

DELEGATED REPORT

SUBJECT: MGA INVESTMENTS PTY LTD – RECONFIGURING A LOT – SUBDIVISION (1 INTO 3 LOTS) – LOT 1 ON SP223151 – 3609 MULLIGAN HIGHWAY, MOUNT MOLLOY - RAL/22/0022

DATE: 3 March 2023

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	MGA Investments Pty Ltd	ADDRESS	3609 Mulligan Highway, Mount Molloy
DATE LODGED	3 January 2023	RPD	Lot 1 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 lots)		

FILE NO	RAL/22/0022	AREA	393.6 hectares
LODGED BY	RPS AAP Consulting Pty Ltd	OWNER	MGA Investments Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

- ATTACHMENTS:**
1. Proposal Plan/s
 2. State Assessment and Referral Agency response dated 20 February 2023
 3. Ergon Energy advice agency response dated 28 February 2023

EXECUTIVE SUMMARY

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

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

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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	
APPLICANT	MGA Investments Pty Ltd	ADDRESS	3609 Mulligan Highway, Mount Molloy
DATE LODGED	3 January 2023	RPD	Lot 1 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 lots)		

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

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

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 lots)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AU007724-1 A	Proposed Reconfiguration. Lots 101 to 103 cancelling Lot 1 on SP223151	RPS	21-12-2022

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

(a) Development assessable against the Planning Scheme

1. 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 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 Bushfire Management
- 3.8.1 Any new dwelling erected on the proposed allotments must:
- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
 - (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.8.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.9 Charges

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

3.10 A 10 metre wide access easement must be established over Lot 102 to service Lot 103 generally in accordance with the position and orientation shown on the approved plan. The access easement documents must be submitted to Council for review prior to endorsement of a plan of survey.

4. Infrastructure Services and Standards

4.1 Access Easement Standard

A compacted gravel, all weather access driveway must be constructed for the full length of the access easement included over Lot 102, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 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.

(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) Historic Grave Site

The gravesite of Georgina Mathieson exists at the southern end of the property. This gravesite is included in the Planning Scheme's Local Heritage Register which contains information about the site and its historic significance. The gravesite has a wrought iron surround, painted white for easy identification. Any modification or disturbance of the gravesite other than routine maintenance is considered assessable development.

(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

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) 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
- registered easements over the subject land

(f) 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.

(g) 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) CONCURRENCE AGENCY CONDITIONS

State Assessment and Referral Agency response dated 20 February 2023

(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

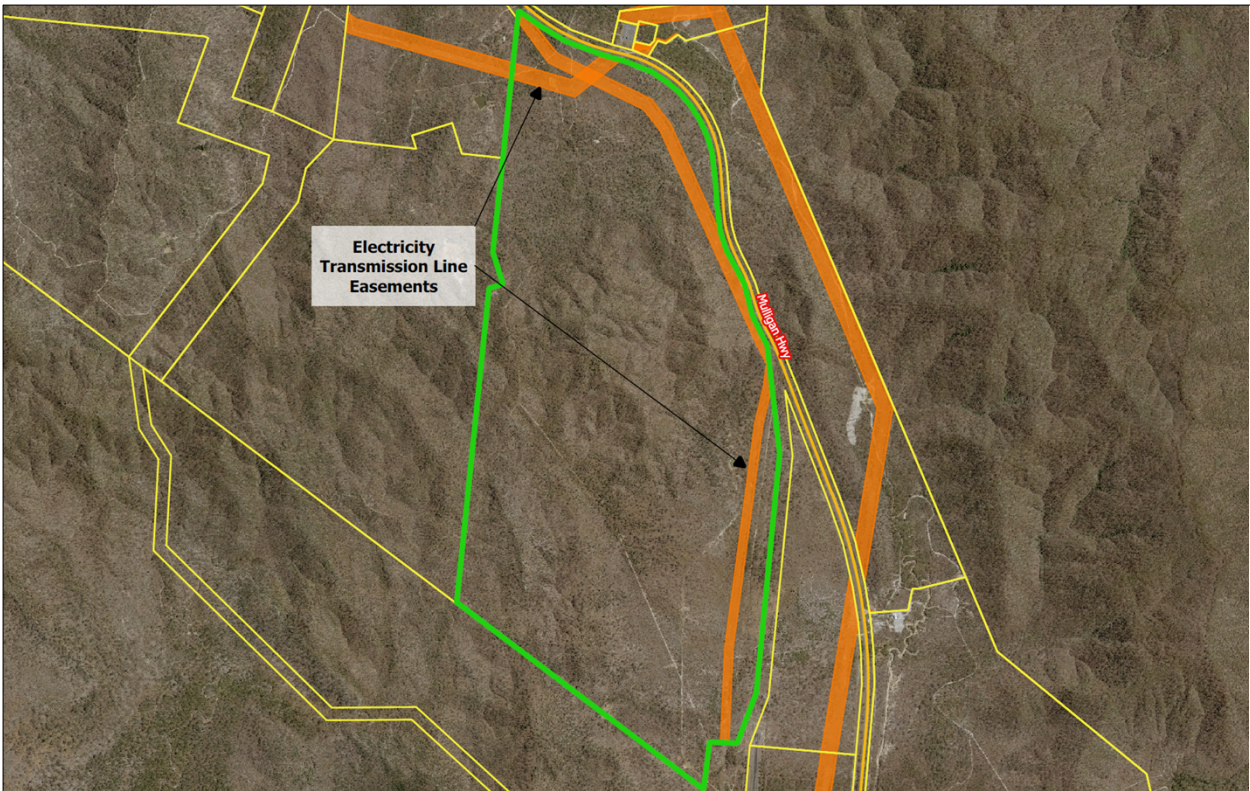
- Nil

THE SITE

The subject site is situated approximately 2 kilometres to the south of the Mount Molloy Township at 3609 Mulligan Highway, Mount Molloy and described as Lot 1 on SP223151. The site is irregular in shape with an area of 393.6 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

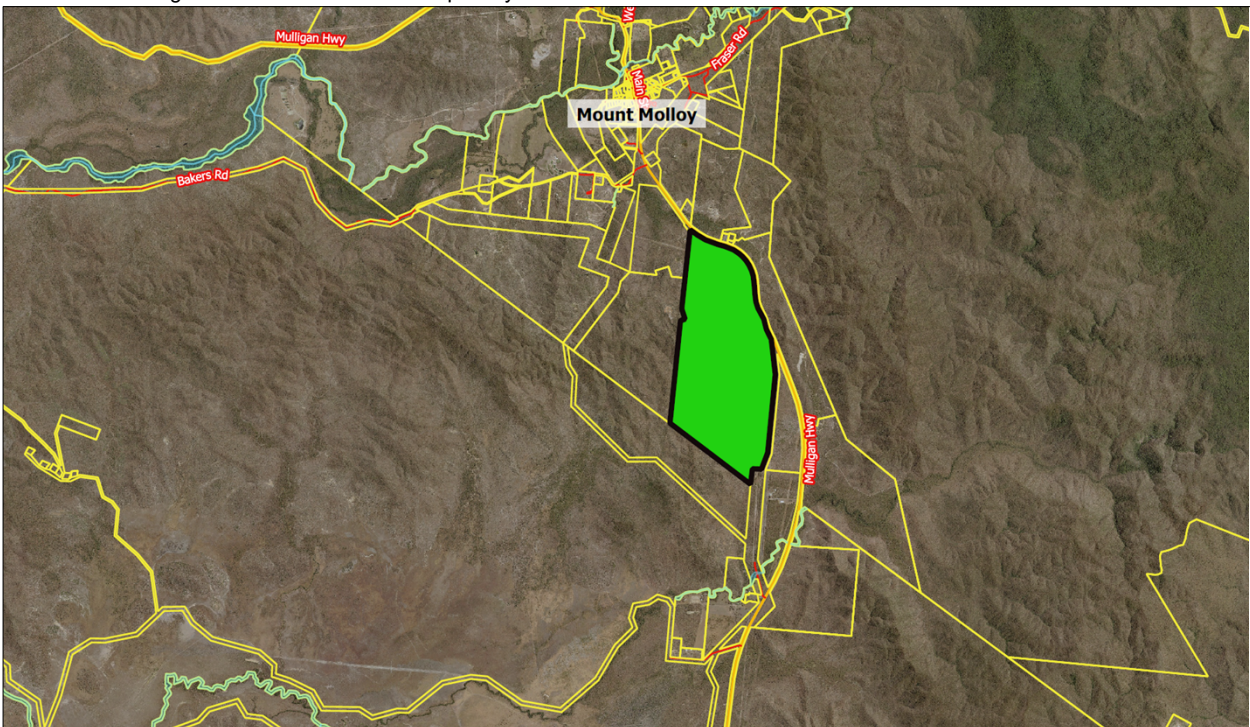
The site contains approximately 2.4 kilometres of frontage to the Mulligan Highway and a further 2 kilometres of frontage to an undeveloped section of road reserve along the eastern side of the property. Access is currently gained from this section of undeveloped road reserve via a private driveway and “no name road” that intersects the Mulligan Highway to the south of the site.

The site is predominately vegetated with an undulating topography and is improved by a small shed/shelter structure at the northern end of the property and a historic grave site situated in the southern corner. Two electricity easements burden the land which contain high voltage transmission lines. All surrounding lots are zoned Rural.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 lots) in accordance with the plans shown in **Attachment 1**.

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:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • <i>Rural Area (rural other)</i> Natural Environmental Elements <ul style="list-style-type: none"> • <i>Habitat Linkage</i> Transport Elements <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>B-double Route</i> • <i>Principal Cycle Route</i> Infrastructure Elements <ul style="list-style-type: none"> • <i>Major Electrical Infrastructure</i>
Zone:	Rural zone
Overlays:	Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Regional infrastructure corridors and substation 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 Development Codes**

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural 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.
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.
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.

Regional infrastructure corridors and substations 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	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.

(e) 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.

REFERRALS

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (SARA - DTMR).

That Department advised in a letter dated 20 February 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

The application also triggered referral to Ergon Energy as an Advice Agency. The advice response provided by Ergon Energy is included in **Attachment 3**.

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Nil


Date Prepared: 3 March 2023

DECISION BY DELEGATE

DECISION

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

Dated the 3RD day of MARCH 2023



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



ATTACHMENT 2

RA6-N



SARA reference: 2301-32906 SRA
 Council reference: RAL/22/0022
 Applicant reference: AU007724

20 February 2023

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

Attention: Carl Ewin

Dear Sir/Madam

SARA referral agency response—3609 Mulligan Highway, Mount Molloy

(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 18 January 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	20 February 2023
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 RAL for Subdivision (1 into 3 Lots) and access easement
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning	

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

2301-32906 SRA

Regulation 2017).

Development application for a reconfiguring a near a state transport corridor – within 25m of a state-controlled road

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 (Planning Regulation 2017)

Development application for a reconfiguring a lot near a state transport corridor - within 25m of a state-controlled road intersection

SARA reference:	2301-32906 SRA
Assessment manager:	Mareeba Shire Council
Street address:	3609 Mulligan Highway, Mount Molloy
Real property description:	Lot 1 on SP223151
Applicant name:	MGA Investments Pty Ltd C/- RPS AAP Consulting Pty Ltd
Applicant contact details:	PO Box 1949 Cairns QLD 4870 Patrick.Clifton@rpsgroup.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR23-038476 (500-1140) • Date: 14 February 2023 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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.

2301-32906 SRA

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373214 or via email CairnsSARA@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc MGA Investments Pty Ltd C/- RPS AAP Consulting Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The road access locations are to be located generally in accordance with TMR Layout Plan (34A – 36.05km), prepared by Queensland Government Transport and Main Roads, dated 10/02/2023, Reference TMR23-38476 (500-1140), Issue A.</p> <p>(b) Road access works comprising of additional upgrading works must be provided at the northern (proposed Lot 102) road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with TMR Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type B – Rural Property Access, dated 11/2021, and Revision B.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p>
2.	Direct access is not permitted between the Mulligan Highway and proposed Lot 101 and proposed Lot 103.	At all times.
3.	<p>(a) The applicant must register an access easement on the title of proposed Lot 102 for the shared access to proposed Lot 103.</p> <p>(b) The applicant must provide to Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) of the Department of Transport and Main Roads a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration.</p> <p>(b) Within 20 business days of registration of the easements.</p>

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) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p>Transport Noise Corridor</p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: State Planning Policy Interactive Mapping System (SPP) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under 'Information Purposes' within 'Transport Infrastructure' of the SPP.</p>
Further development permits required	
3.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

With conditions the proposed development:

- 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-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

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*

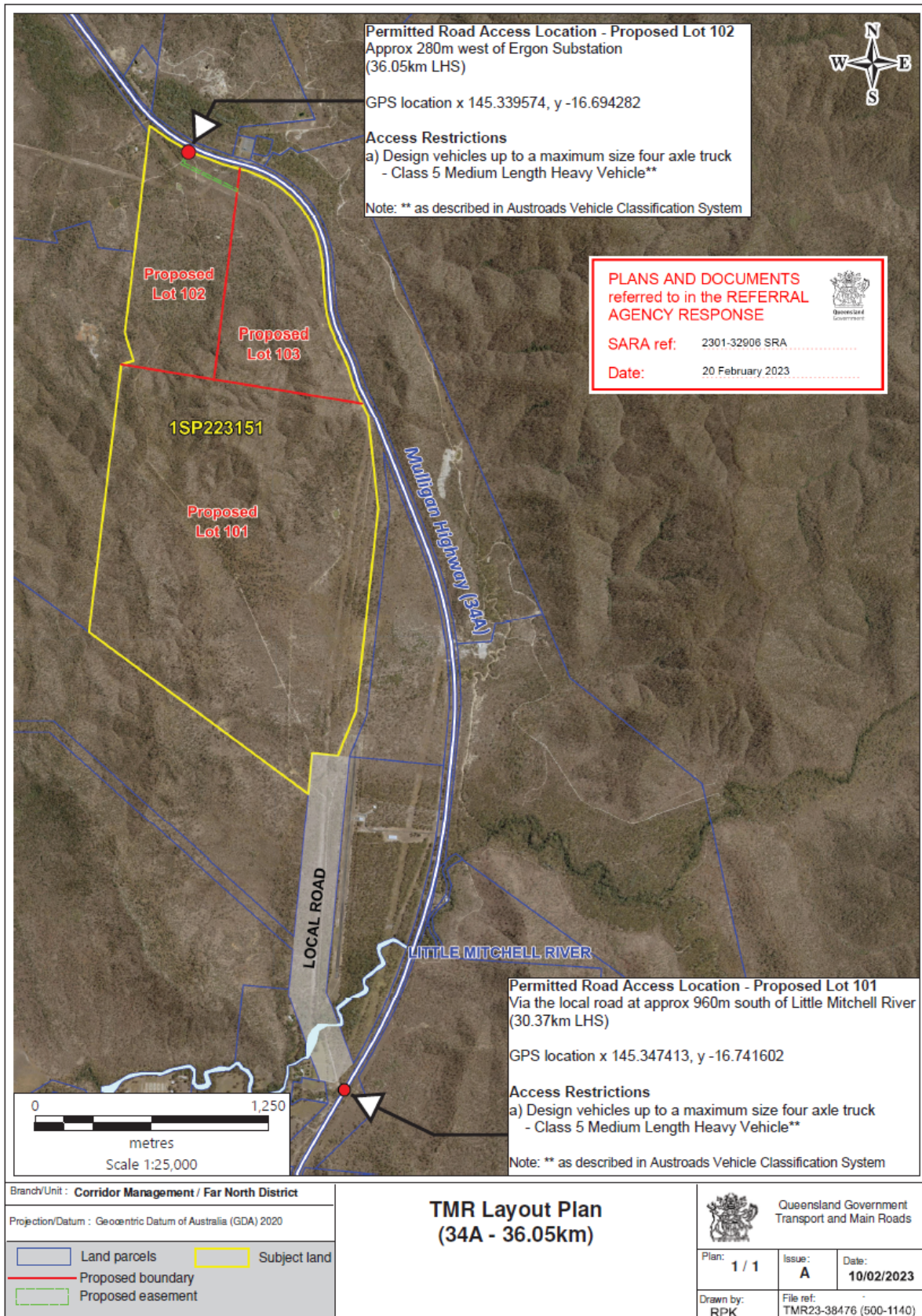
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



Permitted Road Access Location - Proposed Lot 102
 Approx 280m west of Ergon Substation
 (36.05km LHS)

GPS location x 145.339574, y -16.694282

Access Restrictions
 a) Design vehicles up to a maximum size four axle truck
 - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2301-32906 SRA

Date: 20 February 2023

Permitted Road Access Location - Proposed Lot 101
 Via the local road at approx 960m south of Little Mitchell River
 (30.37km LHS)

GPS location x 145.347413, y -16.741602

Access Restrictions
 a) Design vehicles up to a maximum size four axle truck
 - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Branch/Unit : **Corridor Management / Far North District**

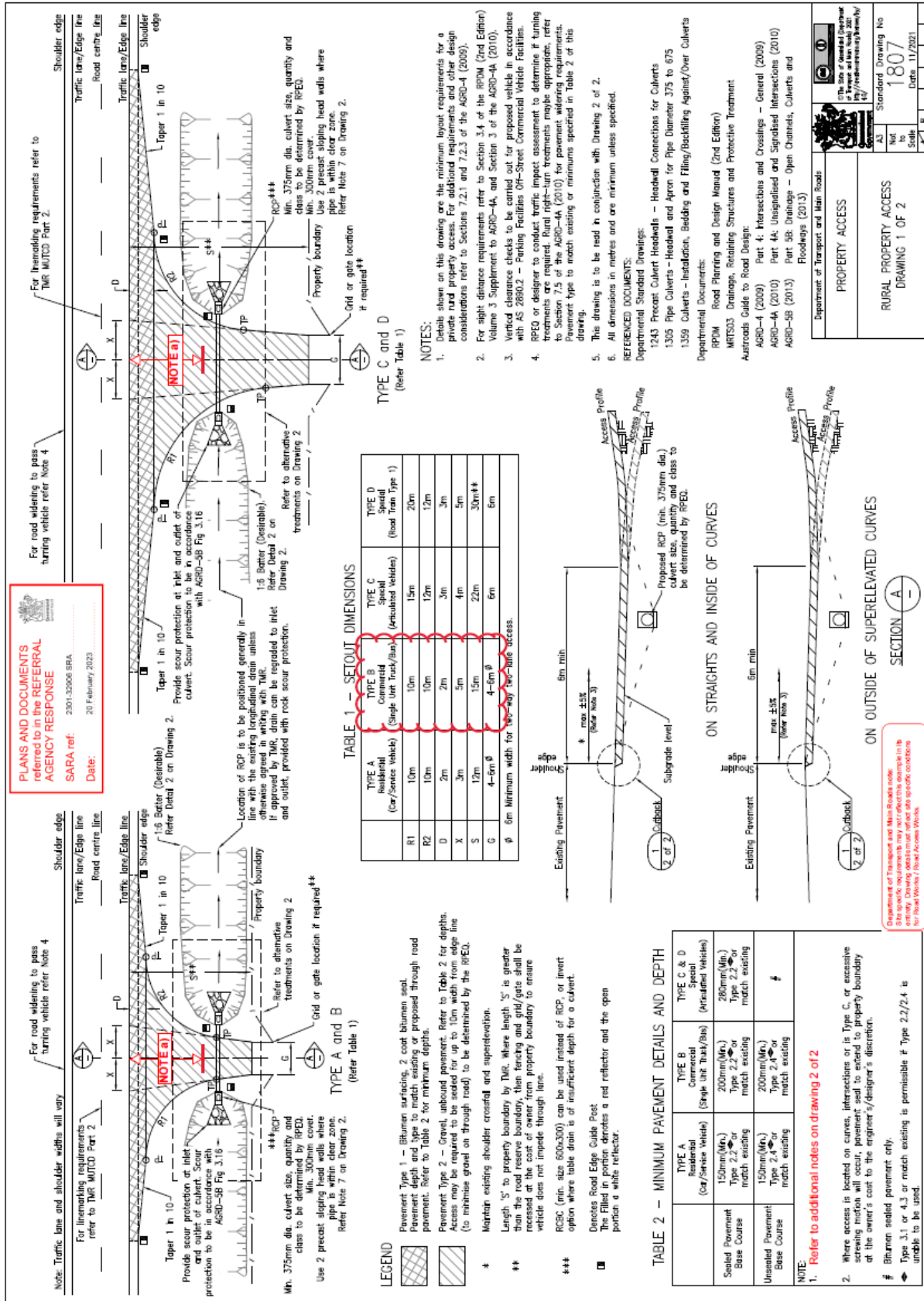
Projection/Datum : Geocentric Datum of Australia (GDA) 2020

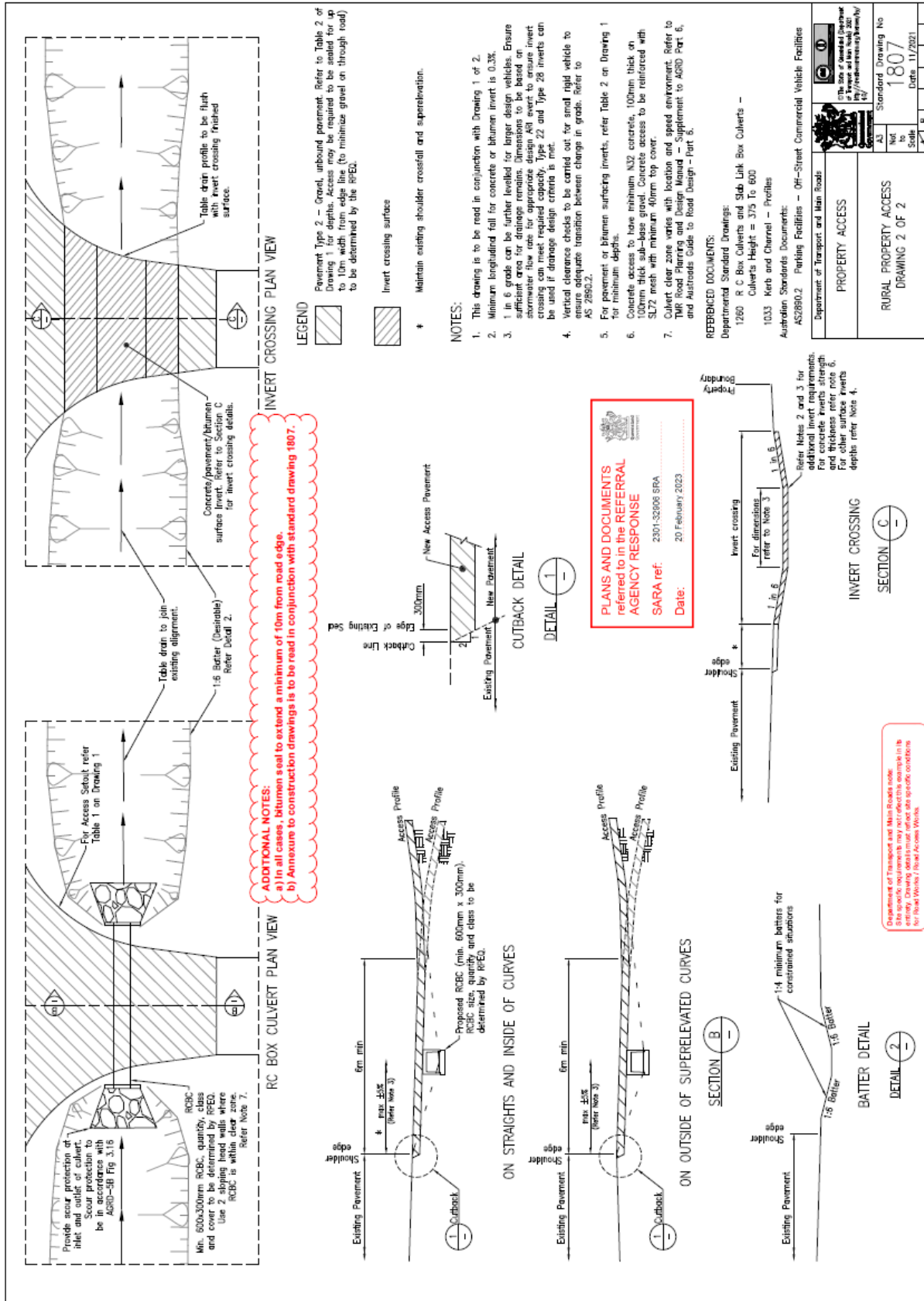
Land parcels	Subject land
Proposed boundary	
Proposed easement	

TMR Layout Plan (34A - 36.05km)

Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: A	Date: 10/02/2023
Drawn by: RPK	File ref: TMR23-38476 (500-1140)	

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ATTACHMENT 3



420 Flinders Street, Townsville QLD 4810
 PO Box 1090, Townsville QLD 4810
ergon.com.au

28 February 2023

MGA Investments Pty Ltd TTE
 C/- RPS AAP Consulting Pty Ltd
 Via email: patrick.clifton@rpsgroup.com.au

Attention: Patrick Clifton

Cc Mareeba Shire Council
 Attention: Carl Ewin

Via email: info@msc.qld.gov.au

Dear Patrick,

**Referral Agency Response Notice to Application for Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 lots) over land at 3609 Mulligan Highway, Mount Molloy and described as Lot 1 on SP223151.
 Council Ref: RAL/22/0022
 Our Ref: HBD 7673998**

We refer to the above mentioned Development Application, which has been referred to Ergon Energy, pursuant to section 54(1) of 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*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed RAL, as an Advice Agency for the Application, Ergon requires that the Assessment Manager impose the following conditions:

1. The development is carried out generally in accordance with the below referenced plans. Any significant alterations to these plans should be resubmitted to Ergon for comment:

Title	Document Ref.	Date
Proposed Reconfiguration Plan	AU007724-1 A	21-12-2022

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Ergon Energy Corporation Limited ABN 50 087 646 062

2. Access to the existing Ergon easements and access along the easements must be available to Ergon personnel, including vegetation crews and regular routine line inspection crews, and heavy equipment, such as Heavy Trucks, Machinery and Cranes for construction, maintenance and emergency services, at all times.
3. Ergon will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area.
4. Satisfactory clearance from the existing electricity wires must be maintained in accordance with the *Electrical Safety Regulations 2013* at all times.
5. Rubbish, materials and / or tall equipment such as cranes and excavators are not permitted to be stored on the easement.
6. Any proposed underground services are to be kept to the outer edge of the easement and are to only cross the easement as near as possible to right angles.
7. Consideration must be given to the type of vegetation planted in the easement.
8. Any costs or damages incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
9. All existing easement conditions must be adhered to.
10. All future works should be in accordance with the Electricity Entity Requirements: Working Near Overhead and Underground Electric Lines WP1323.

Should you require further information regarding this matter, feel free to contact the undersigned on 0428 943 997 or email townplanning@ergon.com.au.

Yours faithfully,



Scott Pearson
Senior Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency