

<b>8.2</b>	<b>SIMMS VENEER &amp; SAWMILLS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 265 ON NR6775 - 31 TRIMBLE ROAD, MAREEBA - RAL/22/0013</b>
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**Date Prepared:** 10 October 2022

**Author:** Senior Planner

**Attachments:**

1. Proposal Plan
2. State Assessment and Referral Agency response dated 18 August 2022
3. Ergon Energy advice agency response dated 8 August 2022

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Simms Veneer & Sawmills Pty Ltd	<b>ADDRESS</b>	31 Trimble Road, Mareeba
<b>DATE LODGED</b>	27 July 2022	<b>RPD</b>	Lot 265 on NR6775
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
<b>FILE NO</b>	RAL/22/0013	<b>AREA</b>	33.101 hectares
<b>LODGED BY</b>	Urban Sync Pty Ltd	<b>OWNER</b>	Simms Veneer & Sawmills Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016 (as amended by TLPI No.01 of 2021 (Subdivision in Rural zone))		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

#### EXECUTIVE SUMMARY

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application proposes the subdivision of a 33.101 hectare allotment into two (2) allotments along the existing severance created by Gilmore Road. The reasoning for the subdivision is to separate the existing sawmill use (proposed Lot 1 -15.6 hectares) from the balance of the rural land (proposed Lot 2 - 17.5 hectares) and thereby allow the non-sawmill land to be returned to an agricultural use.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with a number of higher order provisions which seek to stop the subdivision of Rural zoned land where creating lots less than 60 hectares in size. These particular provisions are included within the Planning Scheme as a result of Temporary Local Planning Instrument No. 01 of 2021 (Subdivision in Rural zone).

Despite the identified conflicts, Council officers consider there to be sufficient town planning grounds to approve the application, as outlined below in the Officer's Recommendation section of this report.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed. It is recommended that the application be approved in full with conditions.

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Simms Veneer & Sawmills Pty Ltd	<b>ADDRESS</b>	31 Trimble Road, Mareeba
<b>DATE LODGED</b>	27 July 2022	<b>RPD</b>	Lot 265 on NR6775
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does consider that the assessment manager’s decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
The application conflicts with 3.3.1 Strategic outcomes (5) and (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.	<p>The proposed subdivision will create two allotments, these being proposed Lots 1 and 2 with areas of 17.5 hectares and 15.6 hectares respectively.</p> <p>The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.</p> <p>The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.</p> <p>The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.</p> <p>Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.</p>

	<p>Of particular relevance is Strategic outcome 3.3.1(5), as amended by the TLPI, which stipulates that subdivision of rural land does not result in a <i>'detrimental impact on rural productivity or fragments large land holdings'</i>. The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.</p> <p>Strategic outcome 3.3.1(6), as amended by the TLPI, also states that <i>'new subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural Zone'</i>. The site is already less than 60ha and is bisected by Gilmore Road, which physically fragments the site into two portions of approximately 15ha each.</p> <p>The proposed subdivision seeks to formalise these two fragmented portions of the site into two individual lots, as determined by the existing site constraints so that the existing sawmill can operate entirely independently from the remainder of the site (proposed Lot 1 - the agricultural land resource).</p> <p>Accordingly, the proposed development will not compromise or further fragment the site beyond its current physical characteristics, nor result in any incompatible land use (proposed Lot 1 already contains a dwelling house), nor compromise the existing rural character or quality of the site.</p> <p>The proposed development does not conflict with the overall settlement pattern or built environment intended for the zone.</p>
<p>The application conflicts with 3.3.11.1 Specific Outcomes (2) &amp; (3) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.</p> <p>The application conflicts with 6.2.9.2 Purpose (3)(a) of the Rural zone code - proposed Lots 1 and 2 will have an area less than 60 ha.</p> <p>The application conflicts with Performance outcome PO1.1 of the Reconfiguring a lot code - proposed Lots 1 and 2 will have an area less than 60 ha.</p>	<p>The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.</p> <p>The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.</p> <p>The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.</p> <p>Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.</p> <p>The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.</p>

	<p>The overarching purpose of the TLPI as reflected in the Ministers Statement of Reasons (for imposing the TLPI) is to disallow subdivision in the Rural zone where creating lots less than 60 ha in order to:</p> <ul style="list-style-type: none"> <li>- Minimise further fragmentation of agricultural land and maintain larger lot sizes to ensure the economic viability of rural land holdings; and</li> <li>- to protect important agricultural and rural land from incompatible development and encroachment by urban and rural residential development.</li> </ul> <p>The subject site was effectively fragmented by the approval and subsequent development of the sawmill in 2006. The sawmill use and agricultural land resource of proposed Lot 1 are two distinct land uses with no reliance on each another.</p> <p>The proposed subdivision does not propose any further physical fragmentation and will only recognise the existing constraints created by the existence of the sawmill and Gilmore Road.</p> <p>The proposed development will not cause adverse impacts to the existing or future use of the land, as intended by the Settlement Pattern and Built Environment Theme of the Strategic Framework.</p> <p>Accordingly, the rural production values of the site and locality will not be compromised by further fragmentation, alienation or introduction of new incompatible land uses.</p>
<p>The application conflicts with 3.6.1 Strategic Outcome (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.</p>	<p>The proposed development seeks to separate the existing sawmill use from the balance of the agricultural land.</p> <p>Both proposed lots already contain all infrastructure necessary to facilitate their respective ongoing use.</p> <p>Notwithstanding the less than 60 hectares lot size, the proposed subdivision will not place any additional demand on infrastructure networks. This statement is reinforced by the no requirement responses from the referral agencies responsible for State transport infrastructure and the electricity network.</p> <p>Further, no infrastructure upgrade conditions have been proposed by Council officers.</p>

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
22-813 Issue A Sheet No. D01	Plan of Subdivision	Urban Sync Pty Ltd	08 June 2022

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
  - 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

### 3.8 Charges

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

## (D) ASSESSMENT MANAGER'S ADVICE

(a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

### (b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

### (c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

### (d) Environmental Protection and Biodiversity Conservation Act 1999

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

### (e) Cultural Heritage

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

## (E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 18 August 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**

- Nil

**(H) OTHER APPROVALS REQUIRED FROM COUNCIL**

- Nil

**THE SITE**

The subject site is situated at 31 Trimble Road, Mareeba and is described at Lot 265 on NR6775. The site is generally regular in shape with a total area of 33.101 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

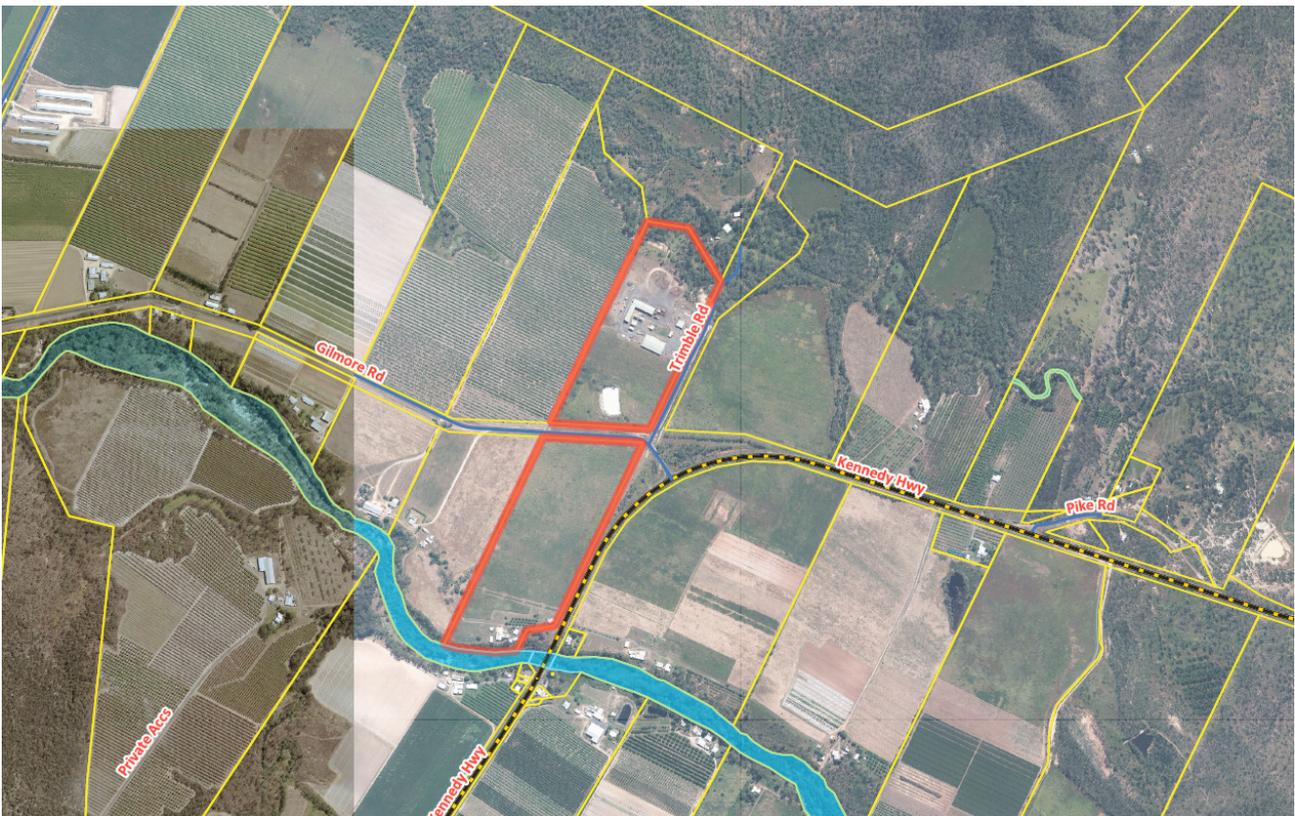
The site has extensive frontages to the Kennedy Highway, Gilmore Road and Trimble Road, with the majority of this frontage formed to bitumen sealed standard of varying widths. Gilmore Road severs the site into a northern and southern portion of 15.6 hectares and 17.5 hectares respectively.

Primary access to the southern portion is obtained off Gilmore Road and primary access to the northern portion is obtained off Trimble Road.

The southern portion is improved by a dwelling house and multiple rural outbuildings, all of which are located in a cluster along the southern boundary overlooking Emerald Creek. The balance of the southern portion consists of grassed flat paddock area. The northern portion is improved by a modern sawmill constructed after 2006. Shanty Creek meanders along the site's northern boundary.

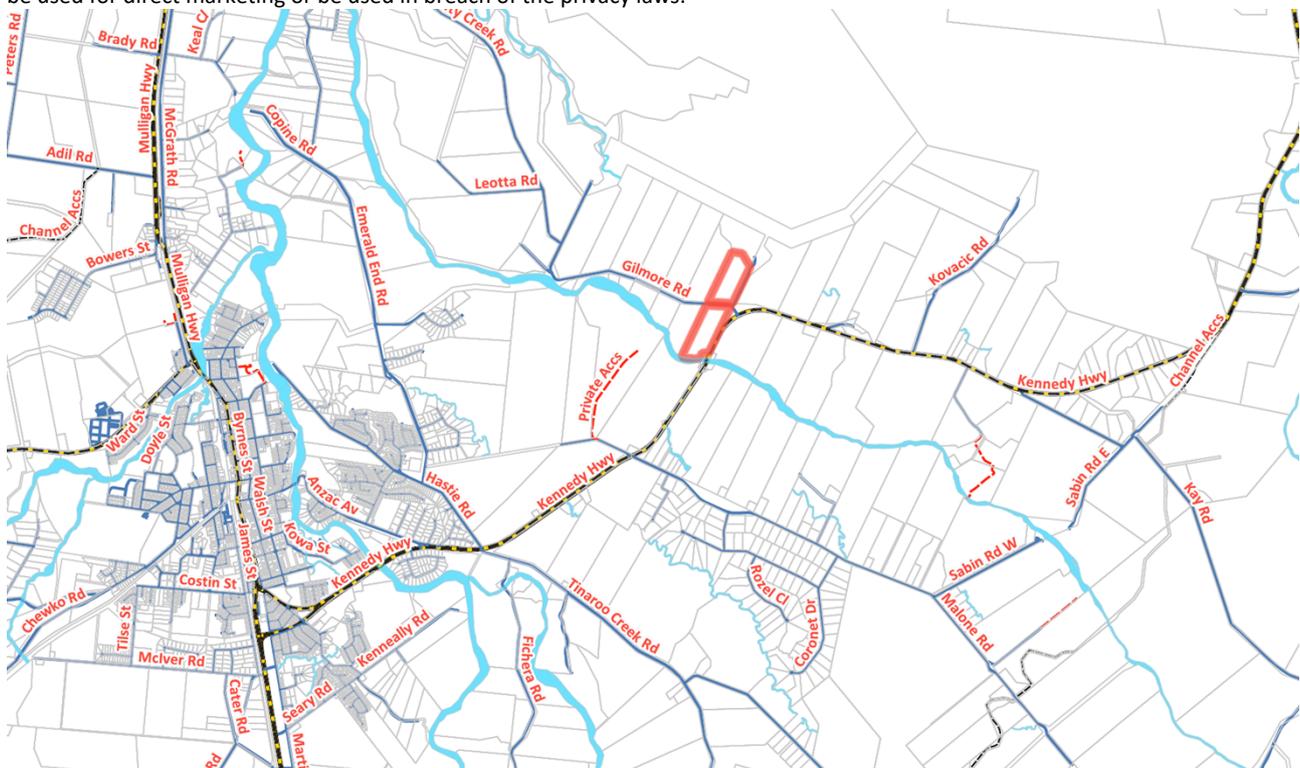
The site is connected to telecommunications and electrical infrastructure. Water supply is provided by multiple groundwater bores and effluent disposal is via multiple onsite effluent disposal systems.

Apart from the site's sawmill and a service station which fronts the Kennedy Highway approximately 150 metres to the south of the site, the locality is predominantly developed for agricultural purposes.



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**

On 20 June 2006, Council approved material change of use application MC2006/5 authorising the establishment of a sawmill on land described as Lot 265 on NR6775, situated at 4268 Kennedy Highway, Mareeba.

The sawmill has been established on the northern portion of Lot 265 on NR6775 and continues to operate.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

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

The applicant proposes the subdivision of the subject site into the following allotments:

Lot 1 area of about 17.5 hectares, approximately 290 metres frontage to Gilmore Road and 740 metres frontage to the Kennedy Highway; and

Lot 2 area of about 15.6 hectares, approximately 290 metres frontage to Gilmore Road and 470 metres frontage to Trimble Road.

Proposed Lot 1 will contain the existing dwelling house, associated rural outbuildings and unused grassed paddock area. Proposed Lot 2 will contain the existing sawmill operations.

The existing servicing arrangements for both proposed lots will contain unchanged.

**REGIONAL PLAN DESIGNATION**

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- ‘Areas of Ecological Significance’ also identifies the site is:

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

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>• Rural Area             <ul style="list-style-type: none"> <li>• Rural Agricultural Area</li> </ul> </li> </ul> <p><b>Natural Environmental Elements</b></p> <ul style="list-style-type: none"> <li>• Biodiversity Areas</li> </ul> <p><b>Transport Elements</b></p> <ul style="list-style-type: none"> <li>• State Controlled Road</li> <li>• Principal Cycle Route</li> </ul>
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay

	Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Transport Infrastructure Overlay
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## 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

#### Strategic Framework

#### 3.3 Settlement Pattern and built environment

##### 3.3.1 Strategic outcomes

- (5) *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.*
- (6) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

#### Comment

The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.

The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.

The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.

Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.

Of particular relevance is Strategic outcome (5) identified above, as amended by the TLPI, which stipulates that subdivision of rural land does not result in a '*detrimental impact on rural productivity or fragments large land holdings*'. The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.

Strategic outcome (6) identified above, as amended by the TLPI, also states that '*new subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural Zone*'. The site is already less than 60ha and is bisected by Gilmore Road, which physically fragments the site into two portions of approximately 15ha each.

The proposed subdivision seeks to formalise these two fragmented portions of the site into two individual lots, as determined by the existing site constraints so that the existing sawmill can operate entirely independently from the remainder of the site (proposed Lot 1 - the agricultural land resource).

Accordingly, the proposed development will not compromise or further fragment the site beyond its current physical characteristics, nor result in any incompatible land use (proposed Lot 1 already contains a dwelling house), nor compromise the existing rural character or quality of the site.

The proposed development does not conflict with the overall settlement pattern or built environment intended for the zone.

### 3.3.11 Element - Rural areas

#### 3.3.11.1 Specific outcomes

- (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.*

#### Comment

The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.

The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.

The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.

Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.

The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.

The overarching purpose of the TLPI as reflected in the Ministers Statement of Reasons (for imposing the TLPI) is to disallow subdivision in the Rural zone where creating lots less than 60 ha in order to:

- Minimise further fragmentation of agricultural land and maintain larger lot sizes to ensure the economic viability of rural land holdings; and
- to protect important agricultural and rural land from incompatible development and encroachment by urban and rural residential development.

The subject site was effectively fragmented by the approval and subsequent development of the sawmill in 2006. The sawmill use and agricultural land resource of proposed Lot 1 are two distinct land uses with no reliance on each another.

The proposed subdivision does not propose any further physical fragmentation and will only recognise the existing constraints created by the existence of the sawmill and Gilmore Road.

The proposed development will not cause adverse impacts to the existing or future use of the land, as intended by the Settlement Pattern and Built Environment Theme of the Strategic Framework.

Accordingly, the rural production values of the site and locality will not be compromised by further fragmentation, alienation or introduction of new incompatible land uses.

### *3.6 Transport and infrastructure*

#### *3.6.1 Strategic outcomes*

(6) *New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.*

Comment

The proposed development seeks to separate the existing sawmill use from the balance of the agricultural land.

Both proposed lots already contain all infrastructure necessary to facilitate their respective ongoing use.

Notwithstanding the less than 60 hectares lot size, the proposed subdivision will not place any additional demand on infrastructure networks. This statement is reinforced by the no requirement responses from the referral agencies responsible for State transport infrastructure and the electricity network.

Further, no infrastructure upgrade conditions have been proposed by Council officers.

**Relevant Developments Codes (as amended by TLPI No. 01 of 2021)**

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with certain assessment benchmarks contained in the Rural zone code and Reconfiguring a lot code as a result of Temporary Local Planning Instrument No. 01 of 2021 (Subdivision in Rural zone).

Relevant Codes	Comments
Rural zone code	The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as the areas of proposed Lots 1 and 2 will be less than 60 hectares.

	Despite this conflict, there are considered to be sufficient town planning grounds to approve the application - refer to the conflicts table in the Officer's Recommendation section of report for further commentary.
Agricultural land 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.
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) contained within the code.
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.
Landscaping 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.
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	<p>The application conflicts with the following performance outcome:</p> <ul style="list-style-type: none"> <li>PO1.1</li> </ul> <p>Despite this conflict, there are considered to be sufficient town planning grounds to approve the application - refer to the conflicts table in the Officer's Recommendation section of report for further commentary.</p>
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 standard condition will be attached to any approval requiring any development works be designed and constructed in accordance with FNQROC Development Manual standards.

### **(E) Adopted Infrastructure Charges Notice**

Due to the substantial existing improvements on both proposed lots, a further infrastructure charge is not warranted.

### **REFERRAL AGENCY**

The application triggered referral to the State Assessment and Referral Agency as a concurrence agency (Development application for reconfiguring a lot near a State transport corridor).

CairnsSARA advised in a letter dated 18 August 2022 that they have no requirements relating to the application (**Attachment 2**).

The application also triggered referral to Ergon Energy as an advice agency (electricity easement). Ergon Energy advised in a letter dated 8 August 2022 that they have no requirements (**Attachment 3**).

### **Internal Consultation**

Technical Services

### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 22 August 2022 to 13 September 2022. The applicant submitted the notice of compliance on 14 September 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

### **PLANNING DISCUSSION**

Refer to the conflicts table in the Officer's Recommendation section of report for further commentary.



RA9-N



SARA reference: 2208-30217 SRA
Council reference: RAL/22/0013
Applicant reference: 22-813

18 August 2022

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

Attention: Brian Millard

Dear Sir/Madam

SARA response—31 Trimble 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 2 August 2022.

Response

Table with 2 columns: Field (Outcome, Date of response, Advice, Reasons) and Value (Referral agency response - No requirements, 18 August 2022, Advice to the applicant is in Attachment 1, The reasons for the referral agency response are in Attachment 2)

Development details

Table with 2 columns: Field (Description, SARA role, SARA trigger, SARA reference, Assessment Manager) and Value (Development permit Reconfiguring a lot (1 lot into 2 lots), Referral Agency, Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017), 2208-30217 SRA, Mareeba Shire Council)

2208-30217 SRA

Street address: 31 Trimble Road, Mareeba  
Real property description: Lot 265 on NR6775  
Applicant name: Simms Veneer & Sawmills Pty Ltd  
C/- Urban Sync Pty Ltd  
Applicant contact details: PO Box 2970  
Cairns QLD 4870  
jamie@urbansync.com.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Joanne Manson, Principal Planning Officer, on 40373214 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone  
A/Manager (Planning)

cc Simms Veneer & Sawmills Pty Ltd C/- Urban Sync Pty Ltd, jamie@urbansync.com.au

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



2208-30217 SRA

## **Attachment 2—Reasons for referral agency response**

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

### **The reasons for the department's decision are:**

The proposed development complies with State code 1: Development in a state-controlled road environment and can be supported without conditions as it:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state transport infrastructure
- does not adversely impact the function and efficiency of state transport infrastructure
- does not adversely impact or increase costs for the state's ability to plan, construct, maintain, upgrade or operate state transport infrastructure.

### **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 3.0), as published by Department of State Development, Infrastructure, Local Government and Planning
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping
- *Human Rights Act 2019*

2208-30217 SRA

**Attachment 3 —Change representation provisions**

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## Development Assessment Rules—Representations about a referral agency response

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

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.



420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

08 August 2022

Mareeba Shire Council  
Attention: Brian Millard  
Via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

cc Simms Veneer & Sawmills Pty Ltd  
c/- Urban Sync Pty Ltd  
Attention: Jamie Wyatt  
Via email: [jamie@urbansync.com.au](mailto:jamie@urbansync.com.au)

Dear Sir/Madam,

**Development Application – Reconfiguration of a Lot for 1 into 2 Lots located at 31 Trimble Road, Mareeba, described as Lot 265 on NR6775.**  
**Applicant Ref: 22-813**  
**Council Ref: RAL/22/0013**  
**Our Ref: HBD 7640642**

We refer to the above referenced Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

As an Advice agency to the application Ergon has no requirements in relation to the proposed Reconfiguration of a Lot for 1 into 2 Lots.

Should you require any further information on the above matter, please contact Angela Cobcroft on 0447 671 554 or email [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,

A handwritten signature in black ink that reads 'Acobcroft'.

Angela Cobcroft  
Senior Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062