

**DELEGATED REPORT**

**SUBJECT:** MSF SUGAR LIMITED - RECONFIGURING A LOT -  
BOUNDARY REALIGNMENT - LOT 47 ON HG73 & LOT 34 ON  
RP909118 - BORZI ROAD, ARRIGA - RAL/18/0016

**DATE:** 18 May 2018

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	MSF Sugar Limited	<b>ADDRESS</b>	Borzi Road, Arriga
<b>DATE LODGED</b>	4 May 2018	<b>RPD</b>	Lot 47 on HG73 & Lot 34 on RP909118
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment		

<b>FILE NO</b>	RAL/18/0016	<b>AREA</b>	Lot 47 - 70.618 ha Lot 34 - 216.2 ha
<b>LODGED BY</b>	4 May 2018	<b>OWNER</b>	Lot 47 - MP Australia Investments Pty Ltd Lot 34 - MSF Sugar Limited
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:** 1. Proposal Plan/s

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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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	MSF Sugar Limited	<b>ADDRESS</b>	Borzi Road, Arriga
<b>DATE LODGED</b>	4 May 2018	<b>RPD</b>	Lot 47 on HG73 & Lot 34 on RP909118
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment		

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), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

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 - Boundary Realignment

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
PR131590-22	Proposed Reconfiguration of a Lot Lots 1 & 2	RPS	6/4/2018

(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

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/served 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.

### 4. Infrastructure Services and Standards

#### 4.1 Access

- (i) An access crossover for proposed Lot 1 must be constructed from the edge of the road pavement, to the property boundary in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

- (ii) The access handle for proposed Lot 1 must be constructed to an all-weather gravel standard from the access required by (i) above, to the main body of proposed Lot 1, 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) 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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(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

- Access approval arising from condition number 4.1

## THE SITE

The subject land is described as follows:

- Lot 47 on HG73, area of 70.618 hectares, frontage of 557 metres to Borzi Road;
- Lot 34 on RP909118, area of 216.2 hectares, access via access easement to Springmount Road.

Lot 47 is regular in shape and contains a dwelling house and farm sheds. Lot 47 is intersected by Borzi Road creating two (2) distinct portions. The westernmost of these two (2) portions contains the buildings and has frontage to the Walsh River. Access to Lot 47 is obtained off Borzi Road.

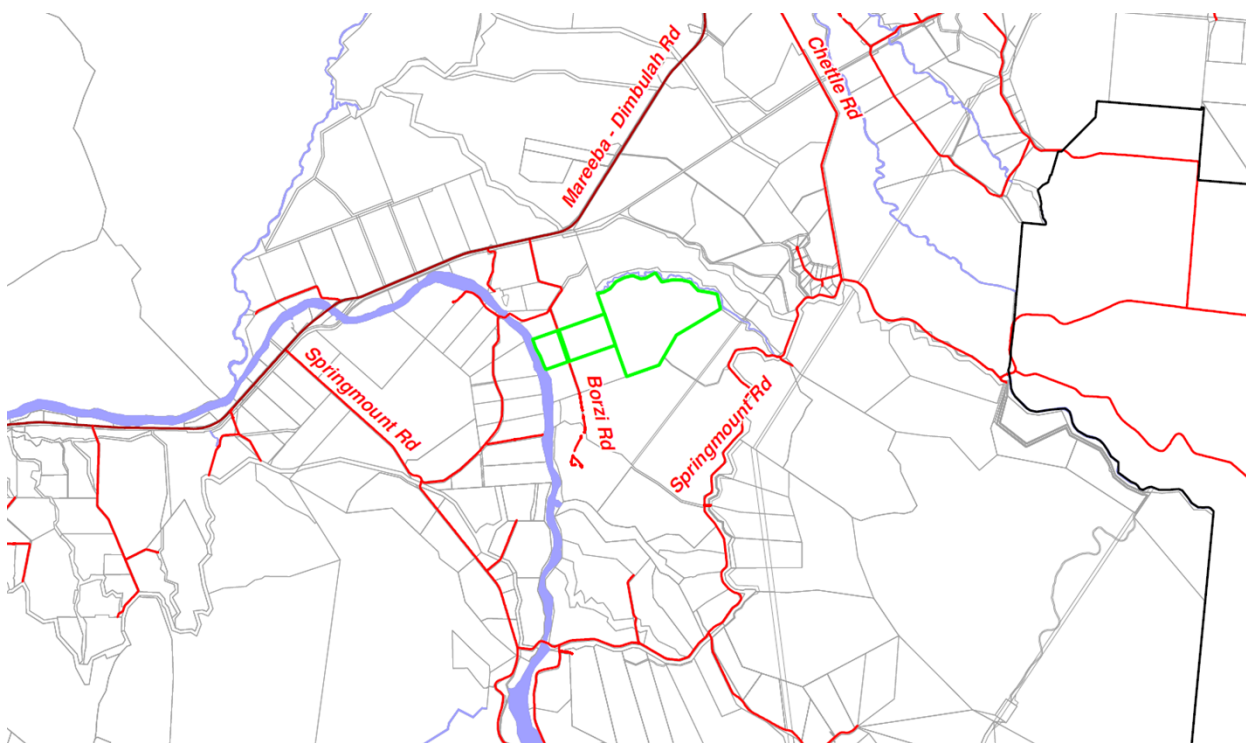
Lot 34 is irregular in shape and has no road frontage. Access is obtained through a registered easement connecting to Springmount Road.

Both lots are zoned rural and are used 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

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The proposed allotments are:

- Lot 1 - area of 232.105 hectares, frontage of 10 metres to Borzi Road and access easement to Springmount Road;
- Lot 2 - area of 55.142 hectares, frontage of 557 metres to Borzi Road.

The realignment would move approximately 15.476 hectares from existing Lot 47 (proposed Lot 2) and include this area as of Lot 34 (proposed Lot 1). The boundary realignment would provide proposed Lot 1 with a ten (10) metre frontage to Borzi Road.

The realignment will incorporate additional productive sugar cane land within proposed Lot 1.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• <i>Rural Agricultural Area</i></li> <li>• <i>Rural other</i></li> </ul>
Zone:	<b>Natural Environment Elements</b> <ul style="list-style-type: none"> <li>• <i>Habitat Linkage</i></li> </ul>
Overlays:	Rural zone Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Extractive industry overlay Flood hazard 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.

## Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.1 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
- 8.2.5 Extractive resources overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.12 Transport infrastructure 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 solutions (or probable solutions/performance criteria where no acceptable solution 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 solutions/performance outcomes contained within the code.
Agricultural Land Overlay Code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Airport Environs Overlay Code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Extractive resources overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.

#### (e) Planning Scheme Policies



The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(f) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

As the proposed development is for boundary realignment only, no infrastructure charges/contributions are payable.

**REFERRALS**

The application did not trigger a referral to a State Referral Agency.

**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 18 May 2018

## DECISION BY DELEGATE

## DECISION

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

Dated the 18TH day of MAY 2018



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

