

DELEGATED REPORT

SUBJECT: T & B POYNER - RECONFIGURING A LOT - BOUNDARY
REALIGNMENT - LOTS 1 & 4 ON MPH40281 - 8 & 64
SHIFFRON ROAD, WATSONVILLE - RAL/18/0017

DATE: 25 June 2018

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	T & B Poyner	ADDRESS	8 & 64 Shiffroon Road, Watsonville
DATE LODGED	17 May 2018	RPD	Lots 1 & 4 on MPH40281
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

FILE NO	RAL/18/0017	AREA	Lot 1 - 32.37 ha Lot 4 - 2.162 ha
LODGED BY	T & B Poyner	OWNER	Lot 1 - J Murray Lot 4 - T & B Poyner
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. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 20 June 2018

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	T & B Poyner	ADDRESS	8 & 64 Shiffon Road, Watsonville
DATE LODGED	17 May 2018	RPD	Lots 1 & 4 on MPH40281
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	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), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot - Boundary Realignment

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposal Plan - Boundary Realignment	B Poyner	29.5.18

(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/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.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.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 20 June 2018.

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot not – 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 land is described as follows:

- Lot 1 on MPH40281, area of 32.37 hectares, frontages of approximately 150 metres to Shiffron Road, 406 metres to Bischoff Mill Road and 802 metres to Eichblatt Road;
- Lot 4 on MPH40281, area of 2.162 hectares, frontage of approximately 71 metres to Shiffron Road.

Lot 1 is regular in shape and contains a dwelling house and shed, both of which are centrally located. With the exception of 2.5 hectare area in the north-eastern corner, the majority of Lot 1 remains covered by remnant vegetation.

Lot 4 is also generally regular in shape and contains a dwelling house and multiple sheds. The north-eastern boundary of Lot 4 adjoins the Walsh River. Lot 4 also retains an extensive vegetation coverage.

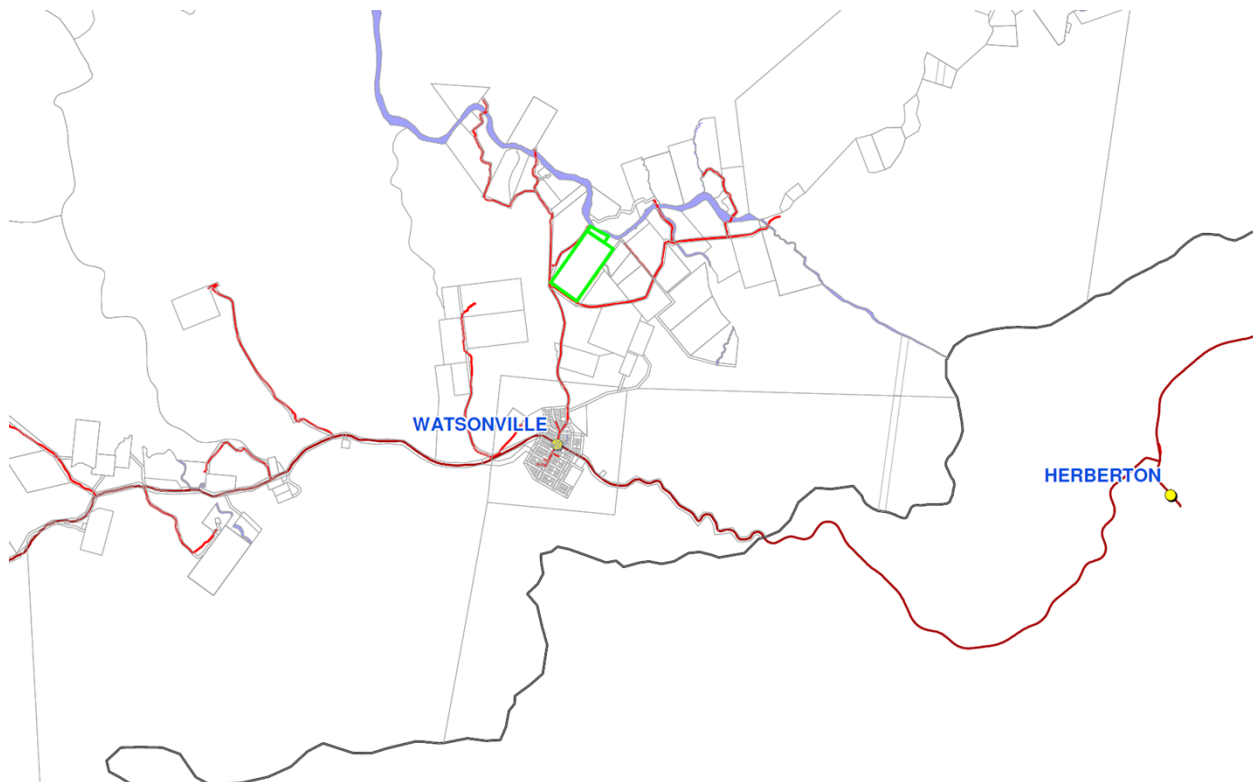
Access to both lots is obtained via separate established crossovers to Shiffron Road. Shiffron Road is formed to basic rural gravel standard.

Both lots are zoned rural and are used for rural living 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 29.2 hectares, frontages of approximately 96 metres to Shiffon Road, 406 metres to Bischoff Mill Road and 802 metres to Eichblatt Road;
- Lot 4 - area of 5.3 hectares, frontage of approximately 124 metres to Shiffon Road.

The realignment will move approximately 3.14 hectares from existing Lot 1 and include this area as part of Lot 4. Based on discussions with the applicant, it is understood that this additional area for Lot 4 will facilitate the protection of native animal habitat.

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:

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

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	<ul style="list-style-type: none"> ▪ Rural Other
Strategic Framework:	Natural Environment Elements
	<ul style="list-style-type: none"> ▪ Biodiversity Area
Zone:	Rural zone
	<ul style="list-style-type: none"> ▪ Bushfire Hazard Overlay ▪ Environmental Significance Overlay
Overlays:	<ul style="list-style-type: none"> ▪ Flood Hazard Overlay ▪ Hill and Slope 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
- 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 did not include 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.
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.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Hill and slope 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 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 triggered a referral to the State Assessment and Referral Agency for the potential clearing of regulated vegetation.

That Department advised in a letter dated 20 June 2018 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: 25 June 2018

DECISION BY DELEGATE

DECISION

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

Dated the *25TH* day of *JUNE* 2018



BRIAN MILLARD
SENIOR PLANNER



ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

Document Set ID: 3386021
Version: 1, Version Date: 15/05/2018

Proposal Plan - Boundary Realignment Lot 8 & 64 Shiffon Rd, Watsonville



Plan 1 29.5.18

Bleyner

ATTACHMENT 2

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1805-5435 SRA
Your reference: RAL/18/0017

20 June 2018

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

Attention: Mr Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 23 May 2018.

Applicant details

Applicant name:	Tony W Poyner and Beverley A Poyner
Applicant contact details:	PO Box 633 Malanda QLD 4885 tonybevpoynier@gmail.com

Location details

Street address:	8 and 64 Shiffron Road, Watsonville
Real property description:	Lot 1 on MPH40281 and Lot 4 on MPH40281
Local government area:	Mareeba Shire Council

Application details

Development permit	Reconfiguring a lot (boundary realignment)
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.2.1 Clearing native vegetation

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Reconfiguring a lot				
Technical Agency Response Plan	JA-j5434	8 June 2018	1805-5435	n/a

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Tony W Poyner and Beverley A Poyner, tonybevpoynner@gmail.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

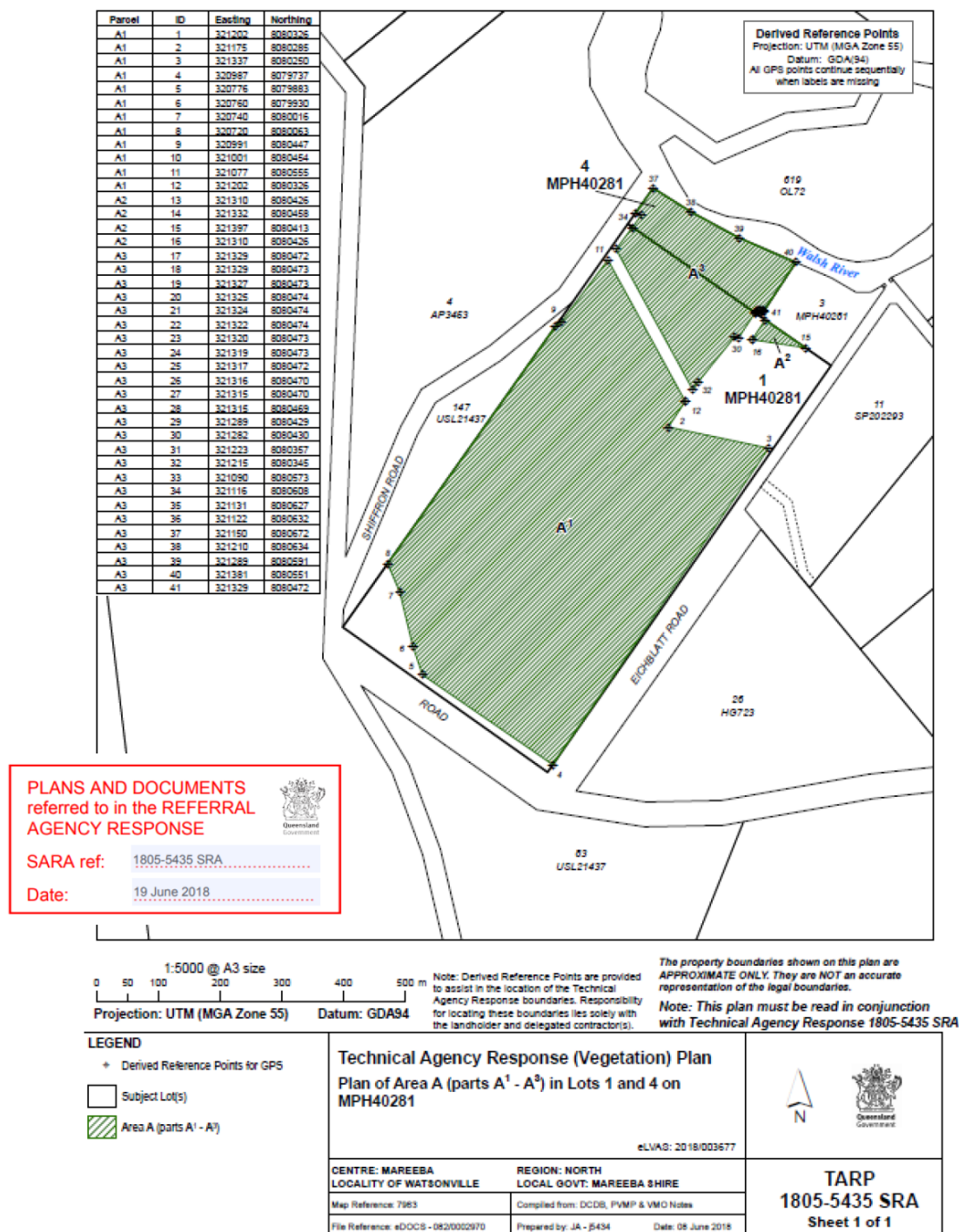
No.	Conditions	Condition timing
Reconfiguring a lot		
10.3.4.2.1 Clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	No clearing of vegetation is to occur within area[s] identified as Area A [A1 – A3] as shown on the attached Technical Agency Response Plan (TARP) 1805-5435 SRA dated 8 June 2018.	At all times
2.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that any future clearing complies with the performance outcomes of the State development assessment provisions - State code 16: Native vegetation clearing.
- To ensure compliance with the development approval.

1805-5435 SRA



GE78-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1805-5435 SRA

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

Departmental role: Referral agency

Applicant details

Applicant name: Tony W Poyner and Beverley A Poyner
Applicant contact details: PO Box 633
Malanda QLD 4885
tonybevpoynner@gmail.com

Location details

Street address: 8 and 64 Shiffon Road, Watsonville
Real property description: Lot 1 on MPH40281 and Lot 4 on MPH40281
Local government area: Mareeba Shire Council

Development details

Development permit Reconfiguring a lot (boundary realignment)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
Reconfiguring a lot	State Development Assessment Provisions version 2.1, effective 11 August 2017 – State Code 16: Native vegetation clearing

Reasons for the department's decision

The reasons for the decision are:

- The subject site is mapped as containing category X and category B regional ecosystem.
- The proposed development will result in limited clearing when considering the current exemptions associated with existing dwellings and infrastructure.
- The adverse impacts of clearing have been reasonably minimised by locating the proposed boundary in areas mapped as Category X where possible.
- The proposed development, subject to conditions meets the relevant performance outcomes of State code 16: Native vegetation clearing.

Decision

Nature of Approval	Nature of Response	Date of Decision
Development Permit	Attach conditions to any approval	18 June 2018

Evidence or other material on which the findings were based

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

1805-5435 SRA

- Development application material including Form 1 and proposal plan with reference 'plan 1', dated 29/05/18 and prepared by the applicant.
- State Development Assessment Provisions published by the Department of Manufacturing, Infrastructure and Planning (v2.1)
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules
- Technical agency assessment response