

**DELEGATED REPORT**

**SUBJECT:** MAREEBA COMMUNITY HOUSING COMPANY – MATERIAL CHANGE OF USE – MULTIPLE DWELLING – LOT 1 ON SP202900 – 39 STRATTMANN STREET, MAREEBA – MCU/23/0004

**DATE:** 12 April 2023

**REPORT OFFICER'S TITLE:** Planning Officer

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Community Housing Company	<b>ADDRESS</b>	39 Strattmann Street, Mareeba
<b>DATE LODGED</b>	16 February 2023	<b>RPD</b>	Lot 1 on SP202900
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling		

<b>FILE NO</b>	MCU/23/0004	<b>AREA</b>	1031m2
<b>LODGED BY</b>	Mareeba Community Housing Company	<b>OWNER</b>	Mareeba Community Housing Company Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Medium Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**

1. Proposal Plan/s
2. State Assessment and Referral Agency Response dated 29 March 2023

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**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	
<b>APPLICANT</b>	Mareeba Community Housing Company	<b>ADDRESS</b>	39 Strattmann Street, Mareeba
<b>DATE LODGED</b>	16 February 2023	<b>RPD</b>	Lot 1 on SP202900
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling		

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 Material Change of Use – Multiple Dwelling

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1737-SK00	Cover Sheet	Humac Design	-
1737-SK01	Site Plan	Humac Design	-
1737-SK02	Floor Plan	Humac Design	-
1737-SK03	Elevations	Humac Design	-

(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 commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 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.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

### 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

### 3.5 Letterbox

Each unit is to be provided with an individual letter box.

### 3.6 Clothes Drying area

A clothesline must be provided at the rear of each unit.

## 4. Infrastructure Services and Standards

### 4.1 Access

An access crossover must be constructed (from the edge of the Strattmann Street road pavement to the property boundary of the subject lot) to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.

- (b) All stormwater drainage must be discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with five (5) on-site car parking spaces, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.4 Lighting

Where outdoor lighting is required the applicant/developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### 4.5 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

The applicant/developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage 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).

#### 4.7 Landscaping & Fencing

- 4.7.1 The site must be landscaped generally in accordance with the plantings and turf areas shown on the approved site plan, and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.7.2 (i) Prior to the commencement of the use, a solid 1.8 metre high timber paling fence is to be erected along the full extent of all side and rear boundaries. Note: the existing timber paling fence satisfies this requirement.
- (ii) Prior to the commencement of the use, solid 1.8 metre high timber paling fence is to be erected between each dwelling unit, separating the rear courtyard/patio areas.
- (iii) The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of 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) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(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) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 29 March 2023

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect)

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

## THE SITE

The subject site is situated at 39 Strattmann Street, Mareeba, and is more particularly described as Lot 1 on SP202900. The site is regular in shape with an area of 1,031m<sup>2</sup> and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has 22 metres of frontage to Strattmann Street which is constructed to a bitumen sealed standard including kerb and channel.

The site is vacant with the exception of a 1.8 metre high timber paling fence along all side and rear boundaries.

All urban services are readily available to the subject site.

**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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The adjoining lot to the north is zoned Medium Density Residential and is developed with four (4) units. The rear boundary adjoins the Mareeba railway yard.

A long established commercial building adjoins the southern (side) property boundary.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Multiple Dwelling in accordance with the plans shown in **Attachment 1**.

The proposed development is for a total of five (5) units, comprising three (3) single bedroom units and two (2) double bedroom units.

The design of the development allows for driveway access / car park access along the northern boundary.

The development is intended to address a critical shortage in one (1) and two (2) bedroom units within the Mareeba locality, with the ongoing leasing arrangement being managed by the Mareeba Community Housing Company.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li><i>Railway Network</i></li> </ul>
Zone:	Medium Density Residential zone
Mareeba Local Plan:	Precinct B - Town Centre Fringe
Overlays:	Airport Environs Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:

Column 1	Column 2	Column 3	Column 4
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<b>Use</b>	<b>Definition</b>	<b>Examples include</b>	<b>Does not include the following examples</b>
<i>Multiple dwelling</i>	<i>Premises containing three or more dwellings for separate households.</i>	<i>Apartments, flats, units, townhouses, row housing, triplex</i>	<i>Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility</i>

## 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:

- 6.2.7 Medium density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access 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.

<b>Relevant Codes</b>	<b>Comments</b>
Medium density 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.
Mareeba local plan 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.
Transport infrastructure 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.
Accommodation activities 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.  Refer to planning discussion section of report.
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.

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

Under the Medium Density Residential zone code, the accepted maximum density for multiple dwelling is one (1) dwelling per 150m<sup>2</sup> of site area, or one (1) bedroom per 75m<sup>2</sup> of site area.

The proposed development will result in five (5) units on a 1,031m<sup>2</sup> site or one (1) unit per 206.2m<sup>2</sup> of site area.

The development comprises a total of seven (7) bedrooms, or one (1) bedroom per 147m<sup>2</sup> of site area.

As the accommodation density proposed by this application is less than the planning scheme's acceptable outcome, no infrastructure charge is proposed.

### **REFERRALS**

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency for development within 25m of a railway corridor.

The State Assessment and Referral Agency advised in a letter dated 29 March 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

**Internal Consultation**

Not applicable

**PLANNING DISCUSSION**

Compliance with Performance Outcome PO1 of the Parking and Access code is discussed below:

9.4.3.3 Parking and Access code**Car parking spaces****PO1**

Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:

- (a) nature of the use;
- (b) location of the site;
- (c) proximity of the use to public transport services;
- (d) availability of active transport infrastructure; and
- (e) accessibility of the use to all members of the community.

**AO1**

The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.

Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.

Comment

One (1) car parking space will be provided for each unit, with a reversing/turn around bay at the front of the site.

No formal on site visitor parking is proposed. This arrangement is similar to that at 37 Strattmann Street.

Strattmann Street has a formation width of 8.5 to 9 metres allowing ample opportunity for visitors to park on street.

Being the last undeveloped residential lot in this locality, the absence of on-site visitor parking will not adversely impact on the functionality of the local road network.

The proposed development will provide on-site car parking sufficient to satisfy PO1.

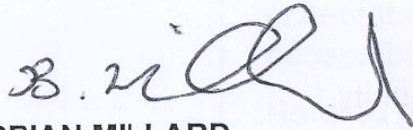
**Date Prepared:** 12 April 2023

## 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 12<sup>TH</sup> day of APRIL 2023



**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

PROPOSED DEVELOPMENT  
 DAVISON DEVELOPMENT SOLUTIONS PTY LTD  
 LOT 1 STRATTMANN STREET  
 MAREEBA

www.humacdesign.com.au



PRELIMINARY ONLY

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**PROPOSED DEVELOPMENT**

**COVER SHEET**

1737-SK00



SITE AREA LEGEND	
OVERALL SITE AREA:	1800m <sup>2</sup>
2 BEDROOM UNITS (2 x 2):	215m <sup>2</sup> (108m <sup>2</sup> each)
1 BEDROOM UNITS (2 x 1):	255m <sup>2</sup> (128m <sup>2</sup> each)

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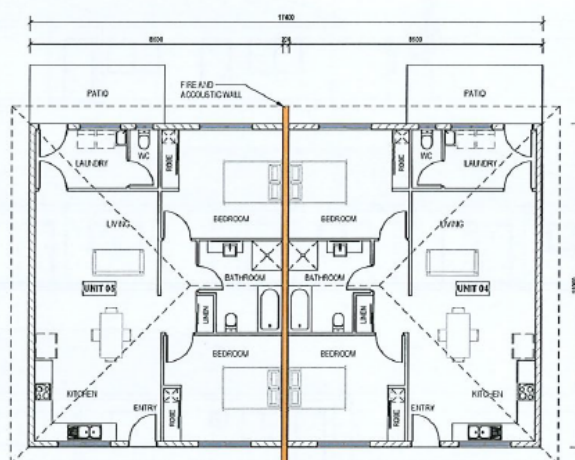
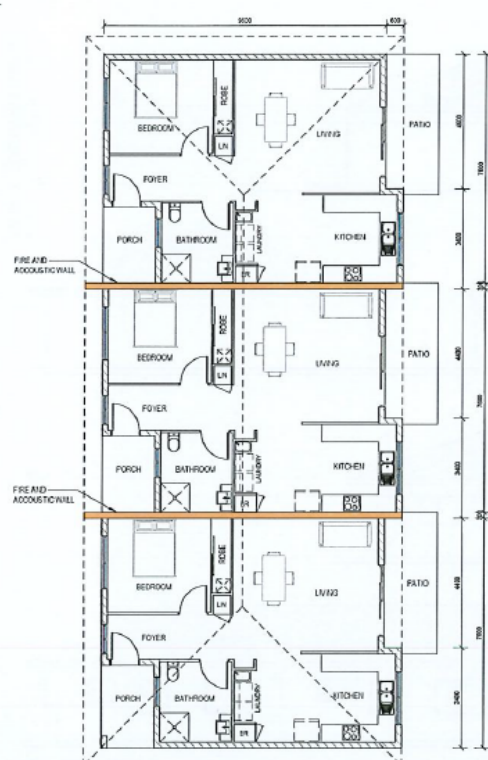
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**PROPOSED DEVELOPMENT**

**SITE PLAN**

1737-SK01

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FLOOR AREA	
ROOM NAME	AREA (m <sup>2</sup> )
UNIT01	85.2
UNIT02	85.2
UNIT03	85.3
UNIT04	104.9
UNIT05	104.9

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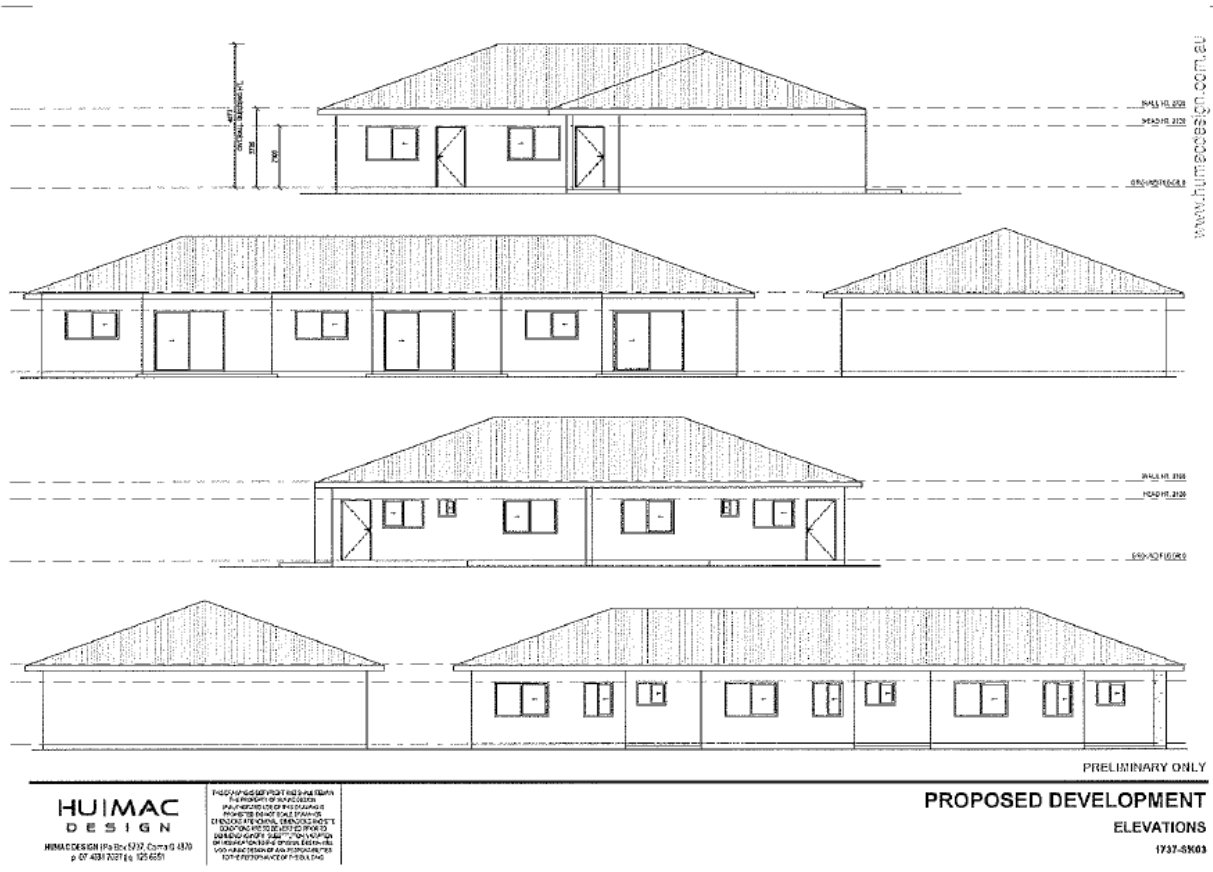
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### PROPOSED DEVELOPMENT

### FLOOR PLAN

1737-SK02





## ATTACHMENT 2

RA6-N



SARA reference: 2302-33523 SRA  
 Council reference: MCU/23/0004  
 Applicant reference: DDS065

29 March 2023

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

Attention: Jamie Wyatt

Dear Sir/Madam

## SARA referral agency response—39 Strattman Street, 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 28 February 2023.

### Response

Outcome:	Referral agency response – with conditions	
Date of response:	29 March 2023	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

### Development details

Description:	Development permit	Material Change of Use for Multiple Dwellings (used to expand community housing in Mareeba).
SARA role:	Referral agency	

Page 1 of 6

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

2302-33523 SRA

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)

Development application for a material change of use within 25m of a railway corridor

SARA reference: 2302-33523 SRA

Assessment manager: Mareeba Shire Council

Street address: 39 Strattman Street, Mareeba

Real property description: Lot 1 on SP202900

Applicant name: Mareeba Community Housing Company Ltd

Applicant contact details: C/- Urban Sync Pty Ltd  
PO Box 2970  
Cairns QLD 4870  
jamie@urbansync.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* 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.

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

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Mareeba Community Housing Company Ltd, jamie@urbansync.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
<b>Material change of use</b>		
10.9.4.2.4.1 – Material change of use of premises 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.	Provide fencing along the site rear boundary with the railway corridor in accordance with: (a) Queensland Rail drawing number QR-C-S3230 – 1.8m High Chain Link Security Fence Without Rails Using 50mm Diamond Mesh General Arrangement; or (b) Queensland Rail drawing number QR-C-S3231, 1800mm High Timber Paling Fence.	Prior to the commencement of use and to be maintained at all times.
2.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, batters and other works involving ground disturbance must not encroach upon or de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	Stormwater management of the development must cause no worsening to the operating performance of the railway corridor, such that any works on the land must not: (a) create any new discharge points for stormwater runoff onto the railway corridor; (b) concentrate or increase the velocity of flows to the railway corridor; (c) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (d) surcharge any existing culvert or drain on the railway corridor; (e) reduce the quality of stormwater discharge onto the railway corridor; (f) impede or interfere with overland flow or hydraulic conveyance from the railway corridor; (g) reduce the floodplain immunity of the railway corridor.	At all times.

## 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><b>Works on a railway</b></p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>In particular, the applicant should consult with Queensland Rail prior to removing existing fencing or installing new fencing along the site boundary with the railway corridor. All fencing and any other works (i.e., retaining walls and the like), including footings, should be located within the site and not in the railway corridor.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact Queensland Rail Property Team at <a href="mailto:PropertyLeasing@qr.com.au">PropertyLeasing@qr.com.au</a> in relation to this matter.</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 can comply with State Development Assessment Provisions, State code 2: Development in a railway corridor environment, as the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure.

**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**

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(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 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.



