development, Manufacturing, Infrastructure and Planning enacted statutory Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone) (TLPI) for the Mareeba Shire Council Local Government Area. The purpose of the TLPI is to ensure that Rural zoned land within the Mareeba Shire is not subdivided into lots less than 60 hectares. To achieve this intent, the TLPI makes all subdivision applications within the Rural Zone where proposing the creation of lots less than 60 hectares impact assessable development (increased from code assessment), and introduces amendments to the Planning Scheme's Strategic Framework and various Development Codes that include provisions ensuring that subdivision applications proposing the creation of lots less than 60 hectares (regardless of their original size) could not rationally be supported by Council officers.

The TLPI was enacted after this development application was lodged with Council, therefore does not affect the level of assessment for this application and Council officers do not need to assess the application against the TLPI (and its amended Strategic Framework and Development Codes). However, if the application were to be assessed against the TLPI (albeit informally) all lots proposed by this application are less than 60 hectares in size, which would result in additional significant conflicts with amended sections of the Planning Scheme, as underlined in the below excerpt from TLPI:

"1.1 Strategic Framework

The following sections of the Strategic Framework are to apply as follows;

1.2.1 Settlement pattern and built environment**1.2.1.1 Strategic outcomes**

This provision of the TLPI replaces Strategic Framework, Strategic outcome 3.3.1(5) of the planning scheme for the nominated development.

- (1) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*
- (2) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone."*

"1.2.4 Element—Rural areas**1.2.4.1 Specific outcomes**

This provision of the TLPI replaces Strategic Framework, Element 3.3.11, Specific Outcome 3.3.11.1(1), Specific Outcome 3.3.11.1(2), Specific Outcome 3.3.11.1(4), Specific Outcome 3.3.11.1(5) of the planning scheme for the nominated development.

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.*
- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

- (3) Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.
- (4) *Tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework."*

"1.3 Rural zone code

This provision of the TLPI replaces Rural zone code, section 6.2.9.2 Purpose, Section (2)(f); overall outcome (3)(a) and overall outcome (3)(f) of the planning scheme for the nominated development.

1.3.1 Purpose

- (1) *Provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities.*
- (2) Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.
- (3) *Residential and other uses are appropriate only where directly associated with the rural nature of the zone."*

"1.4 Reconfiguring a lot code

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.2 Purpose, Section (2)(i) of the planning scheme for the nominated development.

1.4.1 Purpose

- (1) Subdivision within the Rural zone maintains lots equal to or larger than 60ha.

1.4.2 Assessment Criteria

This provision of the TLPI replaces Reconfiguring a lot code, Section 9.4.4.3, Table 9.4.4.3A Reconfiguring of lot code – For Assessable Development, Performance outcome – PO1 and Acceptable Outcome AO1.1 of the Planning Scheme for the nominated development.

1.4.2 Criteria for assessable development – Rural Zone

Performance outcomes	Acceptable outcomes
Area and frontage of lots – Rural Zone	
PO1.1 <u>No lots are created with an area of less than 60ha</u> <i>Note: This also applies to applications for boundary realignment.</i>	AO1.1 <i>No acceptable outcome is provided</i>
PO1.2 <i>No lots are created with a frontage less than 400m</i> <i>Note: This also applies to applications for boundary realignment.</i>	AO1.2 <i>No acceptable outcome is provided</i>
PO1.3 <i>Proposed lots are;</i>	AO1.3 <i>No acceptable outcome is provided</i>

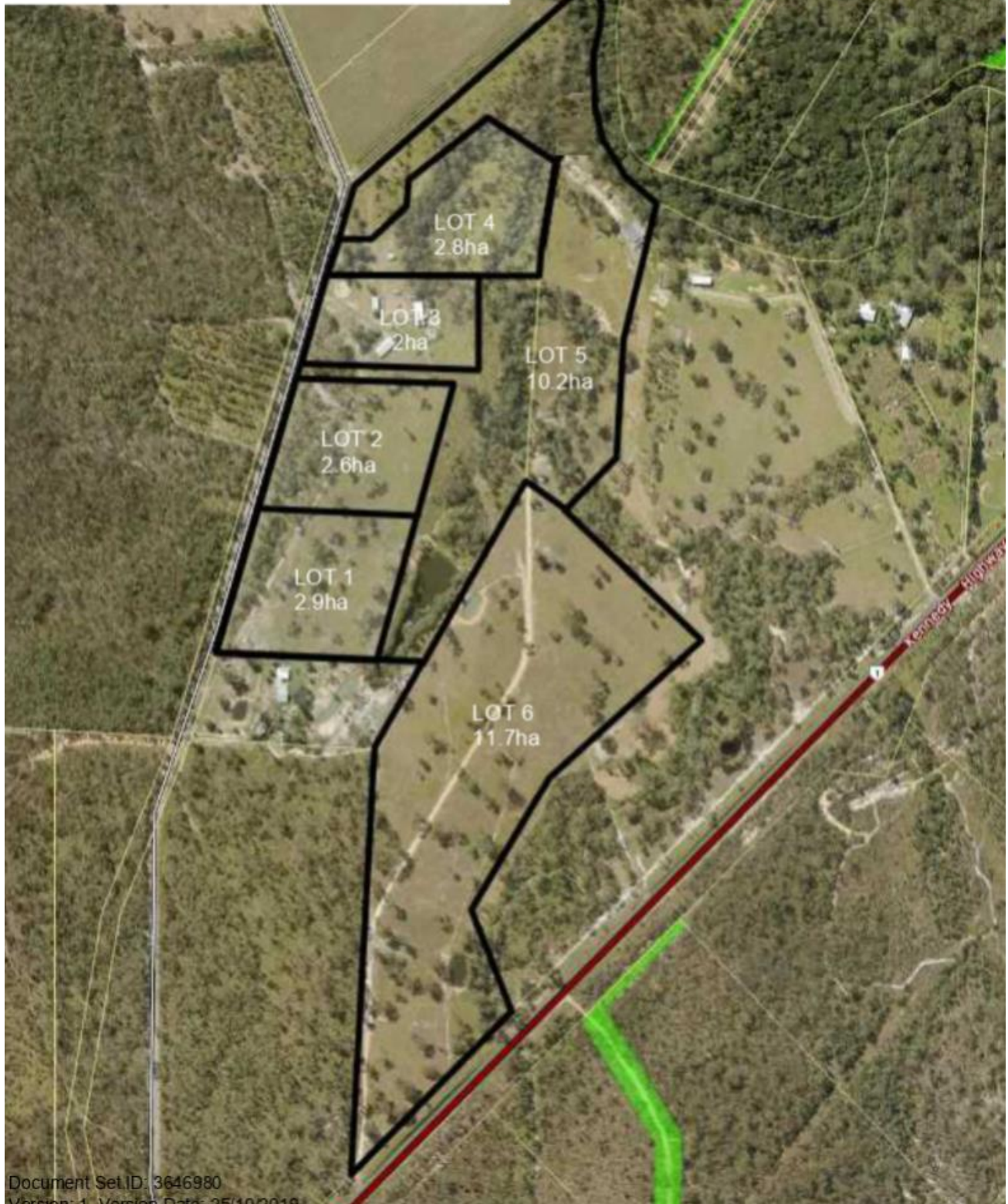
<ul style="list-style-type: none">a. <i>Able to accommodate all buildings, structures and works associated with the rural use; and</i>b. <i>Suitable to allow the site to be provided with sufficient access</i> <p><i>Note: This also applies to applications for boundary realignment.</i></p>	
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Note – The balance of the assessment criteria in the Reconfiguring a lot code will apply to the development application to the extent they are not suspended or replaced by this TLPI."

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of four (4) additional small rural lifestyle allotments, is in conflict with this intent. Furthermore, there are not sufficient planning grounds to justify approval despite the identified conflicts.

It is recommended the application be refused.

Proposed reconfiguration of Lot 1, Lot 2 & Lot 3,
 Manero Road, Koah
 Lot 2 on SP176556 & Lot 202 on RP843530
 Drawing No. 19-16.01
 Date: 15/10/19



RA6-N



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

SARA reference: 1911-14201 SRA
Council reference: RAL/19/0022
Applicant reference: 19-16/000956

17 December 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—116 Kanervo Road and 2850 Kennedy Highway, Koah – Reconfiguring a Lot - Subdivision (2 into 6 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 18 November 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	17 December 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 (2 into 6 Lots)
SARA role:	Referral Agency.	

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

1911-14201 SRA

SARA trigger: **Schedule 10, Part 3, Division 4, Table 2, Item 1** (Planning Regulation 2017) – Reconfiguring a lot involving vegetation clearing

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) - Reconfiguring a lot near a State-controlled road

SARA reference: 1911-14201 SRA

Assessment Manager: Mareeba Shire Council

Street address: 116 Kanervo Road and 2850 Kennedy Highway, Koah

Real property description: Lot 202 on RP843530 and Lot 2 on SP176556

Applicant name: Mr Dean Martin

Applicant contact details: C/- Planning Plus
PO Box 399
Redlynch QLD 4870
info@planningplusqld.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 Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Mr Dean Martin, info@planningplusqld.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

1911-14201 SRA

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, Item 1 – Reconfiguring a lot involving native vegetation clearing— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mining 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.	No clearing of vegetation is to occur within areas identified as Area A (Parts A1 – A9) as shown on the attached Technical Agency Response Plan (TARP) 1911-14201 SRA dated 04 December 2019.	At all times.
2.	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 B1-B7) as shown on attached Technical Agency Response Plan (TARP) 1911-14201 SRA dated 04 December 2019.	At all times.
3.	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.
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	The road access location is to be located generally in accordance with TMR Layout Plan (32A – 28.16km), prepared by the Department of Transport and Main Roads, dated 20/11/2019, Reference TMR19-28816 (500-1450), Issue A.	At all times.

1911-14201 SRA

Attachment 2—Advice to the applicant

General advice	
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) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	To request an electronic file of the Derived Points (Attached to Plan: 1911-14201 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 (1911-14201 SRA).
3.	Clearing vegetation to the extent the clearing is within an area mapped as a category C area or category R area on the regulated vegetation management map is not a relevant purpose under the <i>Vegetation Management Act 1999</i> . Accordingly clearing of vegetation in these areas cannot be approved under a development approval. If the proposed development includes clearing vegetation in any category C area or category R area under Queensland's vegetation management framework, the clearing can only be undertaken if it is exempt clearing work or in accordance with an Accepted Development Vegetation Clearing Code (ADVCC). Clearing vegetation in any category C area or category R area that is not exempt or in accordance with an ADVCC is prohibited development. Information on exempt clearing work or ADVCCs is available online at www.qld.gov.au (search 'exempt clearing work' or 'accepted development vegetation clearing codes').

1911-14201 SRA

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 department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 16: Native vegetation clearing and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o Non-avoidable vegetation clearing is minimised.
 - o Watercourse vegetation is conserved.
 - o Essential habitat is maintained for the Southern Cassowary
- The department carried out an assessment of the development application against the SDAP, State Code 1: Development in a state-controlled road environment and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o The proposed development does not compromise the safety, function and efficiency of the state-controlled road or surrounding network.

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 [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

1911-14201 SRA

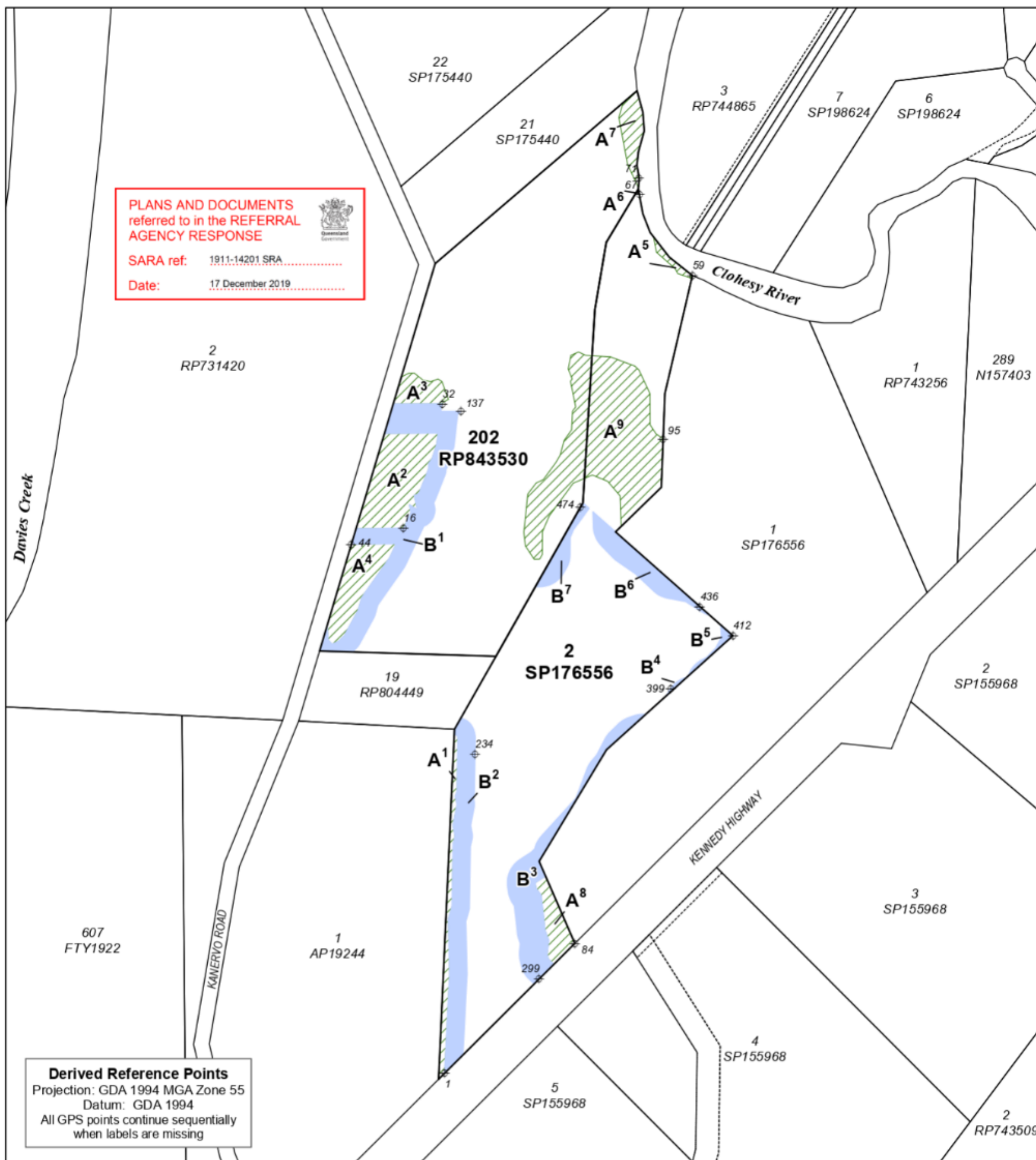
Attachment 4—Change representation provisions

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1911-14201 SRA

Attachment 5—Approved plans and specifications

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 Projection: GDA 1994 MGA Zone 55 Datum: GDA 1994

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Decision Notice 1911-14201 SRA

LEGEND Derived Reference Points for GPS (see attachment to plan) (Area start points shown only) Subject Lot(s) Area A (Parts A ¹ - A ⁹) Area B (Parts B ¹ - B ⁷)	Technical Agency Response Plan Plan of Area A (Parts A¹ - A⁹) and Area B (Parts B¹ - B⁷) in Lot 202 on Plan RP843530 and Lot 2 on Plan SP176556 eLVAS Case ID: 2019/004796 LOCAL GOVT: Mareeba Shire LOCALITY OF Koah File Reference: eDOCS: NA Compiled from: DCDB, RVM & NRMO Notes on File Prepared by: j5585 - JA Department: DNRME Region: NORTH Date: 04 December 2019	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> N </div> <div style="text-align: center;"> Queensland Government </div> </div> <div style="text-align: center;"> Version: 1 TARP 1911-14201 SRA Sheet 1 of 1 </div>
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**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 1911-14201 SRA
Date: 17 December 2019

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	346030	8128887	A5	61	346334	8129929	A9	121	346197	8129775
A1	2	346023	8128879	A5	62	346331	8129935	A9	122	346195	8129789
A1	3	346043	8129329	A5	63	346306	8129957	A9	123	346197	8129792
A1	4	346047	8129328	A5	64	346303	8129977	A9	124	346192	8129805
A1	5	346048	8129325	A5	65	346323	8129951	A9	125	346195	8129823
A1	6	346047	8129255	A5	66	346353	8129927	A9	126	346205	8129827
A1	7	346044	8129248	A6	67	346284	8130032	A9	127	346214	8129823
A1	8	346047	8129238	A6	68	346285	8130025	A9	128	346222	8129822
A1	9	346041	8129210	A6	69	346284	8130028	A9	129	346246	8129821
A1	10	346044	8129196	A6	70	346284	8130032	A9	130	346278	8129809
A1	11	346041	8129186	A7	71	346284	8130053	A9	131	346284	8129803
A1	12	346040	8129105	A7	72	346283	8130041	A9	132	346298	8129773
A1	13	346035	8129088	A7	73	346269	8130071	A9	133	346298	8129732
A1	14	346037	8129015	A7	74	346259	8130124	A9	134	346306	8129721
A1	15	346030	8128887	A7	75	346257	8130133	A9	135	346312	8129716
A2	16	345977	8129597	A7	76	346261	8130144	A9	136	346315	8129714
A2	17	345915	8129597	A7	77	346263	8130152	B1	137	346052	8129750
A2	18	345917	8129602	A7	78	346281	8130167	B1	138	346051	8129750
A2	19	345950	8129715	A7	79	346289	8130139	B1	139	346050	8129748
A2	20	345952	8129721	A7	80	346290	8130115	B1	140	346048	8129747
A2	21	346022	8129721	A7	81	346283	8130088	B1	141	346047	8129746
A2	22	346020	8129707	A7	82	346281	8130071	B1	142	346046	8129732
A2	23	346014	8129688	A7	83	346284	8130053	B1	143	346045	8129722
A2	24	346010	8129682	A8	84	346200	8129056	B1	144	346043	8129705
A2	25	346010	8129675	A8	85	346173	8129029	B1	145	346042	8129703
A2	26	345997	8129643	A8	86	346166	8129036	B1	146	346042	8129702
A2	27	345991	8129640	A8	87	346164	8129043	B1	147	346042	8129700
A2	28	345995	8129621	A8	88	346166	8129060	B1	148	346035	8129681
A2	29	345985	8129628	A8	89	346161	8129073	B1	149	346035	8129680
A2	30	345987	8129618	A8	90	346156	8129119	B1	150	346034	8129678
A2	31	345977	8129597	A8	91	346149	8129128	B1	151	346034	8129676
A3	32	346028	8129760	A8	92	346148	8129135	B1	152	346033	8129675
A3	33	345963	8129759	A8	93	346162	8129144	B1	153	346032	8129674
A3	34	345974	8129794	A8	94	346200	8129056	B1	154	346032	8129673
A3	35	345983	8129799	A9	95	346315	8129714	B1	155	346032	8129671
A3	36	345991	8129799	A9	96	346313	8129651	B1	156	346031	8129669
A3	37	346002	8129791	A9	97	346260	8129600	B1	157	346031	8129667
A3	38	346012	8129788	A9	98	346259	8129640	B1	158	346031	8129666
A3	39	346022	8129792	A9	99	346243	8129659	B1	159	346018	8129635
A3	40	346027	8129789	A9	100	346223	8129667	B1	160	346017	8129633
A3	41	346035	8129765	A9	101	346213	8129662	B1	161	346017	8129632
A3	42	346029	8129762	A9	102	346198	8129656	B1	162	346016	8129631
A3	43	346028	8129760	A9	103	346195	8129651	B1	163	346017	8129626
A4	44	345909	8129577	A9	104	346194	8129650	B1	164	346017	8129625
A4	45	345968	8129577	A9	105	346167	8129614	B1	165	346018	8129623
A4	46	345959	8129559	A9	106	346158	8129593	B1	166	346018	8129621
A4	47	345923	8129507	A9	107	346158	8129563	B1	167	346018	8129619
A4	48	345918	8129491	A9	108	346154	8129557	B1	168	346017	8129617
A4	49	345900	8129458	A9	109	346147	8129557	B1	169	346017	8129616
A4	50	345892	8129450	A9	110	346136	8129574	B1	170	346016	8129614
A4	51	345884	8129446	A9	111	346134	8129592	B1	171	346016	8129612
A4	52	345879	8129452	A9	112	346139	8129642	B1	172	346015	8129610
A4	53	345877	8129470	A9	113	346150	8129656	B1	173	346014	8129608
A4	54	345887	8129502	A9	114	346159	8129661	B1	174	346013	8129607
A4	55	345887	8129502	A9	115	346175	8129683	B1	175	346011	8129605
A4	56	345887	8129503	A9	116	346181	8129693	B1	176	346010	8129604
A4	57	345906	8129568	A9	117	346186	8129712	B1	177	346008	8129603
A4	58	345909	8129577	A9	118	346196	8129726	B1	178	346007	8129602
A5	59	346353	8129927	A9	119	346197	8129750	B1	179	346005	8129601
A5	60	346352	8129923	A9	120	346201	8129755	B1	180	346003	8129600

**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



Notes: Derived Reference Points are provided to assist in the location of area boundaries.
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SARA ref: 1911-14201 SRA
Date: 17 December 2019

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B1	181	346002	8129598	B2	241	346069	8129243	B3	301	346141	8129009
B1	182	345997	8129587	B2	242	346069	8129242	B3	302	346138	8129012
B1	183	345992	8129577	B2	243	346069	8129240	B3	303	346136	8129015
B1	184	345979	8129549	B2	244	346069	8129238	B3	304	346134	8129018
B1	185	345978	8129548	B2	245	346069	8129236	B3	305	346133	8129020
B1	186	345977	8129546	B2	246	346069	8129234	B3	306	346132	8129023
B1	187	345943	8129498	B2	247	346069	8129234	B3	307	346131	8129026
B1	188	345940	8129485	B2	248	346064	8129210	B3	308	346130	8129028
B1	189	345939	8129483	B2	249	346066	8129200	B3	309	346129	8129035
B1	190	345939	8129482	B2	250	346066	8129198	B3	310	346129	8129036
B1	191	345938	8129480	B2	251	346066	8129196	B3	311	346128	8129039
B1	192	345920	8129447	B2	252	346066	8129194	B3	312	346128	8129042
B1	193	345920	8129447	B2	253	346066	8129192	B3	313	346128	8129047
B1	194	345918	8129445	B2	254	346066	8129190	B3	314	346129	8129056
B1	195	345917	8129443	B2	255	346064	8129183	B3	315	346127	8129061
B1	196	345916	8129442	B2	256	346063	8129104	B3	316	346127	8129064
B1	197	345910	8129436	B2	257	346063	8129103	B3	317	346126	8129067
B1	198	345867	8129437	B2	258	346062	8129101	B3	318	346126	8129069
B1	199	345877	8129470	B2	259	346062	8129099	B3	319	346121	8129106
B1	200	345879	8129452	B2	260	346058	8129085	B3	320	346120	8129107
B1	201	345884	8129446	B2	261	346059	8129016	B3	321	346118	8129110
B1	202	345892	8129450	B2	262	346059	8129015	B3	322	346117	8129113
B1	203	345900	8129458	B2	263	346059	8129014	B3	323	346116	8129116
B1	204	345918	8129491	B2	264	346054	8128911	B3	324	346115	8129119
B1	205	345923	8129507	B2	265	346030	8128887	B3	325	346114	8129122
B1	206	345959	8129559	B2	266	346037	8129015	B3	326	346114	8129123
B1	207	345968	8129577	B2	267	346035	8129088	B3	327	346113	8129130
B1	208	345909	8129577	B2	268	346040	8129105	B3	328	346112	8129133
B1	209	345912	8129587	B2	269	346041	8129186	B3	329	346112	8129135
B1	210	345915	8129597	B2	270	346044	8129196	B3	330	346113	8129138
B1	211	345944	8129597	B2	271	346041	8129210	B3	331	346113	8129141
B1	212	345956	8129597	B2	272	346047	8129238	B3	332	346114	8129144
B1	213	345977	8129597	B2	273	346044	8129248	B3	333	346114	8129147
B1	214	345987	8129618	B2	274	346047	8129255	B3	334	346116	8129150
B1	215	345985	8129628	B2	275	346048	8129325	B3	335	346117	8129153
B1	216	345995	8129621	B2	276	346047	8129328	B3	336	346119	8129156
B1	217	345991	8129640	B2	277	346043	8129329	B3	337	346121	8129158
B1	218	345997	8129643	B2	278	346043	8129335	B3	338	346123	8129161
B1	219	346010	8129675	B2	279	346051	8129350	B3	339	346125	8129163
B1	220	346010	8129682	B2	280	346052	8129350	B3	340	346127	8129164
B1	221	346014	8129688	B2	281	346054	8129349	B3	341	346129	8129166
B1	222	346020	8129707	B2	282	346056	8129348	B3	342	346131	8129167
B1	223	346022	8129721	B2	283	346058	8129347	B3	343	346143	8129175
B1	224	345952	8129721	B2	284	346059	8129346	B3	344	346148	8129180
B1	225	345955	8129731	B2	285	346061	8129345	B3	345	346148	8129181
B1	226	345960	8129749	B2	286	346063	8129344	B3	346	346149	8129184
B1	227	345963	8129759	B2	287	346064	8129342	B3	347	346150	8129187
B1	228	345978	8129759	B2	288	346065	8129341	B3	348	346152	8129189
B1	229	345989	8129759	B2	289	346066	8129339	B3	349	346153	8129192
B1	230	346028	8129760	B2	290	346067	8129337	B3	350	346155	8129195
B1	231	346026	8129756	B2	291	346068	8129336	B3	351	346156	8129196
B1	232	346025	8129750	B2	292	346068	8129335	B3	352	346164	8129204
B1	233	346052	8129750	B2	293	346069	8129331	B3	353	346201	8129245
B2	234	346070	8129303	B2	294	346070	8129329	B3	354	346202	8129248
B2	235	346069	8129254	B2	295	346070	8129327	B3	355	346216	8129284
B2	236	346069	8129252	B2	296	346070	8129325	B3	356	346217	8129286
B2	237	346069	8129251	B2	297	346070	8129324	B3	357	346218	8129289
B2	238	346068	8129249	B2	298	346070	8129303	B3	358	346220	8129291
B2	239	346068	8129247	B3	299	346154	8129010	B3	359	346222	8129294
B2	240	346068	8129247	B3	300	346147	8129004	B3	360	346222	8129294

**Attachment to Plan: 1911-14201 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55**

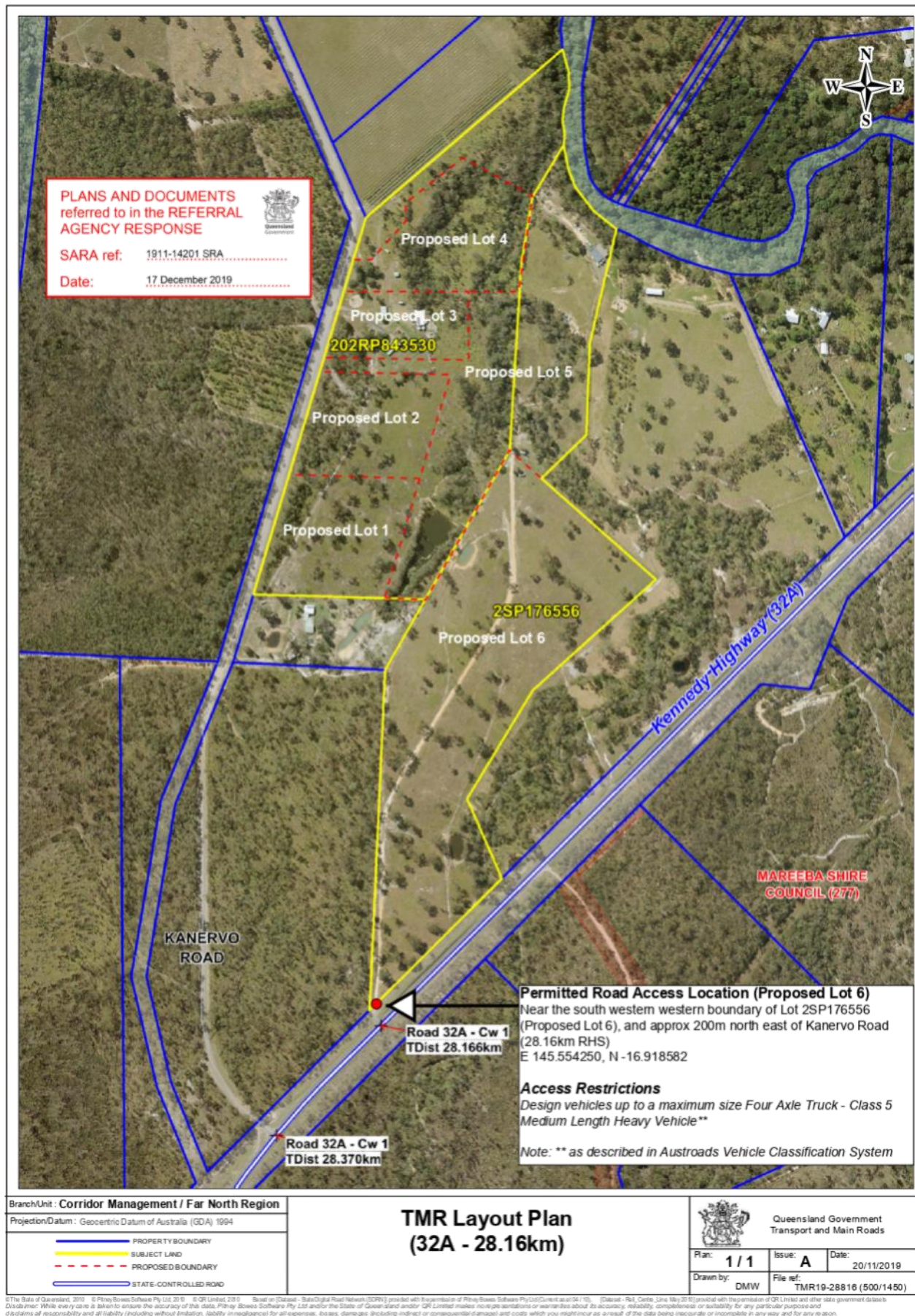
**PLANS AND DOCUMENTS
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SARA ref: 1911-14201 SRA
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Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B3	361	346229	8129302	B5	421	346359	8129421	B7	481	346198	8129596
B3	362	346236	8129316	B5	422	346362	8129423	B7	482	346194	8129585
B3	363	346238	8129320	B5	423	346364	8129425	B7	483	346194	8129563
B3	364	346240	8129323	B5	424	346366	8129426	B7	484	346194	8129560
B3	365	346240	8129324	B5	425	346372	8129429	B7	485	346193	8129557
B3	366	346242	8129327	B5	426	346373	8129430	B7	486	346193	8129554
B3	367	346244	8129329	B5	427	346375	8129433	B7	487	346192	8129551
B3	368	346246	8129332	B5	428	346384	8129441	B7	488	346191	8129548
B3	369	346253	8129338	B5	429	346391	8129455	B7	489	346189	8129545
B3	370	346257	8129342	B5	430	346391	8129457	B7	490	346186	8129539
B3	371	346259	8129344	B5	431	346391	8129460	B7	491	346184	8129537
B3	372	346261	8129346	B5	432	346391	8129464	B7	492	346182	8129534
B3	373	346264	8129348	B5	433	346391	8129471	B7	493	346180	8129532
B3	374	346267	8129349	B5	434	346400	8129462	B7	494	346178	8129530
B3	375	346270	8129350	B5	435	346406	8129457	B7	495	346175	8129528
B3	376	346271	8129351	B6	436	346363	8129495	B7	496	346173	8129526
B3	377	346277	8129353	B6	437	346375	8129484	B7	497	346170	8129525
B3	378	346280	8129354	B6	438	346375	8129484	B7	498	346167	8129523
B3	379	346282	8129354	B6	439	346372	8129485	B7	499	346164	8129522
B3	380	346285	8129355	B6	440	346369	8129487	B7	500	346161	8129521
B3	381	346288	8129355	B6	441	346366	8129488	B7	501	346158	8129521
B3	382	346291	8129355	B6	442	346365	8129489	B7	502	346155	8129521
B3	383	346292	8129355	B6	443	346363	8129490	B7	503	346149	8129521
B3	384	346294	8129359	B6	444	346356	8129494	B7	504	346205	8129621
B3	385	346205	8129249	B6	445	346344	8129502	B7	505	346207	8129625
B3	386	346187	8129219	B6	446	346321	8129506				
B3	387	346183	8129211	B6	447	346318	8129507				
B3	388	346154	8129163	B6	448	346315	8129508				
B3	389	346162	8129144	B6	449	346313	8129509				
B3	390	346148	8129135	B6	450	346310	8129510				
B3	391	346149	8129128	B6	451	346307	8129512				
B3	392	346156	8129119	B6	452	346305	8129514				
B3	393	346161	8129073	B6	453	346303	8129516				
B3	394	346166	8129060	B6	454	346294	8129524				
B3	395	346164	8129043	B6	455	346279	8129538				
B3	396	346166	8129036	B6	456	346255	8129554				
B3	397	346173	8129029	B6	457	346253	8129556				
B3	398	346154	8129010	B6	458	346250	8129559				
B4	399	346325	8129388	B6	459	346235	8129575				
B4	400	346325	8129389	B6	460	346233	8129577				
B4	401	346327	8129391	B6	461	346231	8129579				
B4	402	346329	8129393	B6	462	346229	8129582				
B4	403	346331	8129396	B6	463	346228	8129584				
B4	404	346334	8129397	B6	464	346227	8129587				
B4	405	346337	8129399	B6	465	346226	8129590				
B4	406	346339	8129400	B6	466	346225	8129593				
B4	407	346341	8129401	B6	467	346225	8129596				
B4	408	346347	8129404	B6	468	346225	8129598				
B4	409	346319	8129379	B6	469	346224	8129604				
B4	410	346324	8129387	B6	470	346224	8129619				
B4	411	346325	8129388	B6	471	346253	8129593				
B5	412	346406	8129457	B6	472	346260	8129586				
B5	413	346348	8129405	B6	473	346363	8129495				
B5	414	346348	8129405	B7	474	346207	8129625				
B5	415	346348	8129406	B7	475	346207	8129625				
B5	416	346350	8129409	B7	476	346211	8129630				
B5	417	346351	8129412	B7	477	346219	8129623				
B5	418	346353	8129414	B7	478	346213	8129616				
B5	419	346355	8129417	B7	479	346213	8129615				
B5	420	346357	8129419	B7	480	346210	8129612				



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 Rules¹ 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.

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.

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.