8.1 MAREEBA SHIRE COUNCIL - RECONFIGURING A LOT - SUBDIVISION (2 INTO 21 LOTS) - LOT 222 & 879 ON SP297023 - EFFLEY & KEEGAN STREET, MAREEBA - RAL/21/0006

Date Prepared: 19 May 2021

Author: Senior Planner

Attachments:
1. Proposal Plan
2. State Assessment and Referral Agency response dated 6 May 2021

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Mareeba Shire Council	**ADDRESS**	Effley Street & Keegan Street, Mareeba
DATE LODGED	31 March 2021	**RPD**	Lot 222 & 879 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 21 lots)		
FILE NO	RAL/21/0006	**AREA**	Lot 222 - 9,970m2 Lot 879 - 72.92 ha
LODGED BY	Mareeba Shire Council	**OWNER**	Mareeba Shire Council
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry zone (Heavy Industry Precinct)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

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.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

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	Mareeba Shire Council	**ADDRESS**	Effley Street & Keegan Street, Mareeba
DATE LODGED	31 March 2021	**RPD**	Lot 222 & 879 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 21 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) and relevant period in (F);

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 (2 into 21 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Reconfiguring a Lot Creating 19 New Industrial Lots & Balance	Mareeba Shire Council	16/03/2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

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, and subject to any alterations:
   - found necessary by the 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

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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 of the development, 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 within the conditions of approval or the Adopted Infrastructure Charges Notice.

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 or the Adopted Infrastructure Charges Notice 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 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.7 Charges

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

4. Infrastructure Services and Standards

4.1 Access

Access to each allotment must be constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback kerb along the frontage of each allotment will satisfy this condition.

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 each stage of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban

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Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All concentrated stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Water Supply

A water service connection must be provided for each proposed allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 Sewerage Connection

The developer must provide a connection for each proposed allotment to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of 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 lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to proposed to each allotment and arrange provision of necessary conduits and enveloping pipes.

4.7 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

(c) 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.

(d) Compliance with applicable codes/policies

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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.

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) REFFERAL AGENCY CONDITIONS

No requirements - State Assessment and Referral Agency response dated 6 May 2021.

(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).

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	**Rate**	**Measure**	**Charge**	**Credit Detail**	**Balance**
	$ per Lot	***Lots***		***Lots***	
Industrial	$19,280.00	19 Lots (Excluding Balance Lots)	$366,320.00		$366,320.00
Credit					
Existing Lot	Industrial	Per Lot	$19,280.00	1	$19,280.00
TOTAL CURRENT AMOUNT OF CHARGE					**$347,040.00**

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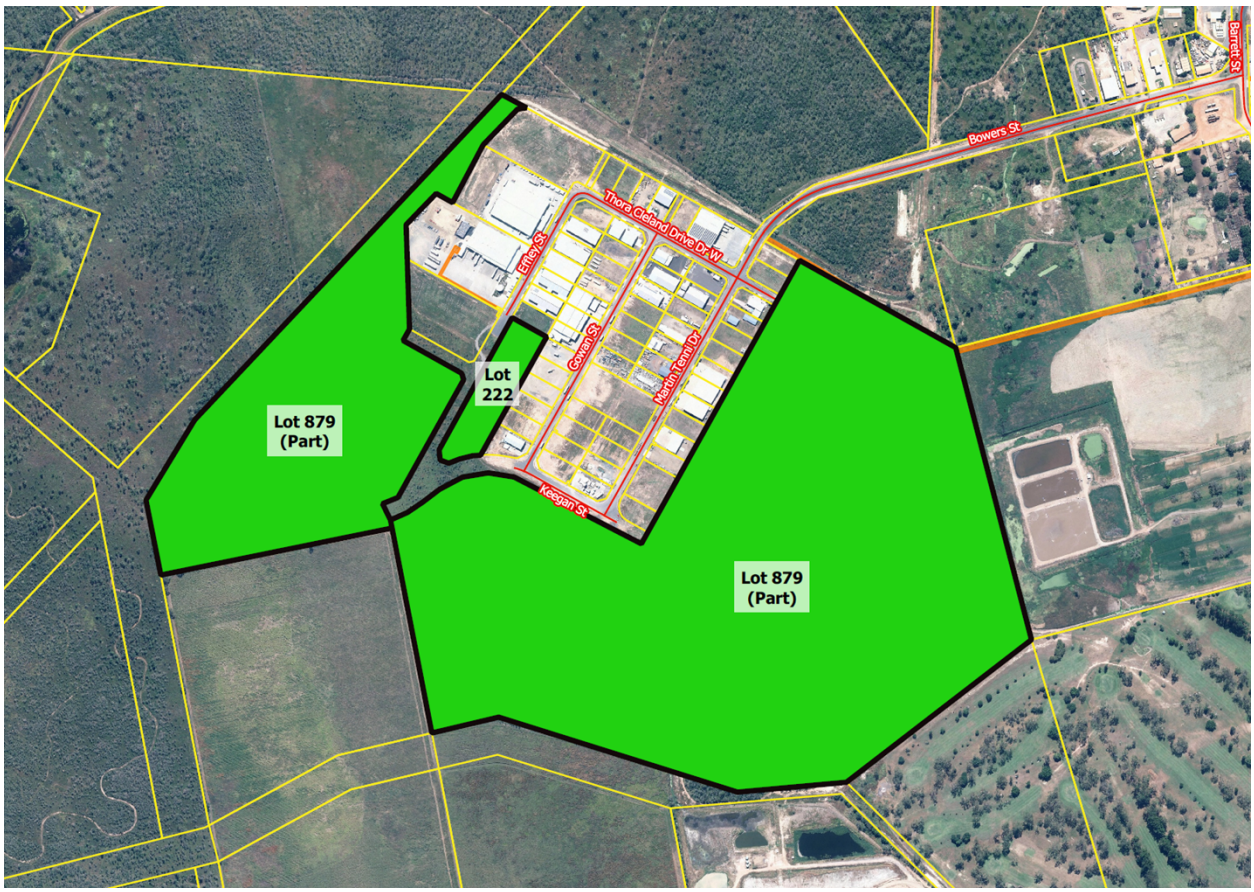
THE SITE

The subject land is located within the Mareeba Industrial Park (MIP) and is described as Lot 222 and 879 on SP297023, situated at Effley Street, Keegan Street and Thora Cleland Drive, Mareeba. The land is zoned Industry (Heavy Industry Precinct) under the Mareeba Shire Council Planning Scheme 2016.

The site remains unimproved except for the service infrastructure currently in place. The land is cleared of any significant vegetation, with the surrounding allotments being zoned Heavy Industry.



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.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

The proposed development is a continuation of the Mareeba Industrial Park.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (2 into 21 Lots) in accordance with the plans shown in **Attachment 1**.

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REGIONAL PLAN DESIGNATION

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

- *Wetland Area of General Ecological Significance*

Note: The wetland area is considered to be a mapping discrepancy. The small sliver of general ecological significance is located outside the footprint of the proposed development.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Major Industry Area
Zone:	Industry zone
Mareeba Local Plan:	Industrial Park
Preferred Area/Precinct:	Heavy Industry Precinct
Overlays:	Airport environs 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:

6.2.5 Industry zone code
7.2.2 Mareeba local plan code
8.2.2 Airport environs overlay code
8.2.12 Transport infrastructure overlay code
9.4.2 Landscaping code

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9.4.3 Parking and access code
9.4.4 Reconfiguring a lot code
9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Industry 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).
Mareeba local plan 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).
Transport infrastructure 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).

(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

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual

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(E) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2020, a charge of $19,280.00 will apply to each additional industrial allotment created.

The $19,280.00 charge was derived from a $4,820.00 infrastructure charge for the following four (4) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network; and
- Sewerage network

The application proposes the creation of five (19) new industrial lots and 2 balance lots (proposed lots 884 & 879 which are not included in this calculation). A credit of $19,280.00 applies to the existing Lot 222. Therefore, charges are applicable for 18 new lots as follows:

$19,280.00 x 18 (lots) = **$347,040.00**

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (SARA). SARA provided a Referral agency response on 6 May 2021 and have no requirements.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

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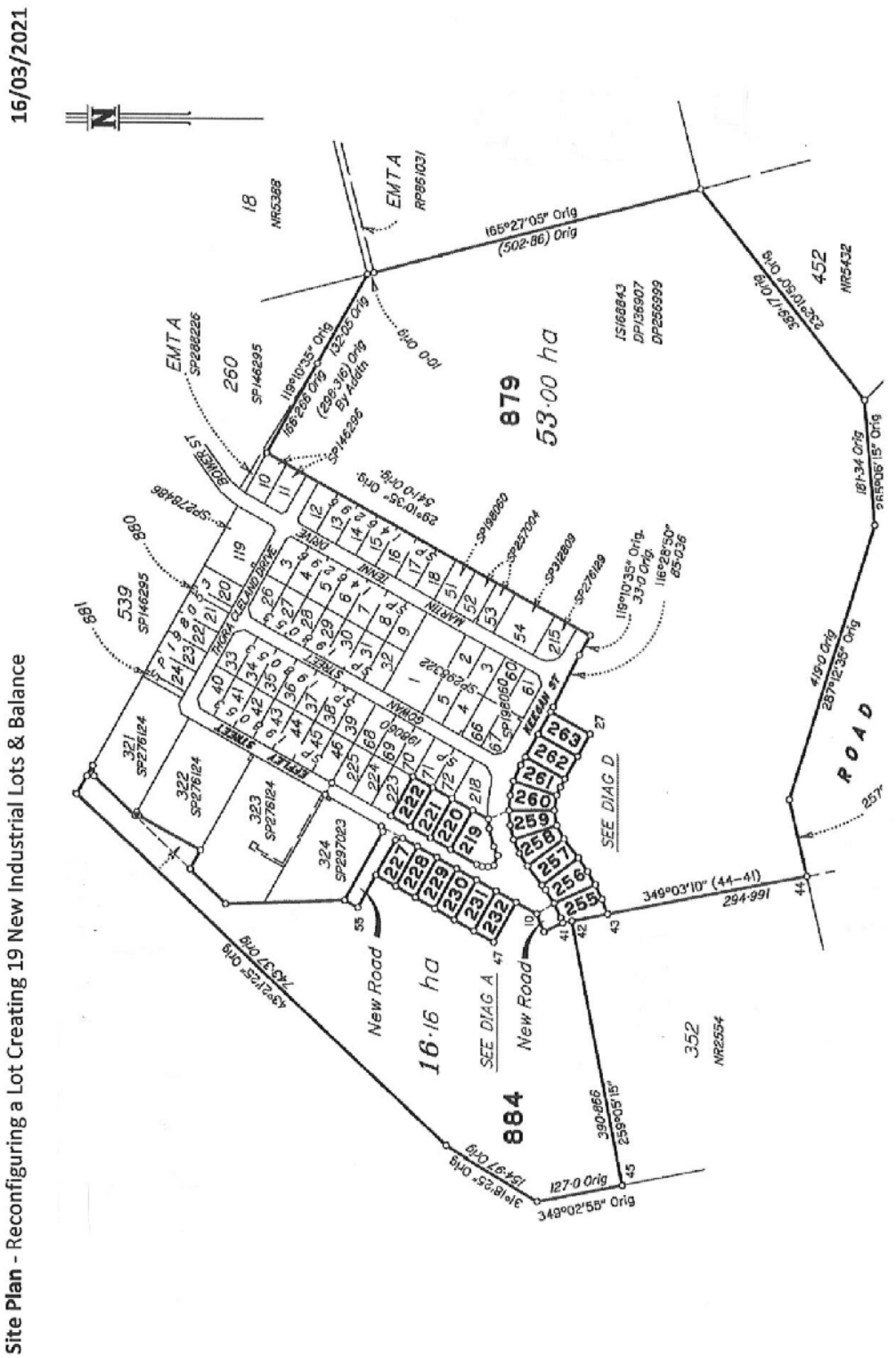
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Site Plan - Reconfiguring a Lot Creating 19 New Industrial Lots & Balance
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Queensland Government

SARA reference: 2103-21866 SRA
Council reference: RAL/21/0006

6 May 2021

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

Attention: Mr Brian Millard

Dear Mr Millard

SARA response—Effley and Keegan Streets

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 April 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the *Planning Act 2016*, SARA advises it has no requirements relating to the application.
Date of response:	6 May 2021
Advice:	Advice to the applicant is in **Attachment 1**.
Reasons:	The reasons for the referral agency response are in **Attachment 2**.

Development details

Description:	Development permit Reconfiguring - Subdivision (2 into 21 Lots)
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1)— Development impacting on state transport infrastructure (Planning Regulation 2017) Schedule 10, Part 9, Division 4, Subdivision 2, Table 2, Item 1 (10.9.4.2.2.1)— Reconfiguring a lot in a future state transport corridor (Planning Regulation 2017)
SARA reference:	2103-21866 SRA
Assessment Manager:	Mareeba Shire Council

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

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2103-21866 SRA

Street address:	Effley and Keegan Streets
Real property description:	Lots 879 on SP297023 and 222 on SP297023
Applicant name:	Mareeba Shire Council
Applicant contact details:	PO Box 154 Mareeba QLD 4880 carle@msc.qld.gov.au

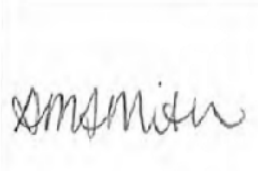
Representations

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 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brittany Hughes, Planning Officer, on (07) 4616 7332 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Susan Kidd
Manager (Program Improvement)

cc Mareeba Shire Council, carle@msc.qld.gov.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

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Attachment 1—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 2.6. If a word remains undefined it has its ordinary meaning.

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Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The proposed development complies with *State code 1: Development in a state-controlled road environment* and *State code 6: Protection of state transport networks* of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 2.6), as published by SARA
- the *Development Assessment Rules*
- SARA DA Mapping system
- *Human Rights Act 2019*.

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Attachment 3—Representations about a referral agency response provisions

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

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 (concurrence).**

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

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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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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