

8.2 EMERALD CREEK HEIGHTS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 49 LOTS) - LOT 219 ON NR378 - 85 GODFREY ROAD, MAREEBA - RAL/21/0016

Date Prepared: 16 August 2022

Author: Senior Planner

Attachments:

1. Proposal Plan
2. Department of State Development, Infrastructure, Local Government and Planning Referral Agency Response

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Emerald Creek Heights Pty Ltd	ADDRESS	85 Godfrey Road, Mareeba
DATE LODGED	16 September 2021	RPD	Lot 219 on NR378
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 49 lots)		
FILE NO	RAL/21/0016	AREA	129.298 hectares
LODGED BY	McPeake Town Planning	OWNER	Emerald Creek Heights Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone (Precinct C - 2 Hectare Allotments)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a - Code Assessment Only		

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The applicants propose to subdivide the site to create 48 rural residential allotments and 1 open space (parkland) allotment over 3 Stages. Lots will range in size from 1 hectare to 20 hectares, although most lots will be just over 2 hectares in size. The open space (parkland) allotment will be provided in Stage 3 with an area of 3 hectares and will back onto Emerald Creek. All lots will be provided with all urban services with the exception of town sewer and will be accessed from a new section of Godfrey Road to the west of the site linking up to Emerald End Road. Access is not proposed via Godfrey Road east which links up to the Kennedy Highway opposite the Malone Road intersection.

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme. The site is situated within Precinct C of the Rural Residential Zone. Purpose Statement (3)(a) of the Rural Residential Zone Code states that lots within Precinct C should not be reconfigured below 2 hectares in size. Although 20 of the proposed 49 lots will have areas less than 2 hectares, with as many as 6 lots have areas of only 1 hectare, in all cases, these lots were reduced in size from their original proposed 2 hectare sizing's to allow for the creation and maintenance of 3 larger vegetated lots in

order to satisfy State Government Vegetation Unit requirements. Despite the inclusion of some smaller lots, on average the estate achieves the desired 2 hectare sizing, and the development remains consistent with the intent, and desired level of amenity for Precinct C, furthermore, town water will be provided to each lot which is not generally a requirement of 2 hectare rural residential estates, generally only becoming mandatory where 1 hectare lots are proposed.

No other significant town planning issues have been identified. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Emerald Creek Heights Pty Ltd	ADDRESS	85 Godfrey Road, Mareeba
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PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 49 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), referral 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 49 lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
401302 ST-01 Issue E	Staging Plan - Lot 219 on NR378	Veris	14/06/2022

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

- Development must be carried out substantially 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 this development permit relevant to each Stage of the development must be complied with, to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for that Stage, 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 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 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 Flood Immunity
- All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.10 Open Space/Parkland (Stage 3)

At the time of endorsement of the survey plan for Stage 3 or any survey plan creating Lot 904, Lot 904 is to be created as a Reserve (not freehold) for the purposes of parks/open space/public use land. The applicant/developer shall be solely responsible for all costs involved.

3.11 Bushfire Management

- (a) The applicant/developer must ensure all works are carried out so that the development complies with *Part 4. Bushfire Management Plan* of the *Bushfire Hazard Assessment and Management Plan* prepared by *Firecraft Environmental* dated 13 June 2022, to the satisfaction of Council's delegated officer.

Given the high risk of future bushfire incursion on the development site, a statement of Compliance must be provided demonstrating compliance with the entirety of *Part 4. Bushfire Management Plan* (including all relevant subsections) prior to Council endorsing a Survey Plan or Form 18B creating any proposed Lot.

- (b) Future landowners must ensure ongoing compliance with section 4.2 *Responsibilities of the owner/occupier of Lots* contained within the *Bushfire Hazard Assessment and Management Plan* prepared by *Firecraft Environmental* dated 13 June 2022. Future landowners are encouraged to prepare a bushfire survival plan as recommended by the Queensland Fire and Rescue Service.
- (c) At time of dwelling construction, all rear access lots, and for any lot where the dwelling is sited more than 30 metres away from any fire hydrant on the internal access roads, must be provided with 10,000 litres of on-site water supply via:
- A separate tank; or
 - A reserve section in the bottom part of the main water supply tank; or
 - A dam; or
 - A swimming pool.

Where a tank water supply is provided for fire-fighting purposes it must be fitted with standard rural fire brigade fittings and provided with a hardstand area for heavy vehicles.

3.12 Charges

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

3.13 Access and Services Easement/s

Reciprocal access easements must be established over adjoining access handles where a shared driveway arrangement is proposed. If the co-location of underground services is also proposed, the easement/s must be for the purposes

of access and services. Easement documents must be submitted to Council for review prior to the endorsement of a plan of survey.

- 3.14 All rear access allotment must be serviced by an access handle with a minimum width of 6 metres, maintained for the entire length of the access handle.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of the road pavement of the proposed new internal roads, to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

A bitumen sealed driveway shall be provided within each battle-axe lot access handle. The driveways must:

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

Shared access driveways are permitted in instances where 2 rear access handles sit adjacent each other. Reciprocal access easements are required in these instances (refer to condition 3.13).

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

- (e) The Stormwater Management Plan and Stormwater Quality Management Plan must take into account the staging of the development.
- (f) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (g) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (h) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (i) All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Pedestrian Access - Lot 904

Pedestrian access must be provided along the access handle of Lot 904 to the main body of the allotment. This pedestrian pathway must be constructed, at minimum, to a compact gravel standard and any watercourse crossings must be concrete sealed including culverts to provide all weather pedestrian access.

4.3 Roadworks – Internal

- (a) The main internal access road servicing the entire development (from its intersection with Godfrey Road to the point in which it terminates at the western boundary of the site (labelled "Future Proposed Road Connection") must be constructed the 100-999 VPD road standard outlined in Table D1.4 Rural Road Elements of the FNQROC Development Manual (as amended).

A compacted gravel temporary turn-around area must be constructed at the end of the "Future Proposed Road Connection" and must be appropriately drained.

- (b) The internal access road servicing Stage 1 must be constructed the 100-999 VPD road standard outlined in Table D1.4 Rural Road Elements of the FNQROC Development Manual (as amended).
- (c) The internal access roads servicing Lots 24-28, 38-43 and 904, and 34-37 must be constructed to <100 VPD road standard outlined in Table D1.4 Rural Road Elements of the FNQROC Development Manual (as amended). A 4.5m wide seal must be maintained in all instances (at minimum).

The aforementioned works are required to be approved as part of a subsequent application to Council for Operational Works.

4.4 Roadworks – External

- (a) Godfrey Road, from its intersection with Emerald End Road, to a point 10 metres past the intersection of the internal access road servicing the development must be constructed to a 6.5m wide bitumen sealed standard with kerb and channel on the northern side of the road only. The road alignment must be offset to the northern side of the road reserve to allow

the future widening (to 10 metres) and installation of kerb and channel on the southern side of the road when development demands.

- (b) The intersection of Emerald End Road and the new section of Godfrey Road must be upgraded/constructed to comply with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.

© Bollards/barrier must be installed at the eastern end of the road required under a to prevent vehicles turning eastwards along the gravel section of Godfrey Road.

The aforementioned works are required to be approved as part of a subsequent application to Council for Operational Works.

4.5 Water Supply

- (a) Where the existing reticulated water supply network does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 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.

4.7 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.

4.8 Telecommunications

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

4.9 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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) 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.

(e) 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.

(f) Notation on Rates Record

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

- conditions regarding bushfire management including compulsory water storage for firefighting purposes
- a registered easement over the subject site (for any rear access lots with shared driveways)
- conditions regarding on-site effluent disposal (at time of dwelling construction)
- vegetation clearing restrictions imposed by the Department of State Development, Infrastructure, Local Government and Planning (Lots 900 - 904 only)

(g) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(h) 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.dcceew.gov.au

(i) 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.dsdsatsip.qld.gov.au

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response notice with conditions dated 22 July 2022.

(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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

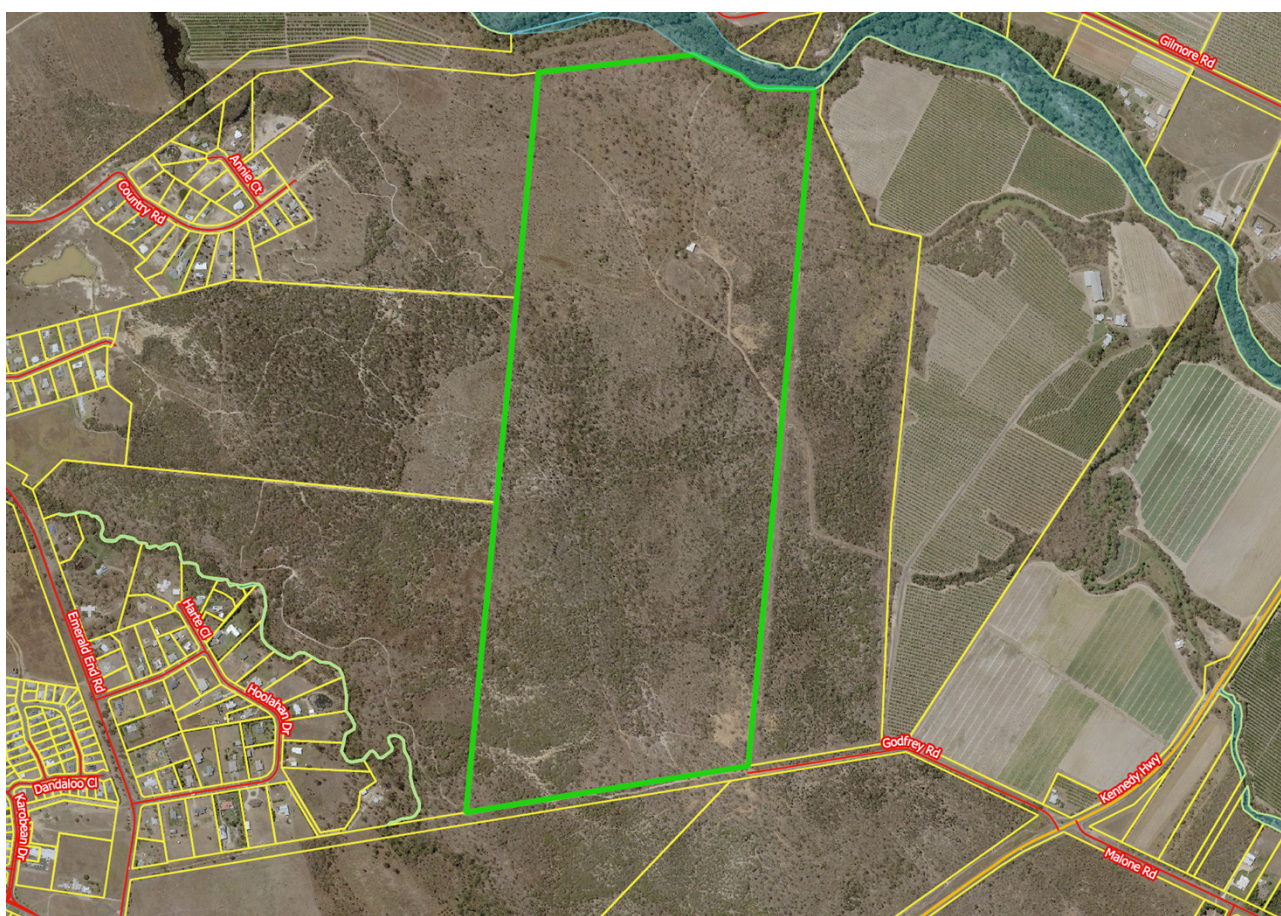
Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 1 - 18 Lots					
Residential Lots	\$16,208.00	18 Lots	\$291,774.00	1 lot (\$10,130.00)	\$281,614.00
Stage 2 - 14 Lots					
Residential Lots	\$16,208.00	14 Lots	\$226,912.00	Nil	\$226,912.00
Stage 3 - 17 Lots (Excluding Open Space Allotment)					

Residential Lots	\$16,208.00	16 Lots	\$259,328.00	Nil	\$259,328.00
TOTAL CURRENT AMOUNT OF CHARGE					\$767,854.00

THE SITE

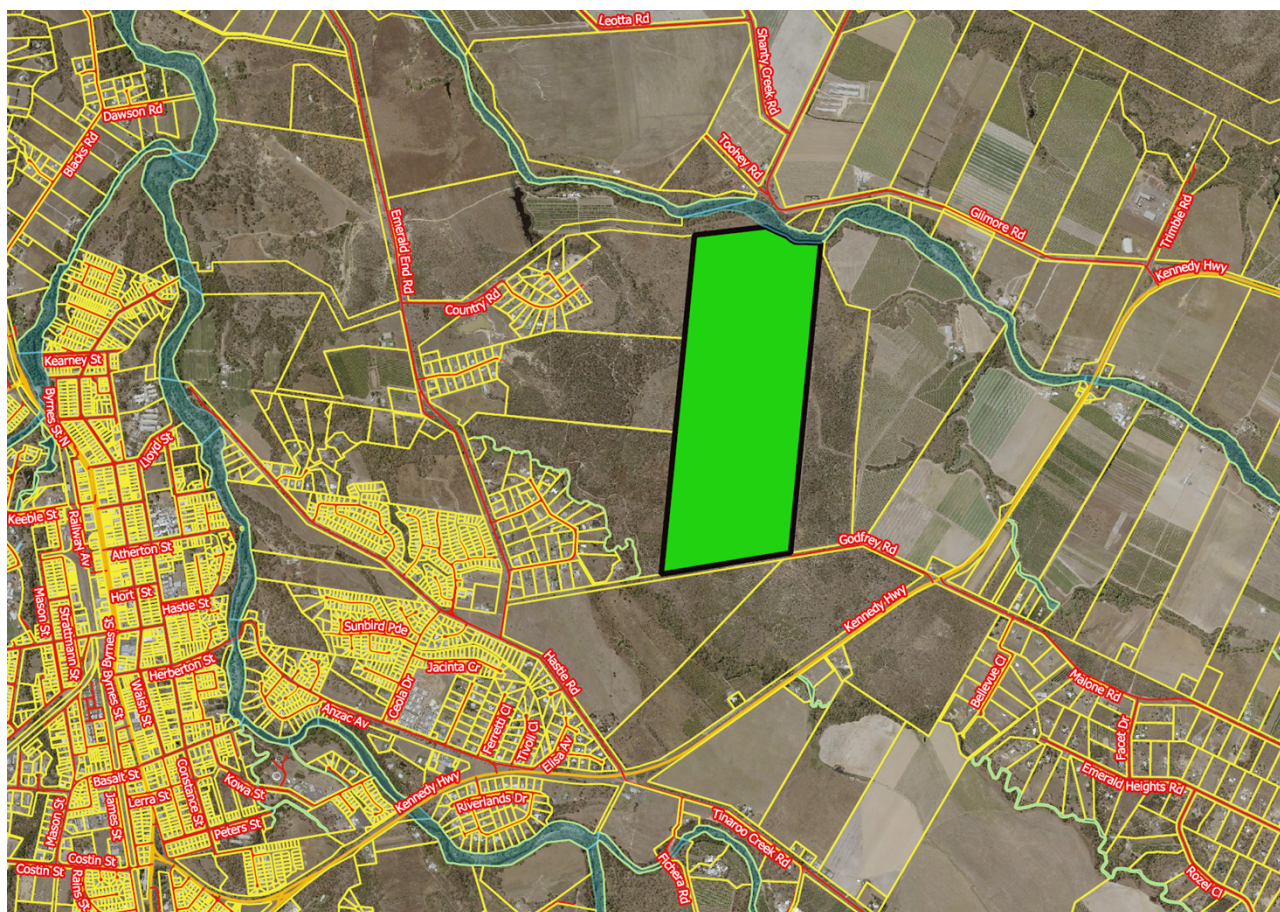
The subject site is situated just to the east of Hoolahan Drive at 85 Godfrey Road, Mareeba, and is described as Lot 219 on NR378. The site is generally regular in shape with an area of 67.15 hectares and is zoned Rural residential (Precinct C - 2 hectare) under the Mareeba Shire Council Planning Scheme 2016. The site contains 728 metres of frontage to the Godfrey Road reserve. Godfrey Road is constructed to a formed gravel standard from its intersection with the Kennedy Highway to the existing access point for the site in the south-east corner, a length of approximately 850 metres. After this point, the road reserve contains an informal single vehicle track used to access an adjoining property.

The site is improved by a single shed only, situated towards the rear of the property. The remainder of the property remains relatively unused and vegetated. Multiple seasonal watercourses run through the property flowing generally in north-west direction. A 230 metre section of the rear, or northern end of the site backs onto Emerald Creek.



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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Nil

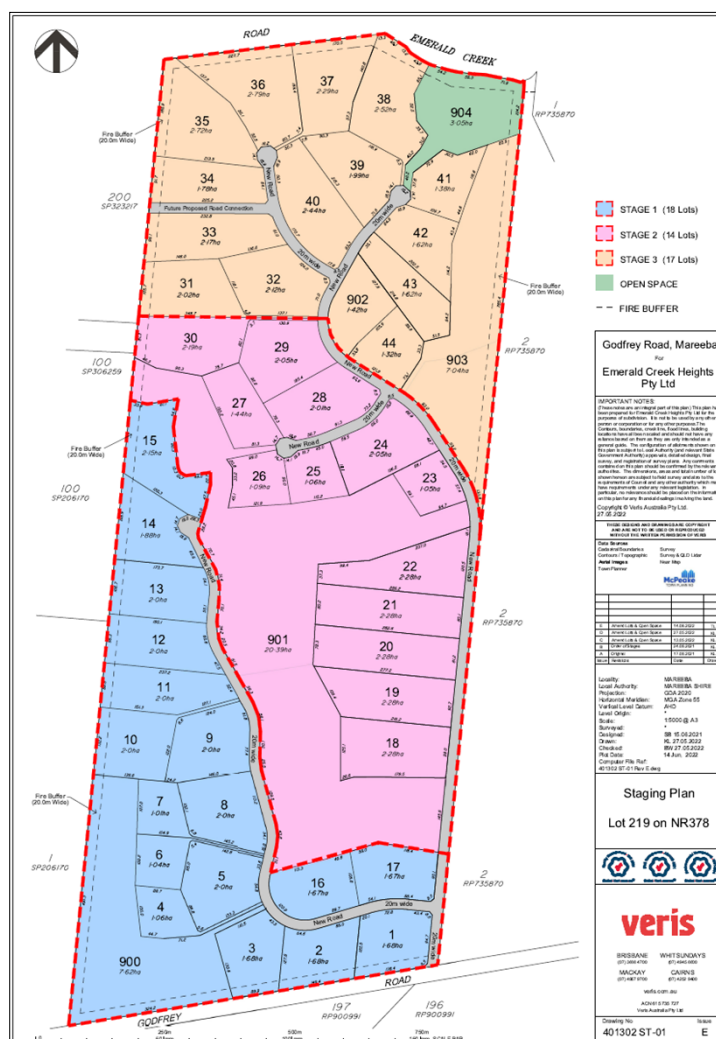
On 27 January 2010, Council approved development application REC/08/0039 over the subject site for Material Change of Use (overriding the planning scheme) and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 51 lots).

The development approval authorised the subject site's development for 51 rural residential allotments.

REC/08/0039 was not progressed and it lapsed 28 March 2016.

The rural residential development rights created under the Material Change of Use aspect of REC/08/0039 were recognised in the Mareeba Shire Council Planning Scheme 2016 and the land remains in the rural residential zone.

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 49 lots) in accordance with the plan shown below and included as **Attachment 1**.



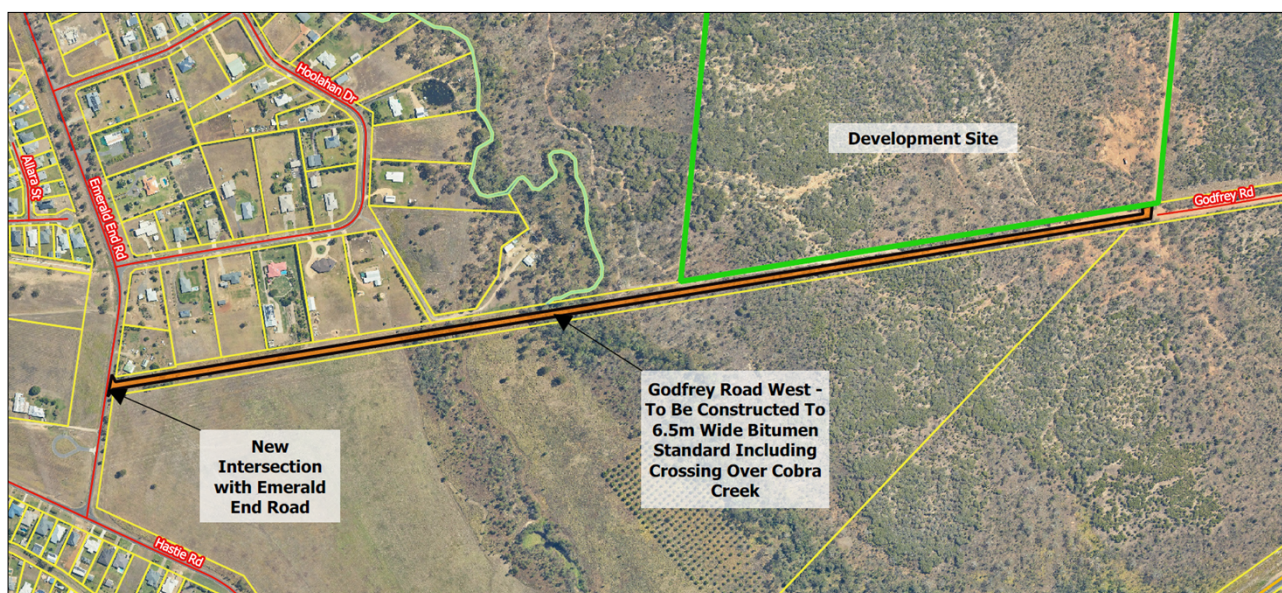
The development will occur over 3 Stages as follows:

- Stage 1 - 18 Lots ranging in size from 1.01 hectares to 7.62 hectares, 5 rear access lots.
- Stage 2 - 14 Lots ranging in size from 1.05 hectares to 20.39 hectares, 1 rear access lot.
- Stage 3 - 17 Lots ranging in size from 1.32 hectares to 7.04 hectares, 3 rear access lots. Lot 904 which is 3.05 hectares in area situated adjacent Emerald Creek is proposed to be transferred to Council as a Reserve for open space (parkland).

The three large lots (Lots 900, 901 and 903) have been included to cover those parts of the site that contain drainage features and remnant vegetation subject to clearing restrictions. These lots are able to accommodate a single dwelling.

Each lot will be serviced by electricity, town water and a connection to the NBN network and will be accessed by a bitumen sealed internal road network. A road connection to the balance land of neighbouring Country Road Estate to the west has been provided in Stage 3.

External to the site, the development will be accessed from Godfrey Road West which is currently undeveloped road reserve. Approximately 1,600 metres of new road will be installed including an intersection to Emerald End Road and a crossing over Cobra Creek (see below map). No road upgrades are proposed to Godfrey Road East which is currently constructed to a formed gravel standard from the Kennedy Highway intersection (opposite Malone Road) up to the development site boundary.



REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Residential Area Natural Environmental Elements <ul style="list-style-type: none"> • Biodiversity Areas
Zone:	Rural Residential zone
Precinct:	C - 2 Hectare Precinct
Overlays:	Agricultural land overlay Airport environs overlay 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:

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 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 outcomes where no acceptable outcome has been provided or where an acceptable outcome cannot be satisfied) 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 relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Agricultural land overlay code	This code is not considered applicable - refer to Code Document for commentary.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome

	has not been satisfied). Refer to Code Document for full commentary.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The proposed development is for a rural residential subdivision. Landscape treatments are not considered necessary in this instance.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant 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 be designed and constructed in accordance with FNQROC Development Manual standards.

(E) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2022 identifies a charge rate for residential development of \$20,260.00 per additional residential allotment created.

As the proposed allotments will not be serviced by reticulated sewerage infrastructure, the relevant charge rate is discounted by 20%. The applicable charge rate is therefore \$16,208.00 per additional allotment created.

49 residential lots are proposed however proposed Lot 904 will become a Reserve; therefore, infrastructure charges are not applicable to this allotment.

A credit does exist over the subject site however as the allotment is not currently serviced by town water or sewer, the applicable credit is only \$10,130.00. This credit has been applied to Stage 1.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a concurrence agency for clearing of native vegetation.

That Department advised in a letter dated 22 July 2022 that they require the conditions to be attached to any approval (**Attachment 2**).

Proposed Lots 900, 901, 903 and 904 are the largest proposed lots with areas of 7.62 ha, 20.39 ha, 7.04 ha and 3.05 ha respectively. These lots are larger and shaped as they are in response to vegetation clearing concerns raised by the Department. The Departments referral agency response conditions included in **Attachment 2** places vegetation clearing restrictions over the majority of these larger lots. Future landowners will still be able to clear for the siting of a dwelling and shed/s as well as fire management.

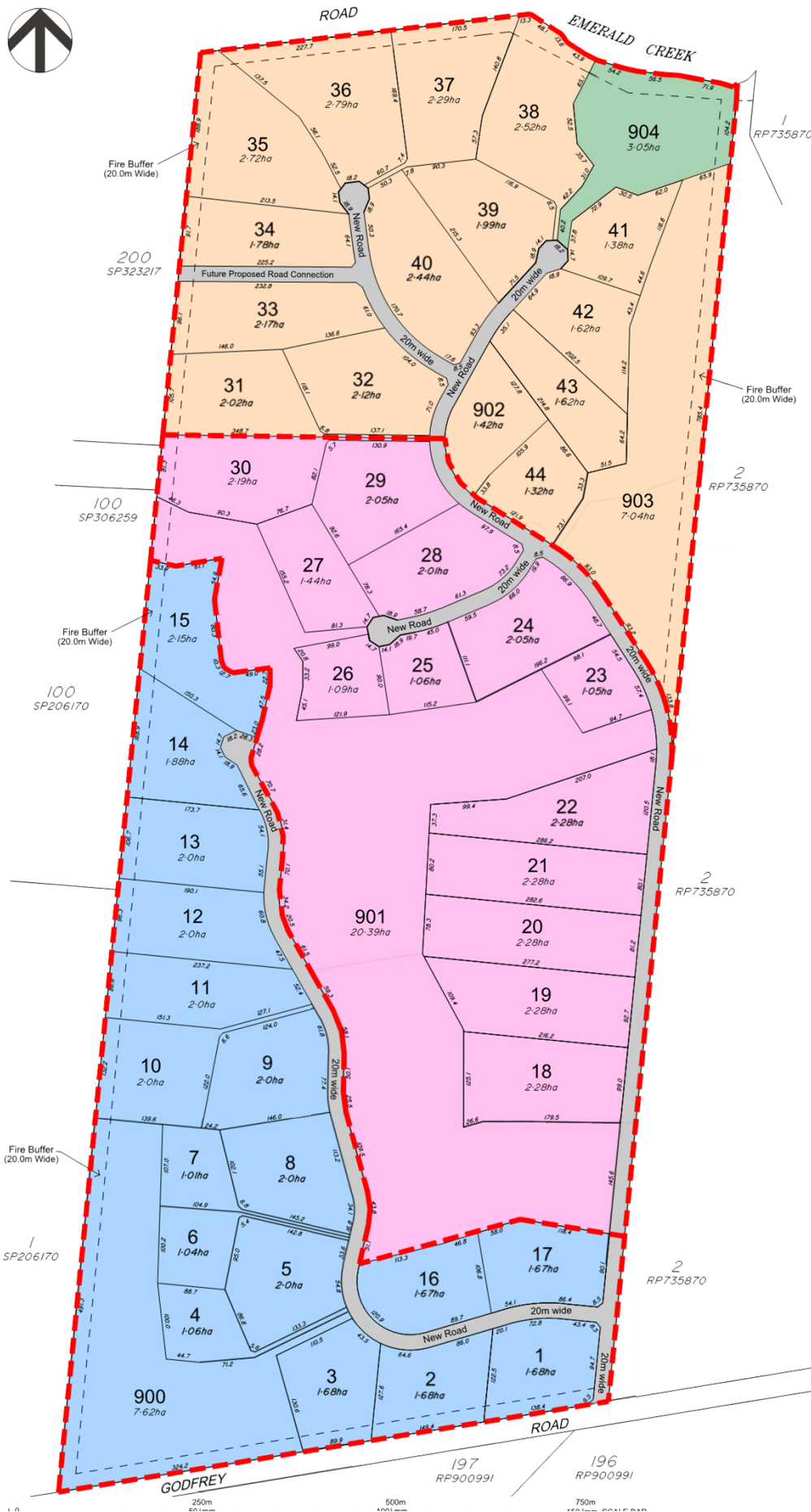
Internal Consultation

Technical Services

Water & Waste

PLANNING DISCUSSION

Nil



RA6-N



SARA reference: 2110-25236 SRA
Council reference: RAL/21/0016

22 July 2022

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

Attention: Carl Ewin

Dear Carl,

SARA response—85 Godfrey Road, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 19 October 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	22 July 2022
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 for 1 into 49 lot rural residential subdivision
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) Clearing native vegetation	
SARA reference:	2110-25236 SRA	
Assessment Manager:	Mareeba Shire Council	

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DA Advisory Team (DAAT)
Level 13, 1 William Street, Brisbane
PO Box 15009 CITY EAST QLD 4002

2110-25236 SRA

Street address: 85 Godfrey Road, Mareeba
Real property description: 219NR378
Applicant name: Emerald Creek Heights Pty Ltd
Applicant contact details: Level 2, Suite 2, 82 Grafton Street
Cairns QLD 4870
james@jamesmcpeake.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 Soraya Torrens, Senior Planner, on 07 3452 7695 or via email DAAT@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Christopher Aston
State Planner

cc Emerald Creek Heights Pty Ltd, james@jamesmcpeake.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, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plan: Vegetation Management Plan on Lot 219 on NR378, reference 401302-CP01 and as amended in red by SARA.	At all times
2.	Clearing of vegetation must not occur on lots 900, 901, 902, 903 and 904 shown on the following plan: Vegetation Management Plan on Lot 219 on NR378, reference 401302-CP01 and as amended in red by SARA. Note: This condition is not applicable where clearing of vegetation is exempt clearing work for essential management items (a), (b), (c), (d) and (e), under Schedule 21 of the Planning Regulation 2017.	At all times

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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) v2.6. If a word remains undefined it has its ordinary meaning. |
|----|---|

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 development complies with State Code 16: Native vegetation clearing of SDAP. Specifically, the development:

- avoids impacts on vegetation that are matters of state environmental significance and where it cannot be avoided, the development minimises and mitigates impacts
- minimises clearing to conserve vegetation within the watercourse, avoids land degradation and maintains ecological processes.

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 2.6), as published by the department
- The Development Assessment Rules
- Technical agency advice
- 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 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.

