



Northern Peninsula Area Regional Council

NPARC SPECIAL MEETING

To commence at 12.00pm

On

Thursday 29th August 2024

Bamaga Boardroom

AGENDA

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2.	Acknowledgement of Traditional Land Owners	3
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AGENDA ITEM 1- 5
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

- 1. Welcome and Opening of Meeting**
- 2. Acknowledgement of Traditional Owners**
- 3. Present**
- 4. Apologies**
- 5. Declarations of Conflicts of Interest**



AGENDA ITEM 6.1
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA2024_0013 Material Change of Use, Operational Works & Siting
Dispensations

Agenda Item: 6.1

Classification: For Decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

A. That Council Approve:

- a. Material Change of Use
 - i. for a business development consisting of
 - ii. a shop, food & drink outlet and office.
- b. Operational Works
 - i. Cut & Fill
- c. Siting dispensation
 - i. Adidi St 3m to 0m
 - ii. Mosby St 3m to 0m
 - iii. Eastern boundary 2m to 0m

Subject to the below conditions.

CONDITIONS OF APPROVAL				TIMING																				
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1.The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2.The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3.The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.				At all times																				
2. Currency Period 2.1. The applicable currency periods are: 2.1.1.Material Change of Use 6 Years				As per condition																				
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:				At all times																				
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<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>				At all times
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<p>6. Access and Parking</p> <p>6.1. Access provision to the development must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p> <p>6.2. Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.</p> <p>6.3. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the approval.</p>				At all times
<p>7. Drainage</p> <p>7.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>7.2. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>7.3. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.</p> <p>7.4. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the Queensland Urban Drainage Manual.</p>				Prior to commencement of work
				At all times

<p>8. Infrastructure Services</p> <p>8.1. All works are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Street lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p>	At all times
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence.</p> <p>9.2. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area.</p> <p>9.3. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.5. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	Prior to Commencement of use At all times Prior to the commencement of the use
<p>10. Operational Work Requirements</p> <p>10.1. Details of Cut/Fill Requirements, including copy of a plan of the works, must be designed and undertaken in accordance with FNQROC Development Manual standards and sound engineering practice and must be endorsed by the Chief Executive Officer prior to the commencement of works.</p> <p>10.2. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.</p>	As per condition Prior to the commencement of the use.
<p>11. Acid Sulfate Soils</p> <p>11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.
<p>12. Landscaping and Fencing</p> <p>12.1. Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites.</p> <p>12.2. The landscaping and fencing must be maintained to an appropriate standard.</p>	Prior to the commencement of the use. At all times
<p>13. Siting Dispensation</p> <p>13.1. The refuse area to be located in the southeastern corner of Lot 155</p> <p>13.2. The refuse area be managed to limit smells, pests and spillage of fluids and waste products.</p>	At all times

13.3. The two storage containers on the eastern boundary be painted a neutral colour on the façade nearest to lot 166.	
13.4. The containers not to be provided with air-conditioning that could impact on the livability of Lot 166.	
14. Cultural Heritage 14.1. 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 eth 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.nrw.qld.gov.au	As per condition
Reasons for Decision: As discussed within this report, the proposed development is considered to be consistent with the following relevant overall outcomes. <ul style="list-style-type: none"> • The development is within the Township Zone • The development area is reflected in the Master Plan for Business Development. • The development will link to existing infrastructure. • The proposed setbacks are considered appropriate given the physical context of the site and the nature of the development 	

PURPOSE OF REPORT

The purpose of the report is to obtain Council approval for:

1. Material Change of Use.
 - a. for a business development consisting of
 - b. a shop, food & drink outlet and office.
2. Operational Works
 - a. Cut & Fill
3. Siting dispensation
 - a. Adidi St 3m to 0m
 - b. Mosby St 3m to 0m
 - c. Eastern boundary 2m to 0m

BACKGROUND AND CONTEXT

Bamaga Dreamtime have leased Lot 155 on SP273361, and propose the development of a business premises consisting of a shop, food and drink outlet and an office.

A Development application was prepared and submitted by WildPlan Pty Ltd on behalf of Bamaga Dreamtime Pty Ltd.

The development proposal is assessable under the Northern Peninsula Regional Council Planning Scheme 2018 in accordance with Section 43(1) of the *Planning Act 2016*.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

CRITICAL DATES

Decision Making Period Concludes on the 5th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *"We support and facilitate Indigenous and local business opportunities "*.

FINANCIAL AND RESOURCE CONSIDERATIONS

The application does not trigger infrastructure charges under Council's Local Government Infrastructure Plan (LGIP).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 79 OF THE PLANNING ACT 2016) FOR A MATERIAL CHANGE OF USE, OPERATIONAL WORKS, SITING DISPENSATION DA2024_013 LOCATED AT THE CORNER OF ADIDI AND MOSBY STREETS, BAMAGA

SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT APPROVAL FOR A MATERIAL CHANGE OF USE, OPERATIONAL WORKS, SITING DISPENSATION FOR A BUSINESS DEVELOPMENT LOT 155 ON SP273361 AT CORNER OF ADIDI & MOSBY STREETS, BAMAGA, NORTHERN PENINSULA AREA.

Strategic Considerations

Council assessed the application to be compliant with its Corporate Plan objective “We support and facilitate Indigenous and local employment and business opportunities”.

Budget, Financial and Resource Implications

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (LGIP).

Asset Management

Not Applicable.

Executive Summary

Council is in receipt of a development application for:

- i) Material Change of Use to:
 - enable a business development for
 - shop, food & drink outlet and office.
- ii) Operational Works
 - Cut & Fill
- iii) Siting dispensation
 - Adidi St 3m to 0m
 - Mosby St 3m to 0m
 - Eastern boundary 2m to <0.5m

The proposed development is zoned Township Zone, located in the Residential Precinct within the Northern Peninsula Regional Council Planning Scheme 2018 Alignment Amendment 2020.


The proposed development:

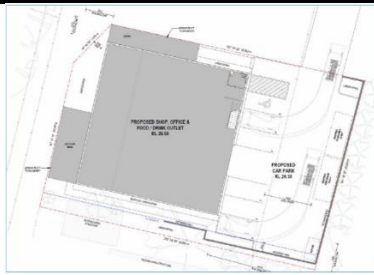
- is located at the corner of Adidi & Mosby Street, Bamaga and comprises.
 - a) A business development consisting of
 - A shop, food & drink outlet and office.
- The development will be connected to all reticulated services, with stormwater directed to a lawful point of discharge.

The proposed development is assessment provisions are set out in the tables below and is assessable development in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

(refer Attachment A)

Application & Site Details Summary	
Applicant:	Development application prepared by WildPlan Pty Ltd on behalf of Bamaga Dreamtime Pty Ltd.
Proposed Development:	Material Change of Use (MCU) Operational Works Siting Dispensation
Type of Approval sought:	Development Permits

Application & Site Details Summary	
Street Address:	Cnr Adidi & Mosby Streets, Bamaga
RP Description:	155 SP273361
Land Area:	1,044m ²
Existing Use of Land:	Vacant
Existing Approvals:	Nil
Locality:	 <p>FIGURE 2 AERIAL IMAGE OF SITE AND ELEVATION CONTOURS</p>

Development Summary	
Number of Lots:	1
Development areas:	<p>Total: 571.3 m² Gross Floor Area (GFA)</p> <ul style="list-style-type: none"> • Shop 295.8m² • Storage 29.7m² • Food & drink outlet 100m² • Office 145.8m² • Parking 6 bays (required 1bay / 100 m² GFA)
Development Plans	
Proposed Development Plan:	 <p>FIGURE 6 PROPOSAL PLAN EXTRACT (SITE PLAN)</p>

Local Plan Summary	
Local Plan:	NPARC Planning Scheme 2018
Zoning:	Township, Residential Precinct
Codes	Strategic Framework Township Zone, Residential Precinct
Level of Assessment:	Impact
Consultation:	22/07/2024 – 09/08/2024

The proposal can be considered to be generally in accordance with the following relevant overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme & Master Plan in particular.

- The development is within the Township Zone
- The development area is reflected in the Master Plan for Business Development.
- The development will link to existing infrastructure.
- The proposed setbacks are considered appropriate given the physical context of the site and the nature of the development.

For Council Decision – Recommendation**A. That Council approve:**

- a. Material Change of Use
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Subject to the below conditions.

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<p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Street lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p>	Prior to the commencement of the use
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<p>13. Siting Dispensation</p> <p>13.1. The refuse area to be located in the southeastern corner of Lot 155</p> <p>13.2. The refuse area be managed to limit smells, pests and spillage of fluids and waste products.</p> <p>13.3. The two storage containers on the eastern boundary be painted a neutral colour on the façade nearest to lot 166.</p> <p>13.4. The containers not to be provided with air-conditioning that could impact on the livability of Lot 166.</p>	At all times
<p>14. Cultural Heritage</p> <p>14.1. 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</p>	As per condition

CONDITIONS OF APPROVAL	TIMING
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Reasons for Decision:

As discussed within this report, the proposed development is considered to be consistent with the following relevant overall outcomes.

- The development is within the Township Zone
- The development area is reflected in the Master Plan for Business Development.
- The development will link to existing infrastructure.
- The proposed setbacks are considered appropriate given the physical context of the site and the nature of the development

Summary

The proposed development is in line with the Visions and Aspirations of the community as reflected in the NPARC Master Plan (Bamaga).

Historical Information

n/a

Policy Implications

Nil

Risk Management Implications

Nil.

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 Sep 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018

Consultation

- Northern Peninsula Area Regional Council
- Public Notification - 22/07/2024 – 09/08/2024

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Infrastructure Plan
Attachment D	Development Design Plans

Attachment A - Development Application Assessment

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.63);

- 25 Business Days from date of lodgement, the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	20/06/2024
Action Notice Issued	n/a
Confirmation Notice Issued	04/07/2024
Referrals Information Received	n/a
Impact Consultation period	22/07/2024 – 09/08/2024
Planning Act 2016 - Decision Making Period Concludes	27/09/2024
Applicant agreed Decision Making Period Extension Concludes	n/a
Council Meeting	29/08/2024
Decision Notice preparation and mail-out Period Concludes	05/09/2024

Assessment against Northern Peninsula Area Regional Council Planning Scheme 2018 Alignment Amendment 2020

The development proposal is assessable under the Northern Peninsula Regional Council Planning Scheme 2018 in accordance with Section 43(1) of the *Planning Act 2016*.

Local Plan	Material Change of Use (MCU)	Reconfiguring a Lot (RaL)	Operational works (OPW)	Change Application	Siting Dispensation
NPARC Planning Scheme 2018	✓	X	X	X	X

The Assessment Manager is the Northern Peninsula Area Regional Council as determined by Schedule 8 of the *Planning Regulation 2017*. Under the *Planning Act 2016*.

The application was reviewed against the Development Assessment Rules to assess whether the application triggered referral agency assessment. There are Nil referrals to the State Assessment and Referral Agency (SARA).

Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section s63 of the *Planning Act 2016*.

Proposed Use	Zoning	Precinct	Application	Type	Approval Requested
Business	Township	Residential	Material Change of Use	Impact	Development Permit

NPARC Planning Scheme	Applicability	Assessment Benchmark
Strategic Framework	✓	Complies
Township Zone Code	✓	Complies
Residential Precinct	✓	Non-compliant

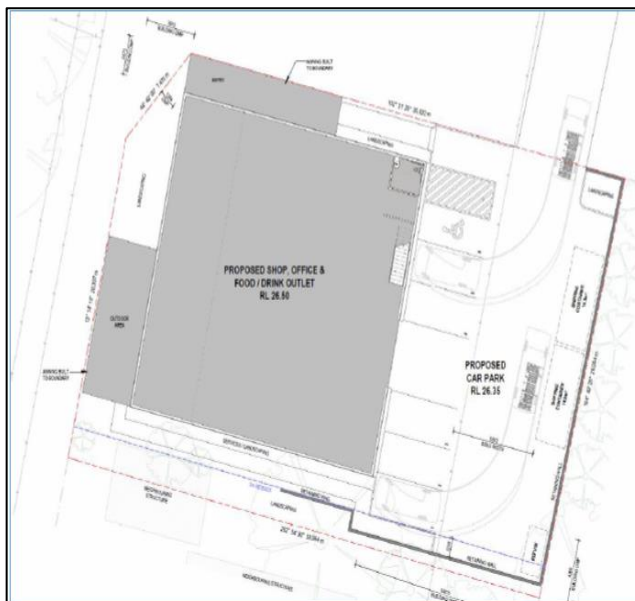
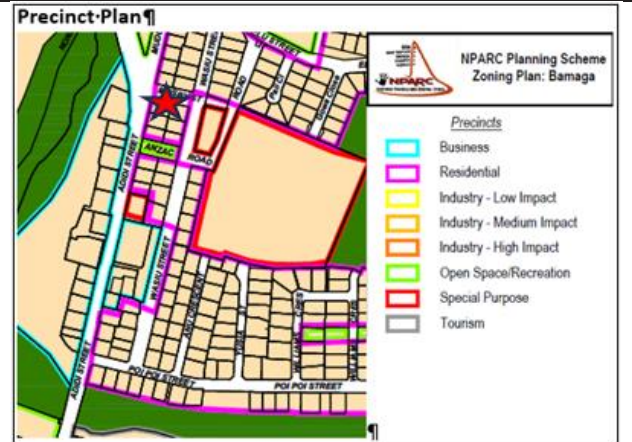
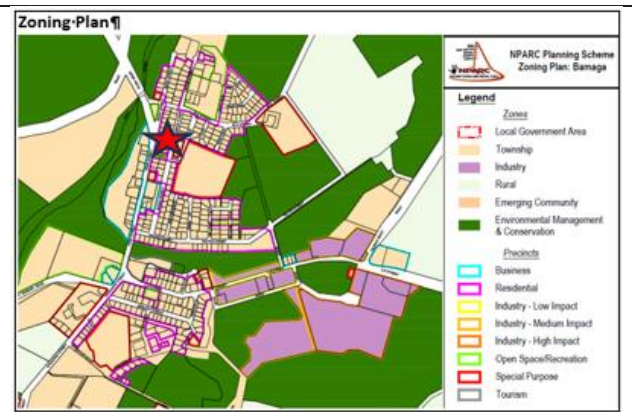
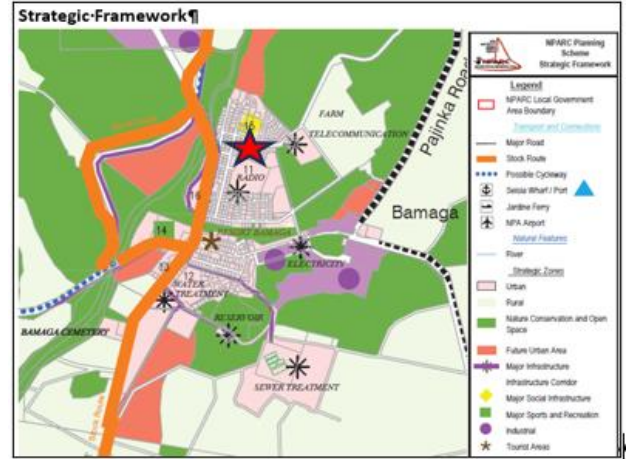
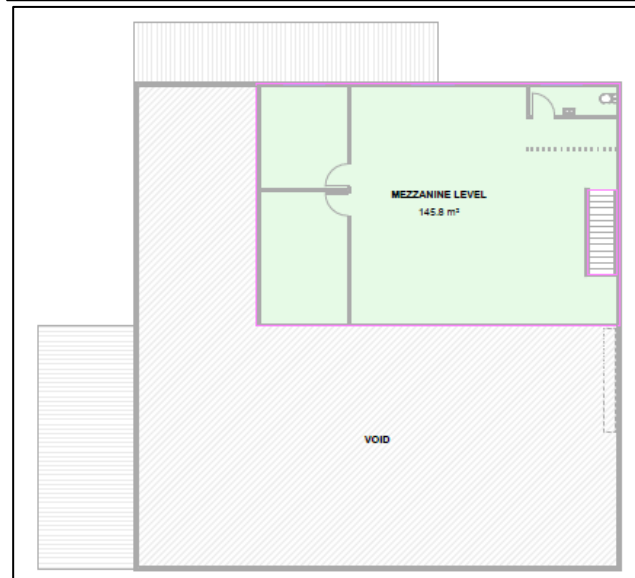
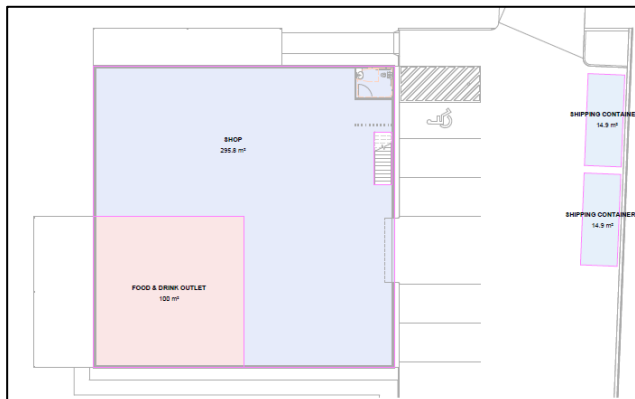


FIGURE 6 PROPOSAL PLAN EXTRACT (SITE PLAN)



Material Change of Use Application

The Applicant seeks a Development Permit to develop a Business on Lot 155.

The proposed development has been assessed against the NPARC Planning Scheme 2018:

	Applicability	Assessment / Compliance	Application details
Strategic Plan	✓	Generally in Accordance With the principles of the Strategic Plan.	1. Business Development. The development is for a business premise at the cnr of Adidi & Mosby Streets, Bamaga. The development will consist of a structure including a Mezzanine level with a Gross Floor Area (GFA) of 571.3m ² . 2. Shop. Bamaga Dreamtime shop on the ground floor. with a GFA of 295.8m ² . The shop will be supported with ancillary container storage with a GFA of 29.7m ² . 3. Food & Drink outlet. A Café on the ground floor with a GFA of 100m ² internal area and covered outside seating area at the Adidi St frontage. 4. Office. An administration office will be provided on the mezzanine level with a GFA of 145.8 m ² . 5. Access & Parking. Access to the development is from Mosby St approximately 30m from the cnr of Mosby and Adidi Streets. Parking is provided in accordance with the planning scheme requirements (1bay / 100 m ² GFA). 6 FNQROC complaint parking bays is provided, 1 of the bays is Disability Discrimination Act (DDA) compliant.
Township Zone	✓	Generally in Accordance With the Township zone	
Residential Precinct	✓	Not compliant with the Residential Precinct principles.	
Setbacks	✓	Not compliant to the setbacks of the planning scheme.	

Operational Works Application

	Applicability	Assessment / Compliance	Application details
Disturbance of soils is limited to 100m ³ of excavation and 500m ³ of filling (excluding top soil dressing). Minimise need for excavation and fill by utilising natural topographical features for drainage where possible and limiting removal of vegetation.	✓	The development requires a level building pad to operate safely and efficiently. Since the site features a sloping terrain, excavation and filling is required, to enable the development.	To facilitate a level building pad for construction, the development requires approximately 350m ³ of excavation and approximately 50m ³ of fill. The cut to fill balance is expected to result in approximately 300m ³ of excess soil, which will be required to be removed off site.

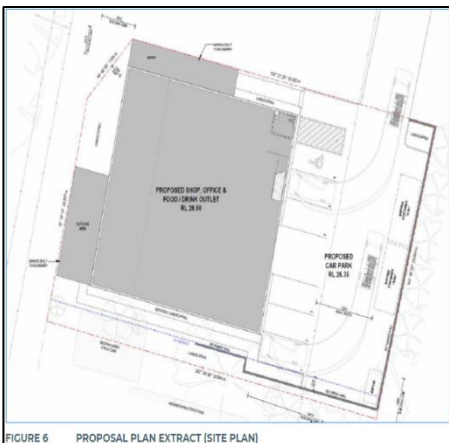
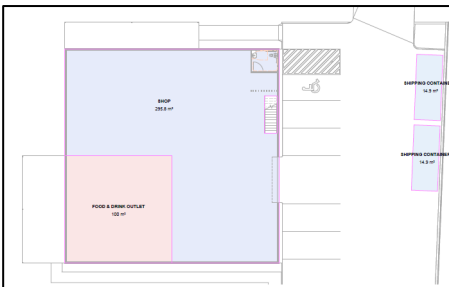
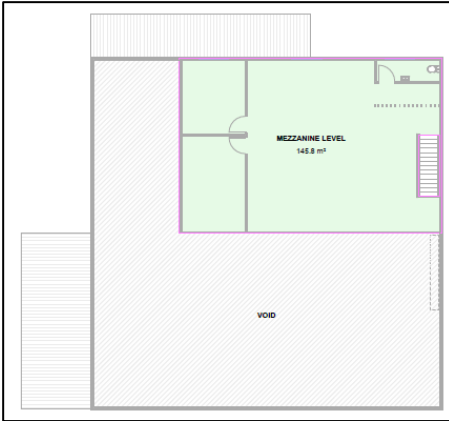

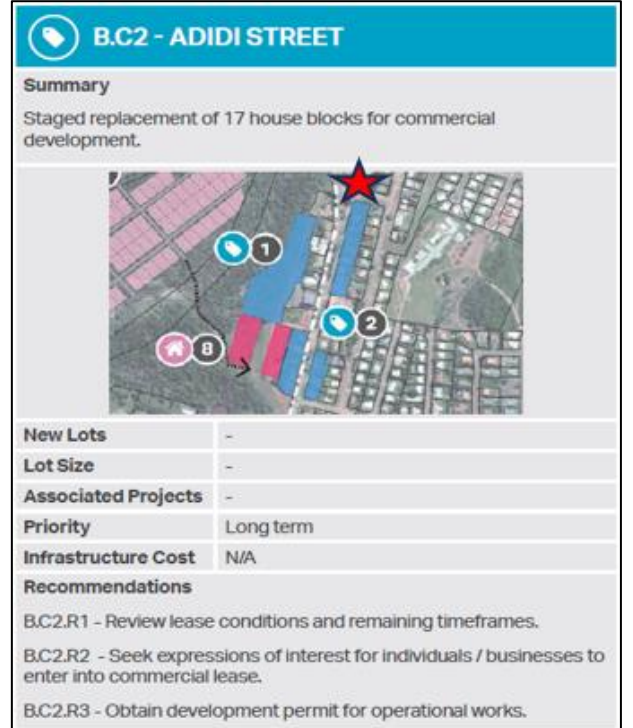
Siting Dispensation Application

The development proposes alternative setbacks to the setbacks as reflected in the planning scheme.

	Planning Scheme	Development	Comments / Assessment	
Adidi St	3m	0m	<p>Outdoor area under awning cover</p> <p>The proposed awning and outdoor seating area will provide a usable area during inclement weather and activate the Adidi St street front.</p> <p>The proposed awning is not expected to have an impact on Adidi St or have a visual impediment to road users.</p>	
Mosby St	3m	0m	<p>Entry area under awning cover</p> <p>The proposed awning entrance area will provide a usable area during inclement weather on the Mosby St street front.</p> <p>The proposed awning is not expected to have an impact on Mosby St or have a visual impediment to road users.</p>	
Southern boundary	2m	2m & <0.5m	<p>Refuse area less than 0.5m</p> <p>The refuse area is located close to the residence to the east of the development and could impact on it.</p> <p>It is proposed that the refuse area be located adjacent to the southern boundary away from the residence</p>	
Eastern boundary	2m	< 0.5m	<p>2x shipping containers & refuse area less than 0.5m</p> <p>The two shipping containers is located adjacent to the residence to the east. The containers could form a visual barrier between the parking area and the residence and have a noise reducing purpose.</p> <p>A condition that the containers not be provided with air-conditioning should be imposed.</p>	

The proposed development has been assessed against the NPARC Master Plan:

NPARC Master Plan	Applicability	Assessment Benchmark
Bamaga	✓	Complies
Adidi Street	✓	Complies

 <p>FIGURE 6 PROPOSAL PLAN EXTRACT (SITE PLAN)</p>  	  <p>B.C2 - ADIDI STREET</p> <p>Summary Staged replacement of 17 house blocks for commercial development.</p> <p>New Lots - Lot Size - Associated Projects - Priority Long term Infrastructure Cost N/A</p> <p>Recommendations B.C2.R1 - Review lease conditions and remaining timeframes. B.C2.R2 - Seek expressions of interest for individuals / businesses to enter into commercial lease. B.C2.R3 - Obtain development permit for operational works.</p>
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	Applicability	Assessment / Compliance	Application details
Bamaga	✓	Generally in Accordance With the principles, of the Master Plan – Bamaga Township. In accordance with the visions and aspirations of the community as reflected in the Master Plan.	1. Business Development. The development is for a business premise at the cnr of Adidi & Mosby Streets, Bamaga. The development will consist of a structure including a Mezzanine level with a Gross Floor Area (GFA) of 571.3m ² . 2. Shop. Bamaga Dreamtime shop on the ground floor. with a GFA of 295.8m ² . The shop will be supported with ancillary container storage with a GFA of 29.7m ² .
Adidi Street	✓	Generally in Accordance	3. Food & Drink outlet.

		With the Adidi Street preferred option in the Master Plan. Staged commercial development along Adidi St developing a viable commercial hub for Bamaga.	<p>A Café on the ground floor with a GFA of 100m² internal area and covered outside seating area at the Adidi St frontage.</p> <p>4. Office. An administration office will be provided on the mezzanine level with a GFA of 145.8 m².</p> <p>5. Access & Parking. Access to the development is from Mosby St approximately 30m from the crn of Mosby and Adidi Streets. Parking is provided in accordance with the planning scheme requirements (1bay / 100 m² GFA). 6 FNQROC complaint parking bays is provided, 1 of the bays is Disability Discrimination Act (DDA) compliant.</p>
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The proposed development represents 'infill' development. The development of the site is logical in terms of sequencing and provides for appropriate and efficient servicing. The development will be connected to reticulated networks as required.

The development positively contributes toward the economic resilience of the community through the creation of job opportunities, opportunities for direct community reinvestment and growth of the sustainable local economy.

The development of a Low Impact Business in the location and supported through the NPARC Master Plan reinforces Adidi Street as the focus for business and economic development area.

The development has sought to accommodate patrons and visitors in all weather conditions through the provision of awnings at both road frontages. The awnings will provide a visual benefit to the development and street frontages, activating the streetscape.

Shipping containers (for storage purposes) are to be located along the eastern boundary, flush against the retaining wall. The proposed location of these impermanent structures facilitates the retention of the "clear zone" required for the sewer infrastructure within the site, and provide for a suitable aisle width for the access and car parking area. The containers are not expected to impact on the amenity of the adjoining land, since the residential building located east is setback approximately 15 metres from the shared boundary. Further, the difference in ground level will limit the projected height of the structures to approximately 1.15 metres above the retaining wall, reducing the visual impact.

The proposed setbacks are considered appropriate given the physical context of the site and the nature of the development.






Attachment D: Development Plans

PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET

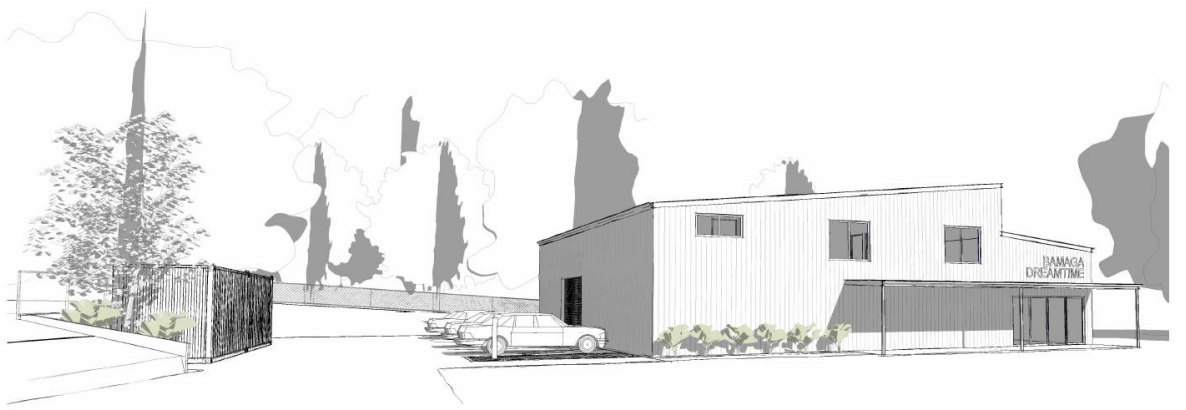
BAMAGA DREAMTIME

CNR ADIDI ST & MOSBY ST
BAMAGA, QLD 4876

SHEET LIST	
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1870-04-01	SITE PLAN F
1870-04-03	FLOOR PLAN F
1870-04-04	AREA PLAN F
1870-04-05	ELEVATIONS E
1870-04-06	PERSPECTIVE F

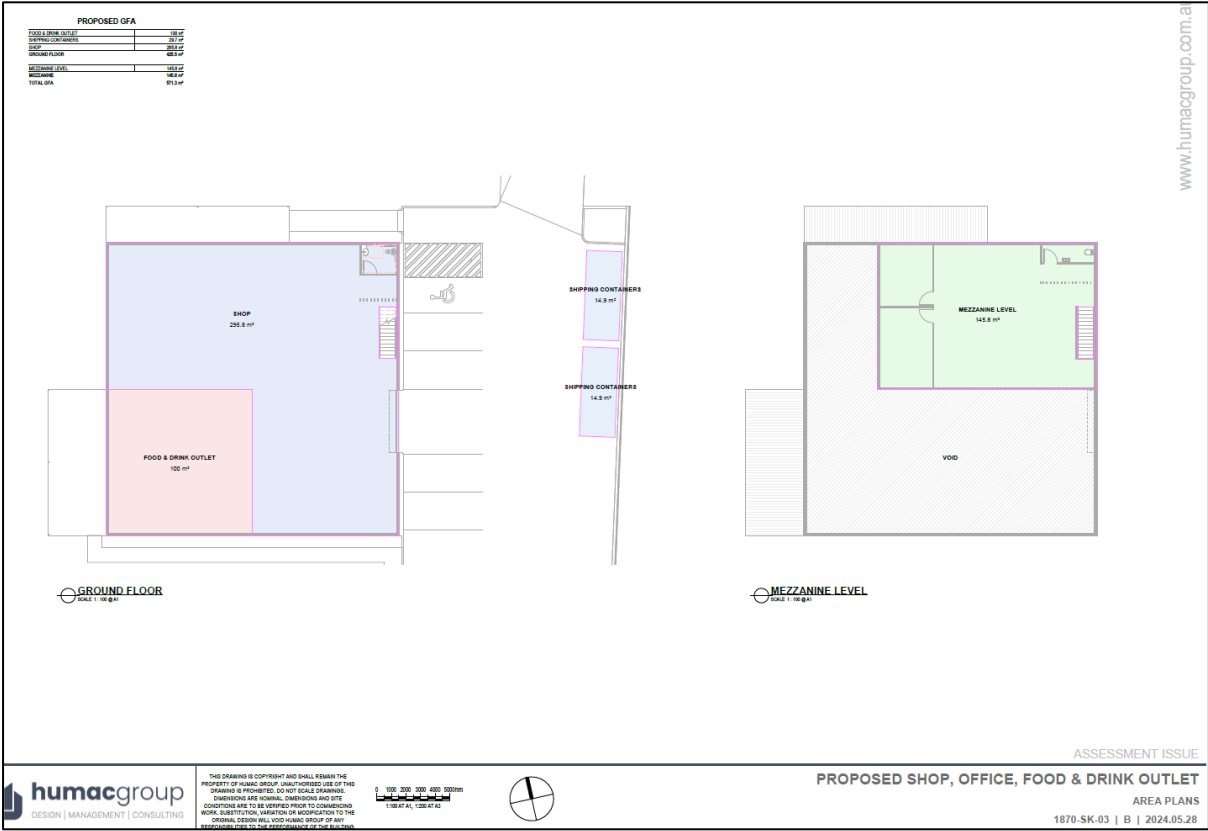
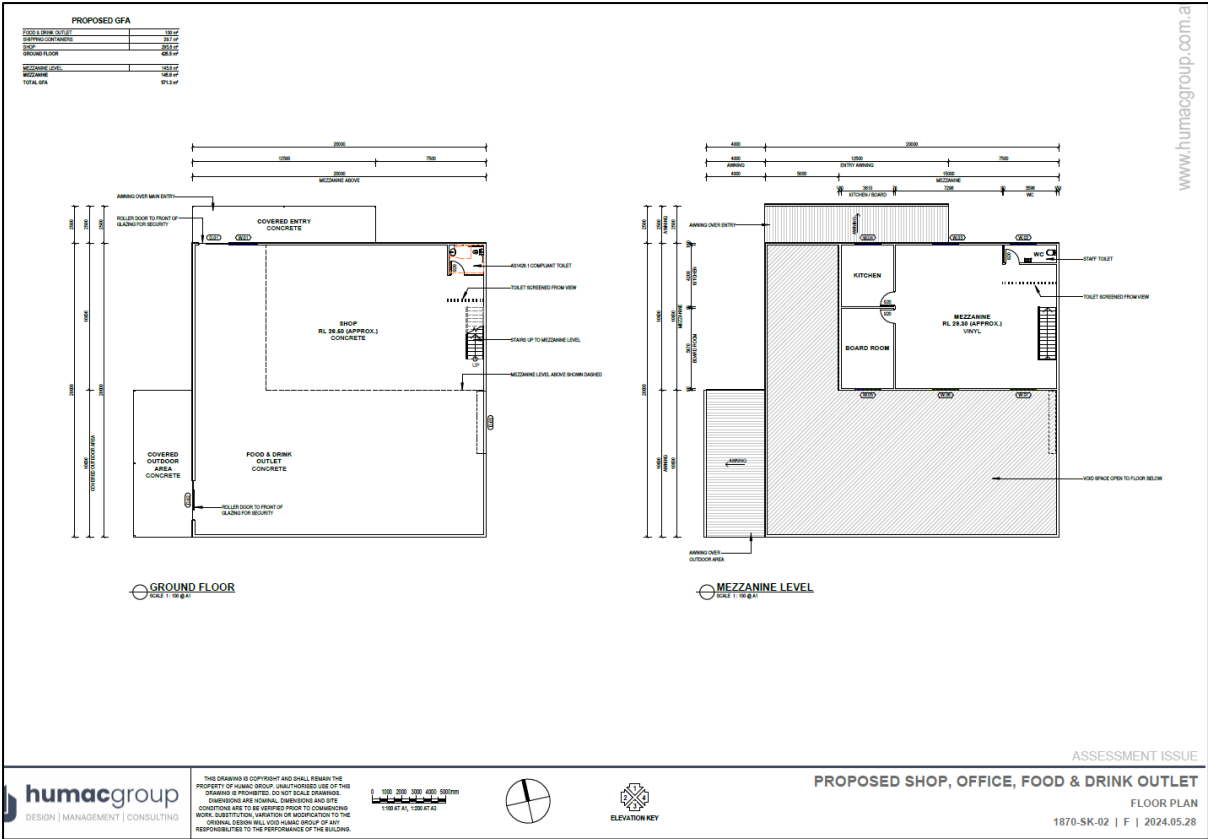


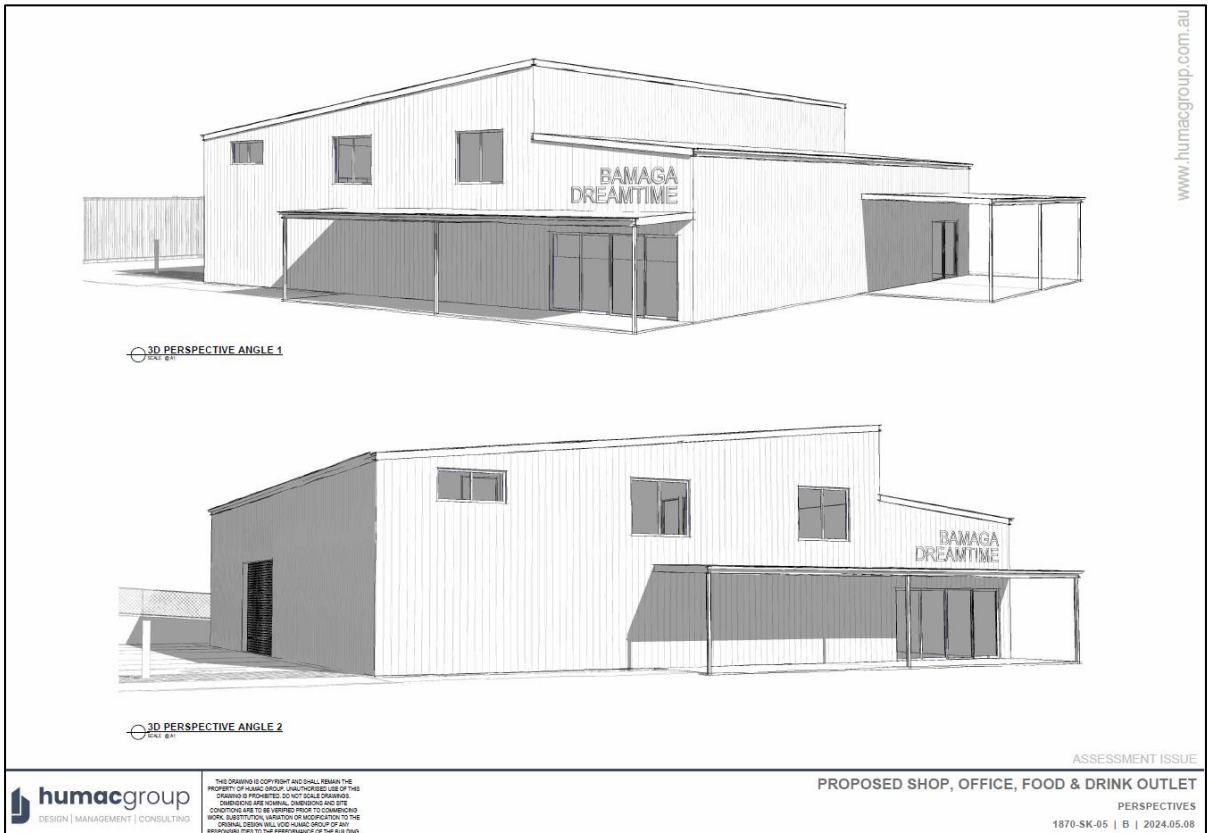
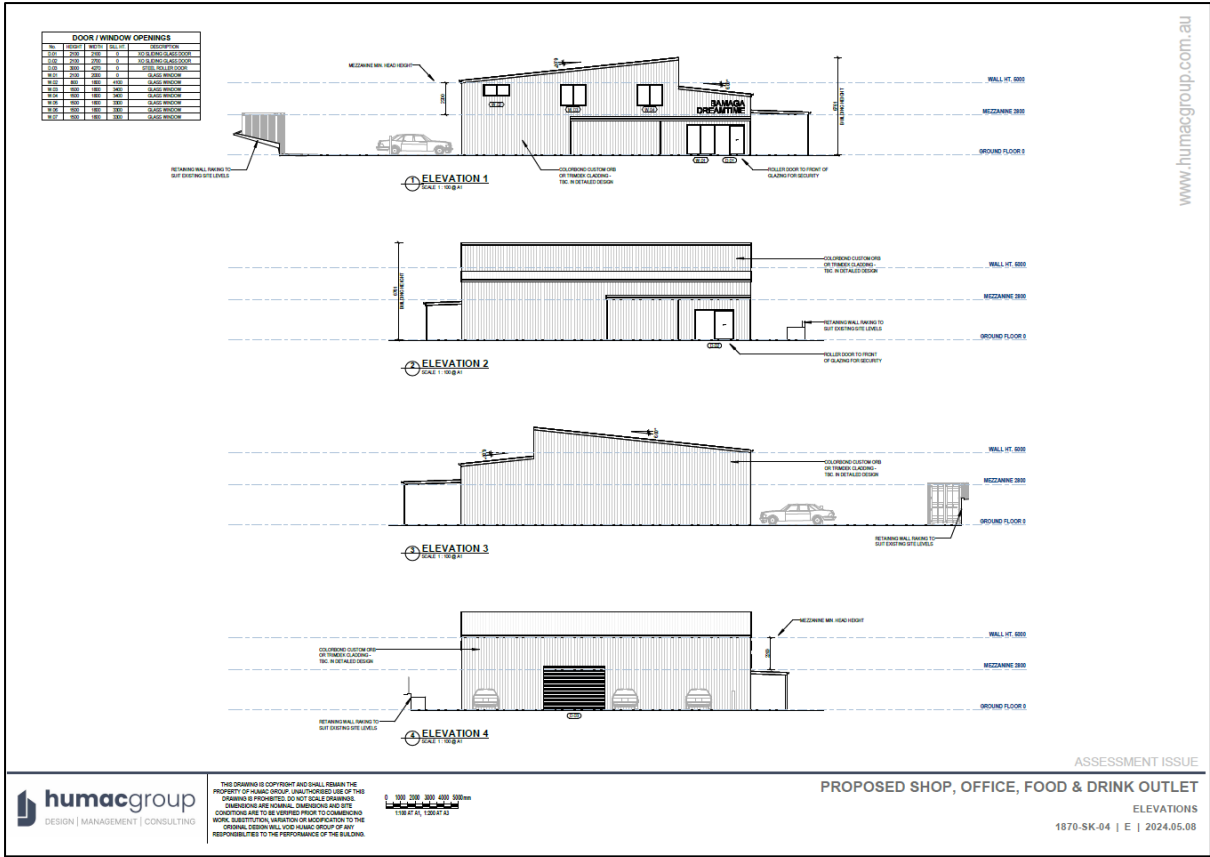
LOCALITY PLAN



www.humagroup.com.au

[illegible]





Our Ref: DA2024_013
Your Ref: WP23 031 ADI

Xx August 2024[GV1]

Wildplan Pty Ltd on behalf of Bamaga Dreamtime Pty Ltd.

Delivery via email: dominic@wildplan.com.au & gerhard.visser@dsdsatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 of the *Planning Act 2016*, Development Permit for: a Material Change of Use, Operational Works, Siting Dispensation for a business development Lot 155 on SP273361 at the corner of Adidi & Mosby Streets, Bamaga.

The application dated 20 June 2024 being properly made seeking approval for the following is noted:

- i) Material Change of Use – Business development.
- ii) Operational Works.
- iii) Siting Dispensation.

Please be advised that your application was assessed and considered at Council's special meetings held on (29 August 2024).[GV2]

Council resolved to:

Approve (subject to conditions) the:

- a. Material Change of Use – Business development.
- b. Operational Works.
- c. Siting Dispensation.

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Gallaway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council

Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2024_013
Applicant Details	Wildplan Pty Ltd on behalf of Bamaga Dreamtime Pty Ltd.
Property Description	Lot 155SP273361 Cnr Adidi & Mosby Streets, Bamaga
Proposal	i) Material Change of Use – Business development. ii) Operational Works. iii) Siting Dispensation.
Level of Assessment	Impact

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has NOT been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	22 August 2024[GV3]
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme 2018, Alignment Amendment 2020
Submissions	N/A

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

REFERRAL AGENCIES

Nil

PROPERTY NOTES

Nil

FURTHER DEVELOPMENT PERMITS REQUIRED

Building Act 1975
Plumbing & Drainage Act 2018

RIGHTS OF APPEAL

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the development application;
- A provision of the development approval;
- The decision to give a preliminary approval when a development permit was applied for; and
- A deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

<p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none"> Any part of the development application that required impact assessment; and A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse as reflected in the conditions of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
<p>This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:</p> <ul style="list-style-type: none"> The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and Any other information, documents or other material Council was either required to, or able to, consider in its assessment. <p>All terms used in this Notice have the meaning given then in the Planning Act 2016.</p>

REASONS FOR THE DECISION

The proposal is considered to be generally in accordance with the following relevant overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme & Master Plan in particular.

- The development is within the Township Zone
- The development area is reflected in the Master Plan for Business Development.
- The development will link to existing infrastructure.
- The proposed setbacks are considered appropriate given the physical context of the site and the nature of the development.

SCHEDULE OF CONDITIONS

Applicable to the following, Section 81 of the *Planning Act 2016*, approval for:

- a. Material Change of Use
 - i. for a business development consisting of
 - ii. a shop, food & drink outlet and office.
- b. Operational Works
 - i. Cut & Fill
- c. Siting dispensation
 - i. Adidi St 3m to 0m
 - ii. Mosby St 3m to 0m
 - iii. Eastern boundary 2m to 0m

Subject to the below conditions.

CONDITIONS OF APPROVAL				TIMING																												
<div>1. Administration</div> <div>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:<div>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</div><div>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</div><div>1.1.3. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</div></div>				At all times																												
<div>2. Currency Period</div> <div>2.1. The applicable currency periods are:<div>2.1.1. Material Change of Use 6 Years</div></div>				As per condition																												
<div>3. Approved Site Drawings/Plans</div> <div>3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</div> <table><tr><th>Plan / Document Name</th><th>Drawing Number</th><th>Sheet No / Ref.</th><th>Date/DWG</th></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-00</td><td>E</td><td>08/05/2024</td></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-01</td><td>D</td><td>08/05/2024</td></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-02</td><td>F</td><td>28/05/2024</td></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-03</td><td>B</td><td>28/05/2024</td></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-04</td><td>E</td><td>08/05/2024</td></tr><tr><td>Proposed shop, office, food & drink outlet</td><td>1870-SK-05</td><td>B</td><td>08/05/2024</td></tr></table> <div>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</div> <div>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</div>				Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG	Proposed shop, office, food & drink outlet	1870-SK-00	E	08/05/2024	Proposed shop, office, food & drink outlet	1870-SK-01	D	08/05/2024	Proposed shop, office, food & drink outlet	1870-SK-02	F	28/05/2024	Proposed shop, office, food & drink outlet	1870-SK-03	B	28/05/2024	Proposed shop, office, food & drink outlet	1870-SK-04	E	08/05/2024	Proposed shop, office, food & drink outlet	1870-SK-05	B	08/05/2024	At all times
Plan / Document Name	Drawing Number	Sheet No / Ref.	Date/DWG																													
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Proposed shop, office, food & drink outlet	1870-SK-03	B	28/05/2024																													
Proposed shop, office, food & drink outlet	1870-SK-04	E	08/05/2024																													
Proposed shop, office, food & drink outlet	1870-SK-05	B	08/05/2024																													

Page 5 of 10

CONDITIONS OF APPROVAL	TIMING
9. Fire Hydrants, Fire Management and Emergency Access 9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence. 9.2. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area. 9.3. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours. 9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes. 9.5. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.	Prior to Commencement of use At all times Prior to the commencement of the use
10. Operational Work Requirements 10.1. Details of Cut/Fill Requirements, including copy of a plan of the works, must be designed and undertaken in accordance with FNQROC Development Manual standards and sound engineering practice and must be endorsed by the Chief Executive Officer prior to the commencement of works. 10.2. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.	As per condition Prior to the commencement of the use.
11. Acid Sulfate Soils 11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
12. Landscaping and Fencing 12.1. Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. 12.2. The landscaping and fencing must be maintained to an appropriate standard.	Prior to the commencement of the use. At all times
13. Siting Dispensation 13.1. The refuse area to be located in the southeastern corner of Lot 155 13.2. The refuse area be managed to limit smells, pests and spillage of fluids and waste products. 13.3. The two storage containers on the eastern boundary be painted a neutral colour on the façade nearest to lot 166. 13.4. The containers not to be provided with air-conditioning that could impact on the livability of Lot 166.	At all times
14. Cultural Heritage 14.1. 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 eth 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.nrw.qld.gov.au	As per condition

PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET

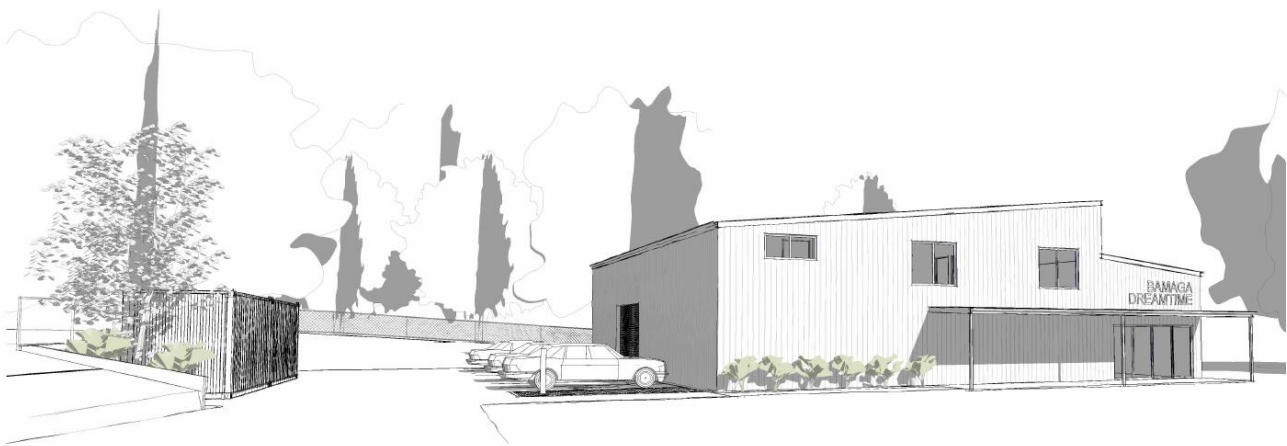
BAMAGA DREAMTIME

CNR ADIDI ST & MOSBY ST
BAMAGA, QLD 4876

SHEET LIST	
1870-SK-00	COVERPAGE E
1870-SK-01	SITE PLAN D
1870-SK-02	FLOOR PLANS F
1870-SK-03	AREA PLANS E
1870-SK-04	ELEVATIONS E
1870-SK-05	PERSPECTIVES E



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ASSESSMENT ISSUE

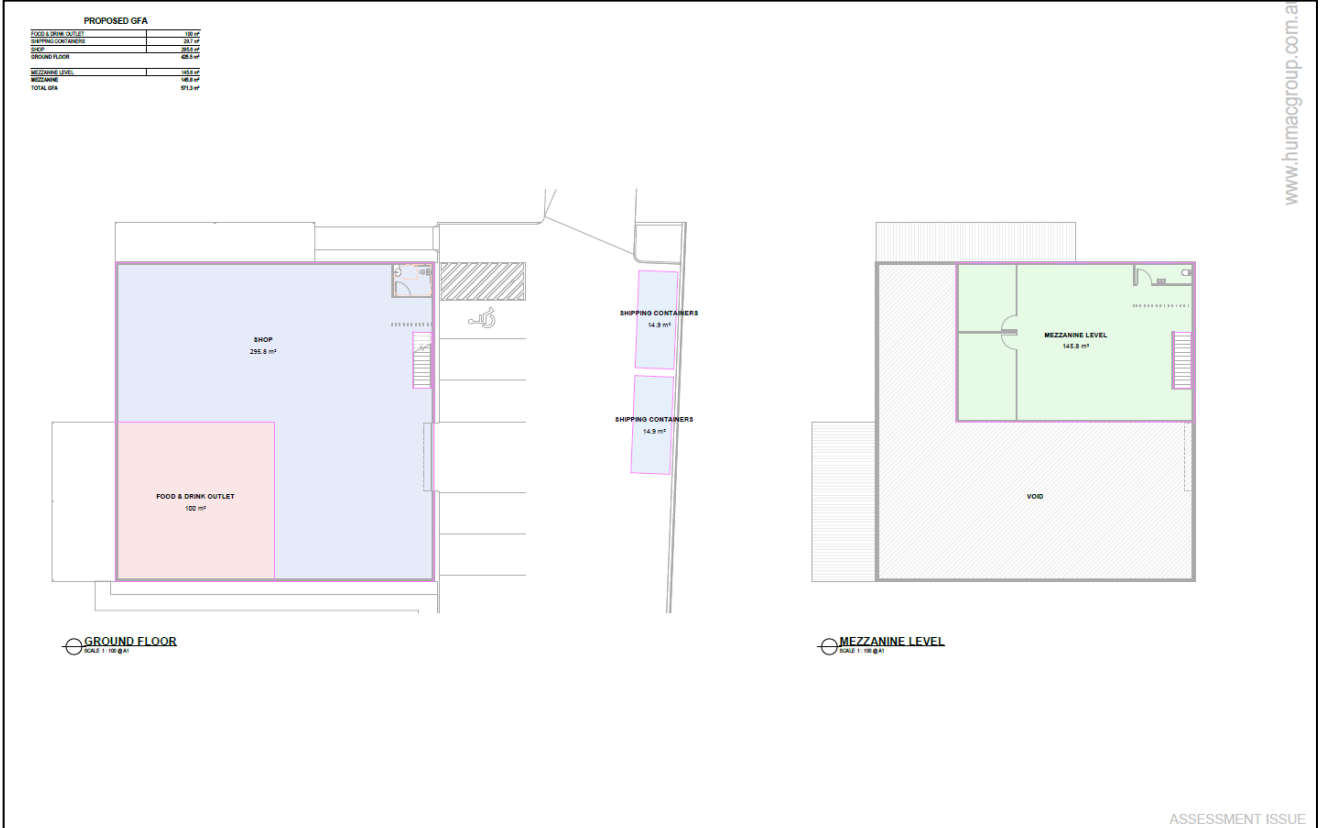


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PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET

COVERPAGE

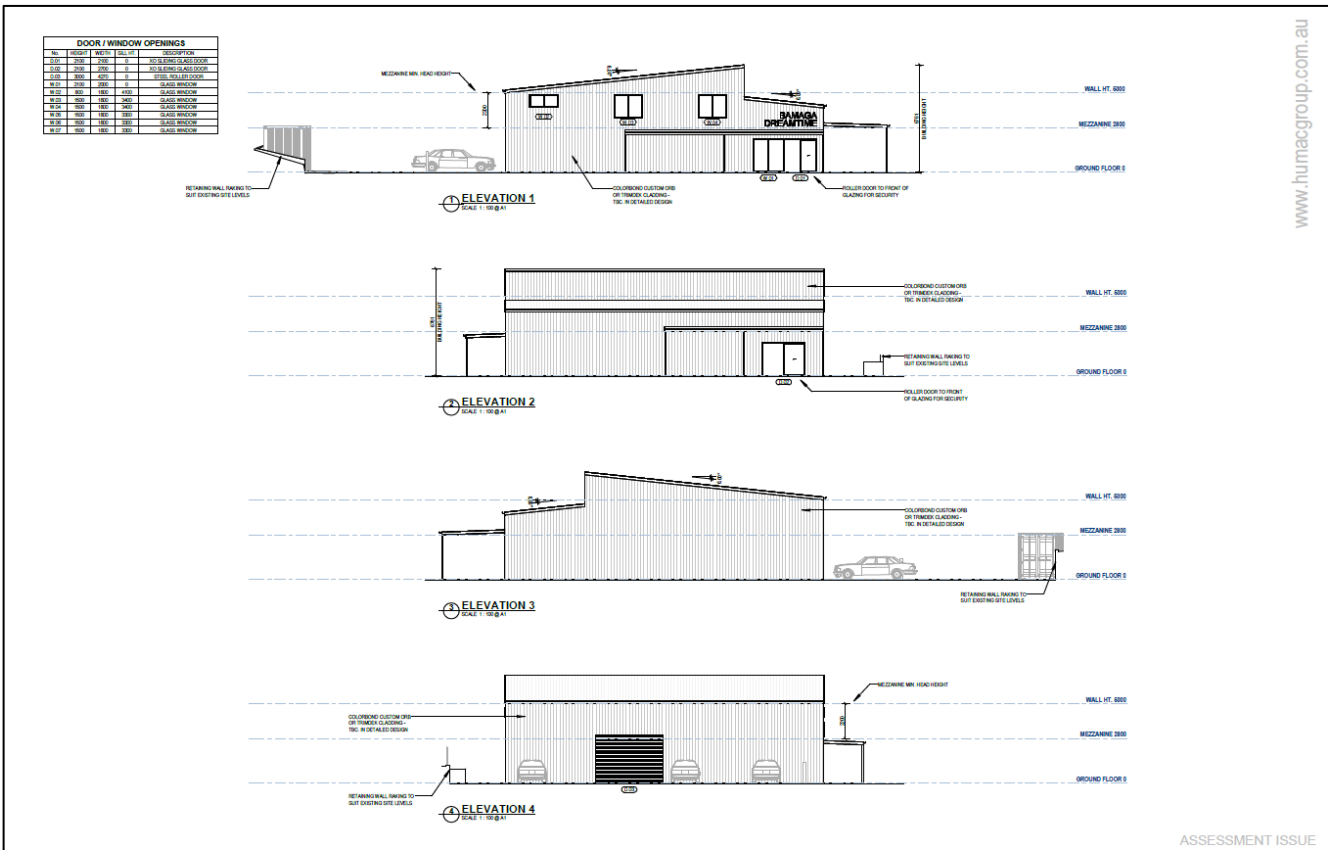
1870-SK-00 | E | 2024.05.08



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PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET
AREA PLANS
1870-SK-03 | B | 2024.05.28



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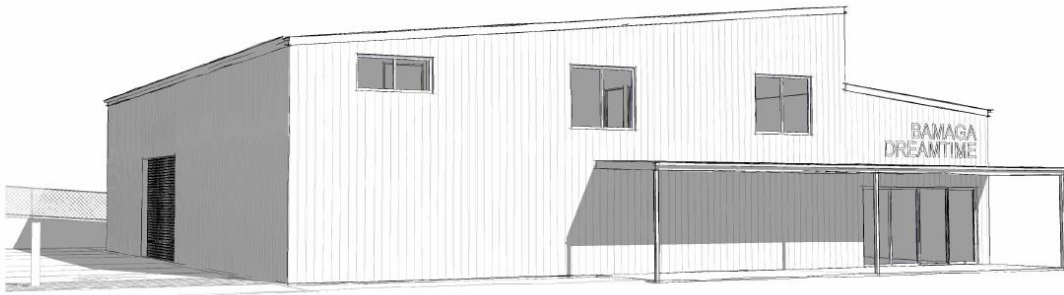
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PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET
ELEVATIONS
1870-SK-04 | E | 2024.05.08



3D PERSPECTIVE ANGLE 1
SCALE: 8:1

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3D PERSPECTIVE ANGLE 2
SCALE: 8:1

ASSESSMENT ISSUE



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PROPOSED SHOP, OFFICE, FOOD & DRINK OUTLET

PERSPECTIVES

1870-SK-05 | B | 2024.05.08



AGENDA ITEM 6.2
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA 2023_038 Elu Street Subdivision Minor Change to Decision Notice
DA2011_022

Agenda Item: 6.2

Classification: For Decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

That Council Approve:

- a. Minor Change:
 - i. to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.
 - ii. a revised development Plan
 - iii. a revised staged development of the approved DA2011_022 (4/05/2011)
 - iv. to conditions of the approved DA2011_022 (4/05/2011).

Subject to the below conditions and to be read with the Decision Notice DA2011_002 dated 4 May 2011.

CONDITIONS OF APPROVAL	TIMING
<p>1. Administration</p> <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p> <p>1.1.4. Department of Environment and Resource Management Advice Agency Advice dated: 4 May 2011 (Advice Only - no conditions).</p> <p>1.1.5. Assessment Manager Advice</p> <p>i) This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009</p> <p>ii) All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.</p> <p>iii) 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</p>	At all times

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iv) Further approvals which may be required: a) Development Permit for Operational Works																																										
2. Timing of Effect Currency Period The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval. 2.1. The applicable currency periods are: 2.1.1.Reconfiguring a Lot 6 Years		As per condition																																								
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:		At all times																																								
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3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.																																										
3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.																																										
4. Street Layout and Design 4.1. The street layout and design must to comply with Queensland Streets and FNQROC Development Manual, to the satisfaction of the Chief Executive Officer, subject to any alterations:																																										

<p>a) found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;</p> <p>4.2. Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.</p> <p>4.3. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.</p>	
<p>5. Construction</p> <p>5.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>5.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>5.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>5.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>5.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan.</p> <p>5.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to commencement of construction.</p>
<p>6. Damage to Infrastructure</p> <p>6.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p>	<p>At all times</p>
<p>7. Lawful Point of Discharge Drainage</p> <p>7.1. The applicant/owner must ensure that the flow of all external stormwater from the proposed lots is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.</p> <p>7.2. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>7.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>7.4. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.</p> <p>7.5. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the Queensland Urban Drainage Manual.</p>	<p>At all times</p> <p>Prior to commencement of work</p> <p>At all times</p>
<p>8. Infrastructure Services</p> <p>4. The proposed subdivision is required to be adequately serviced by provision of water, sewerage disposal, stormwater drainage, electricity supply, telecommunications connection and sealed road access. Any infrastructure requirement costs are to be borne by the applicant/owner.</p>	<p>At all times</p>

<p>All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.</p> <p>All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.</p> <p>5. Services (excluding sewerage) must be contained within the Road Reserve. Each Proposed Lot must be serviced with separate services for water supply, sewer connection, road access, electricity and telecommunications. In any instance where services to one lot are required to be contained within or traverse another lot, registration of necessary easements over the services will be required to the satisfaction of the Chief Executive Officer.</p> <p>8.1. All works are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Street lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p>	<p>Prior to the commencement of the use</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence.</p> <p>9.2. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area.</p> <p>9.3. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p>	<p>Prior to Commencement of use</p> <p>At all times</p>
<p>10. Fill Requirements</p> <p>10.1. Details of Fill Requirements, including copy of a plan of the works, <u>must be designed and undertaken in accordance with FNQROC Development Manual standards and sound engineering practice</u> and must be endorsed by the Chief Executive Officer prior to the commencement of works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.</p>	<p>As per condition</p>
<p>11. Acid Sulfate Soils</p> <p>11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p>	<p>Prior to the commencement of the use.</p>

- | | |
|--|--|
| 11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council. | |
|--|--|

Reasons for Decision:

As discussed within this report, the proposed development is considered to be consistent with the following relevant overall outcomes.

The overall intent and configuration of the development does not change.

The proposed changes are minor and provide a layout design that aligns with current infrastructure and development.

PURPOSE OF REPORT

The purpose of the report is to obtain Council approval for:

1. Decision Notice DA2011_002 dated 04/05/2011.

Minor Amendments to lot sizes and dimensions to suit As-constructed works completed in earlier stages.

2. Design refinements.

Removal of proposed road and footpath to the west of lots 431-433. This road is not required to provide access to lots 431-433 and increased costs and an inefficient use of the land.

3. Staged Development.

Minor Amendments to the staging configuration.

BACKGROUND AND CONTEXT

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting on behalf of Northern Peninsula Area Regional Council. Engaged by RPS AAP Pty Ltd to prepare a Development Application for a Development Permit Enabling a Staged Residential Development at Elu Street, Bamaga.

No Public Notification was required.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

CRITICAL DATES

Decision Making Period (extended) Concludes on the 13th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *“Increase the number of social houses available for allocation in the NPA”*.

FINANCIAL AND RESOURCE CONSIDERATIONS

Costs associated with the development application and assessment were covered by DTATSIPCA Cairns Office.

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (*LGIP*).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 79 OF THE PLANNING ACT 2016) FOR A MINOR CHANGE TO THE DECISION NOTICE FOR RECONFIGURATION OF A LOT APPROVAL GRANTED ON 4 MAY 2011, DA2011_022 LOCATED AT ELU ROAD BAMAGA

SECTION 81A OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR A MINOR CHANGE DECISION NOTICE RECONFIGURING A LOT FOR PROPOSED RESIDENTIAL DEVELOPMENT ON LOT 7 SP273361

Executive Summary

Council is in receipt of a development application for:

i) Minor Change to:

- to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.
- revised development Plan and conditions of the approved DA2011_022 (4/05/2011).
- revised staged development of the approved DA2011_022 (4/05/2011).

(refer Attachment B Location)

The proposed development is zoned Township within the Northern Peninsula Regional Council Planning Scheme 2018 Alignment Amendment 2020. The Minor Change is subject to s81 Assessment in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

The proposed development:

- is located at Elu Road Bamaga and comprises.
 1. Reconfiguring a Lot for a 20-lot residential development.
 2. A staged development.
- The development will be connected to all reticulated services, with stormwater directed to a lawful point of discharge.

The Northern Peninsula Area Regional Council (NPARC) approved the DA2011_022 on 4 May 2011 Due to minor changes to the development during construction of the first stages a change to the design and approval is required.

(refer Attachment C, Development Permit)

Application & Site Details Summary	
Applicant:	Northern Peninsula Area Regional Council. Development application prepared by RPS AAP Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Proposed Development:	Minor Change application
Type of Approval sought:	Development Permits
Street Address:	Elu Road, Bamaga
RP Description:	7 SP273361
Land Area:	28,000m ² approx.
Existing Use of Land:	Vacant
Existing Approvals:	Approval DA2011_002 dated 4/05/2011

Local Plan Summary	
Local Plan:	NPARC Planning Scheme 2018
Zoning:	Township
Codes	Strategic Framework Township Zone, Residential Precinct Reconfiguring a Lot

Local Plan Summary	
Level of Assessment:	s81
Consultation:	n/a

The proposal seeks

1. Decision Notice DA2011_002 dated 04/05/2011.

Minor Amendments to lot sizes and dimensions to suit As-constructed works completed in earlier stages.

2. Design refinements.

Removal of proposed road and footpath to the west of lots 431-433. This road is not required to provide access to lots 431-433 and increased costs and an inefficient use of the land.

3. Staged Development.

Minor Amendments to the staging configuration.

The minor change proposal can be considered to be generally in accordance with the following relevant overall outcomes of the Northern Peninsula Area Regional Council Decision Notice of 4 May 2011 (DA2011_002) in particular.

- The overall intent of the development does not change.
- The proposed changes are minor and provide a layout design that aligns with current infrastructure and development.

For Council Decision – Recommendation

A. That Council approve:

- a. Minor Change:
 - i. to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.
 - ii. a revised development Plan
 - iii. a revised staged development of the approved DA2011_022 (4/05/2011)
 - iv. to conditions of the approved DA2011_022 (4/05/2011).

Subject to the below conditions and to be read with the Decision Notice DA2011_002 dated 4 May 2011.

CONDITIONS OF APPROVAL	TIMING
<p>1. Administration</p> <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p> <p>1.1.4. Department of Environment and Resource Management Advice Agency Advice dated: 4 May 2011 (Advice Only - no conditions).</p> <p>1.1.5. Assessment Manager Advice</p> <p>i) This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009</p> <p>ii) All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.</p>	At all times

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Reasons for Decision:

As discussed within this report, the proposed development is considered to be consistent with the following relevant overall outcomes.

The overall intent and configuration of the development does not change.

The proposed changes are minor and provide a layout design that aligns with current infrastructure and development.

Summary

The proposed minor change application is considered to be generally in accordance with the overall outcomes of the approved development (DA2011_002 -4/05/2011).

Historical Information

Decision Notice dated 4 May 2011.

Policy Implications

Nil

Risk Management Implications

Nil.

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 Sep 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018

Consultation

- Northern Peninsula Area Regional Council
-

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Decision Notice 4 May 2011
Attachment D	NEW Development Design Plans
Attachment E	Department of Environment and Resource Management Advice Agency Response dated: 4 May 2011

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.81A);

- 25 Business Days from date of lodgement, the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	11/07/2024
Action Notice Issued	n/a
Confirmation Notice Issued	11/07/2024
<i>Referrals Information Received</i>	n/a
<i>Impact Consultation period</i>	n/a
<i>Planning Act 2016 - Decision Making Period Concludes</i>	15/08/2024
Applicant agreed Decision Making Period Extension Concludes	13/09/2024
Council Meeting	22/08/2024
Decision Notice preparation and mail-out Period Concludes	29/08/2024

Assessment against Northern Peninsula Area Regional Council Planning Scheme 2018 Alignment Amendment 2020

The development proposal is assessable under the Northern Peninsula Regional Council Planning Scheme 2018 in accordance with Section 43(1) of the *Planning Act 2016*.

Local Plan	Material Change of Use (MCU)	Reconfiguring a Lot (RaL)	Operational works (OPW)	Change Application	Siting Dispensation
NPARC Planning Scheme 2018	X	✓	X	✓	X

The Assessment Manager is the Northern Peninsula Area Regional Council as determined by Schedule 8 of the *Planning Regulation 2017*. Under the *Planning Act 2016*. The Minor Change application is s81 Assessable development and does or does not require Public Notification.

The application was reviewed against the Development Assessment Rules to assess whether the application triggered referral agency assessment. There are Nil referrals to the State Assessment and Referral Agency (SARA).

Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section s81A of the *Planning Act 2016*.

Proposed Use	Zoning	Precinct	Approval	Minor Change
Reconfiguring a Lot	Township	Residential	04/05/2011	1. Decision Notice DA2011_002 dated 04/05/2011. Minor Amendments to lot sizes and dimensions to suit As-constructed works completed in earlier stages. 2. Design refinements. Removal of proposed road and footpath to the west of lots 431-433. This road is not required to provide access to lots 431-433 and increased costs and an inefficient use of the land. 3. Staged Development.

Proposed Use	Zoning	Precinct	Approval	Minor Change
				Minor Amendments to the staging configuration.

Current Approved Development

An assessment of the development was undertaken in 2011 during the initial application.

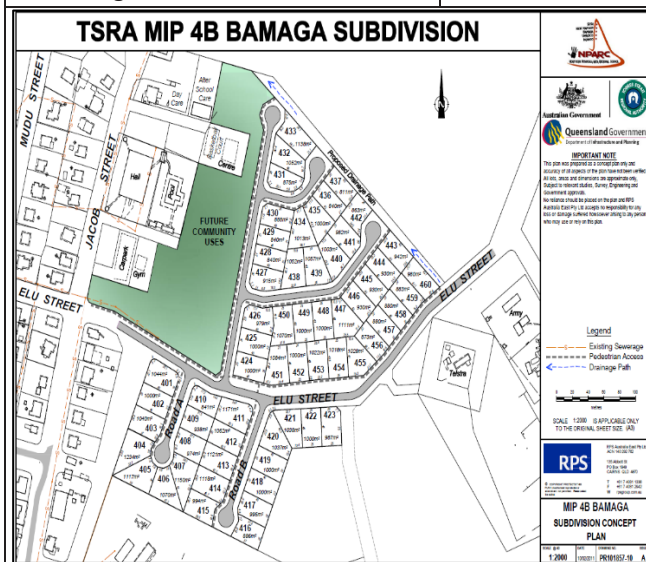
- A Development Permit was issued dated 4 May 2011.

Proposed Development (Original Application)

Development of a staged residential development at Elu Road, Bamaga as shown in the plan and extract from the NPARC Planning Scheme below.

The development was assessed against the applicable Codes:

NPARC Planning Scheme	Applicability	Assessment Benchmark
Strategic Framework	✓	Complies
Township Zone Code	✓	Complies
Reconfiguration of a Lot Code	✓	Complies



Minor Change Application

The Applicant seeks to provide for the separate occupation of part of Lot 306, via creation of a lease area (i.e. divide the subject land into parts by agreement).

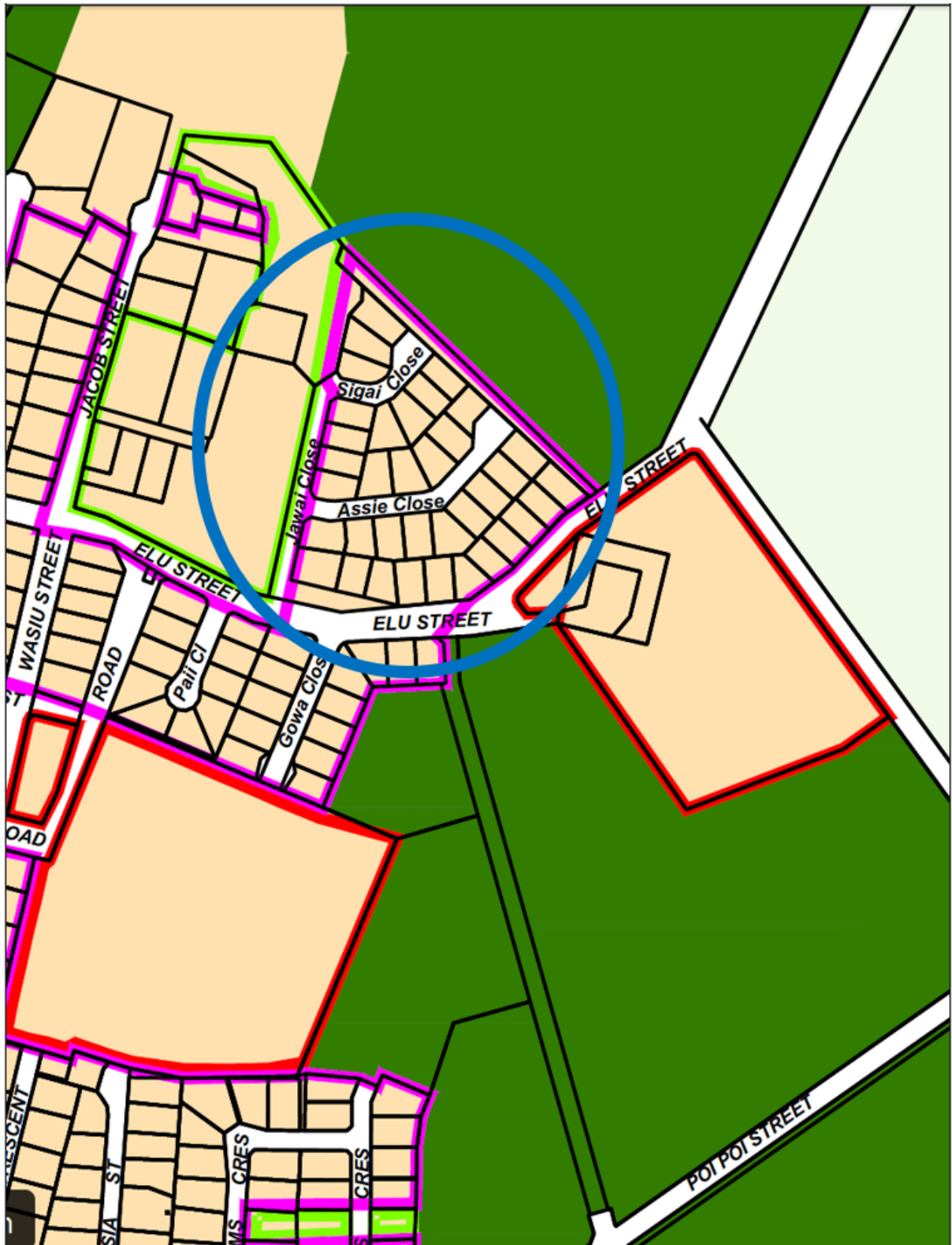
As the proposed lease area will exceed 10 years, the proposed lease constitutes Reconfiguring a Lot development.

Lease A has an area of 1.004 hectares and is shown as Lease A on SP319528.

The proposed lease boundary is setback approximately 6m from the rear fences on Atambya Street to not affect the rear access by residents to the rear of their houses.

The proposed development has been assessed against the current Development Permit dated 4 May 2011:

	Applicability	Assessment / Compliance	Application details
Strategic Plan	✓	Generally in Accordance With the current approval and the Planning Scheme.	1. Decision Notice DA2011_002 dated 04/05/2011. Minor Amendments to lot sizes and dimensions to suit As-constructed works completed in earlier stages. 2. Design refinements. Removal of proposed road and footpath to the west of lots 431-433. This road is not required to provide access to lots 431-433 and increased costs and an inefficient use of the land. 3. Staged Development. Minor Amendments to the staging configuration.
Township Zone & Residential Precinct	✓	Generally in Accordance With the current approval and the Planning Scheme	
Reconfiguring a Lot	✓	Generally in Accordance With the current approval and the Planning Scheme	





NORTHERN PENINSULA AREA REGIONAL COUNCIL

PO Box 200 Bamaga, Qld, 4876

Telephone: (07) 4069 3211

Fax: (07) 4069 3264

ABN: 27 853 926 592

8-03.05.2011

Your ref: PR101857-2/DAF/MLM/L69073

4-May-2011

Northern Peninsula Area Regional Council
c/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

DECISION NOTICE APPROVAL

Sustainable Planning Act 2009 s334 and s335

Dear Sir/Madam

Decision Notice for Development Application – Reconfiguration of Lot (60 Residential Lots plus New Road byway of Lease Agreement) over land described as Part of Lot 7 on SO53, Elu Road, Bamaga (Code Assessable)

I refer to your Development Application, which was determined by Council at its Meeting held on 3 May 2011, which was:

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 3 of this notice.

1. → Details of the approval

This Decision Notice approves a Development Permit for Reconfiguration of a Lot (60 Residential Lots, plus New Road byway of Lease Agreement) over land described as Part of Lot 7 on SO53, Elu Road, Bamaga made assessable under Schedule 3 of the Sustainable Planning Regulation 2009.

2. → When approval lapses if development not started (s341)

This development approval will lapse in accordance with section 341 of the Sustainable Planning Act 2009 (SPA) if development does not start within the relevant period as stated below:

- Reconfiguration of a Lot requiring Operational Works – four (4) years.

The currency period for this approval is four (4) years. Any extension to the currency period must be applied for within this period.

Section Break (Next Page)



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PO Box 200 Bamaga, Qld, 4876

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3. → Conditions

(A) → Details of the Premises and Approved Use

Location:	→	Elu Road, Bamaga
Property Description:	→	Part of Lot 7 on SO53
Reconfiguration of a Lot:	→	60 Residential Lots plus New Road
Level of Assessment:	→	Code Assessable
Submissions:	→	Not Applicable / Non-received

(B) → Assessment Manager Conditions (Council)

Approved Drawings

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, and subject to any alterations:
 - a. → found necessary by the 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
 - b. → to ensure compliance with the following conditions of approval.

Approved Drawings	Reference	Date
MIP 4B Bamaga Subdivision Concept Plan prepared by RPS Australia East Pty Ltd	PR101857-10 Issue A	10/02/2011
Workscope Plan Roadworks and Stormwater prepared by Cardno Pty Ltd	Q104027	March 2011
Workscope Plan Sewer and Water Reticulation	Q104027	March 2011
Workscope Plan Stage 4	Q104027	March 2011

Timing of Effect

2. → The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Street Layout and Design

3. → The street layout and design must to comply with Queensland Streets and FNQROC Development Manual, to the satisfaction of the Chief Executive Officer, subject to any alterations:
 - a. → found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;

Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.

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All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Infrastructure Services

4. → The proposed subdivision is required to be adequately serviced by provision of water, sewerage disposal, stormwater drainage, electricity supply, telecommunications connection and sealed road access. Any infrastructure requirement costs are to be borne by the applicant/owner.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

5. → Services (excluding sewerage) must be contained within the Road Reserve. Each Proposed Lot must be serviced with separate services for water supply, sewer connection, road access, electricity and telecommunications. In any instance where services to one lot are required to be contained within or

traverse another lot, registration of necessary easements over the services will be required to the satisfaction of the Chief Executive Officer.

Fill Requirements

6. → Details of Fill Requirements, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

7. → The applicant/owner must ensure that the flow of all external stormwater from the proposed lots is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

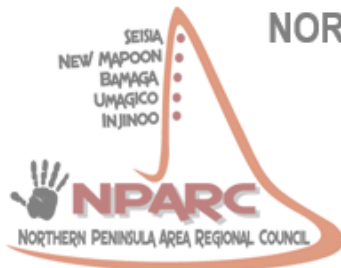
(C) → Referral Agency Response

Department of Environment and Resource Management Advice Agency Advice dated: **4 May 2011** (Advice Only - no conditions).

(D) → Assessment Manager Advice

- i. → This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.

Section Break (Next Page)



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- ii. → All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
- iii. → 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.nrw.qld.gov.au
- iv. → Further approvals which may be required:
 - a. → Development Permit for Operational Works.

4. → RIGHTS OF APPEAL:

Please refer to www.dip.qld.gov.au/spa to access the Sustainable Planning Act 2009. Please refer to sections 360 to 366 (Changing decision notices and approvals during applicant's appeal period) and section 461 (Appeals by Applicants) which details your appeal rights regarding this decision.

Should you require any further information or assistance please contact Council's Chief Executive Officer.

Yours faithfully

Stuart Duncan
Chief Executive Officer

enc. → Attachment 1: Approved Drawings
Attachment 2: DERM Wetland Advice

Advice Agency Response - Referable Wetland

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Section Break (Continuous)

Northern Peninsula Area Regional Council
PO Box 68

CAIRNS QLD

cc. Northern Peninsula Area Regional Council
C/- RPS Australia East Pty Ltd

PO Box 1949

CAIRNS QLD 4870

Attn: Ian Doust

Project reference: 242433
DERM Permit Number: SPAR01755211

Application Details

Assessment Manager Reference: PR101857/DAF/MLM/L69142 → ATTN: Jim Foody

Date properly referred to DERM: 29 March 2011

Development approval applied for: Development permit

Aspect of development: Reconfiguring a Lot if - (a) any part of the land is situated in a wetland management area; and (b) the reconfiguration results in more than 6 lots, or any lot created is less than 5ha

Sustainable Planning Regulation 2009 - Schedule 7, Table 2, Item 43

Development description: Reconfiguring a Lot by way of lease agreement (60 Lots)

Property/Location description: Elu Street, Bamaga (Lot 7 on S053)

Section Break (Continuous)

Recommendation¶

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:¶

Wetland:¶

The Assessment Manager should consider the potential impacts of the proposed development on wetland values; including the water quality, natural hydrological flows and ecological functioning of the wetland:¶
Development should meet the following outcomes:¶

- → **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. ... A report prepared and¶ certified by an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. ... If adverse impacts are unavoidable, the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.¶

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural resources). An Implementation Guideline should be consulted:¶

http://www.derm.qld.gov.au/services_resources/item_detail.php?item_id=202304&topic_id=54.¶

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan* – *Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8.1, Areas of state significance (natural resources).¶

- → **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.¶
- → **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland; and retaining and allowing for regeneration of native vegetation.¶

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:¶

- → a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and¶
- → a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding land use.¶

Buffer distances should be maximised in order to maintain existing biodiversity values; habitat connectivity and to minimise edge effects. ... Unless otherwise determined by a suitably qualified professional, the following¶ buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.¶

- → within urban areas; a minimum 50m buffer to wetland¶

- → outside of urban areas a minimum 200m buffer to wetland¹
- → for 'significant coastal wetlands', a buffer width of 200m to wetland¹

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.¹

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South-East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. → For areas outside of the South-east¹ Queensland Regional Plan area any approval should recognise the requirements of the *Draft Urban Stormwater-Queensland Best Practice Environmental Management Guidelines 2009*¹.

General information for assessment managers¹

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.¹

Additional information for applicants¹

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.¹

Aboriginal Cultural Heritage¹

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.¹

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.¹

¹ The Draft Urban Stormwater-Queensland Best Practice Environmental Management Guidelines 2009, is available at: <http://www.derm.qld.gov.au/environmental-management/water/environmental-values-environmental-protection-water-policy/draft-urban-stormwater-gbpem-guideline-2009.html>

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural-heritage

Should you have any questions about the above, please contact Ria George on telephone 1300 130 372, quoting the above reference number.



Delegate
Michael Mawn
Delegate for the Chief Executive administering the
Coastal Protection and Management Act 1995,
Environmental Protection Act 1994,
Nature Conservation Act 1992.
Department of Environment and
Resource Management

Section Break (Continuous)

Enquiries:
Ria George
Department of Environment and
Resource Management
Permit and Licence Management
Address: GPO Box 2454 BRISBANE QLD 4001
Telephone: 130 0 130 372
Facsimile: → 07 3896 3342
Email: → palm@derm.qld.gov.au

Column Break

4 April 2011

Our Ref: DA2023_038
Your Ref: L82861

Xx August 2024

Commented [GV1]: Date of signature

RPS AAP Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.

Delivery via email: ian.doust@rpsgroup.com.au & gerhard.visser@dssatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 81A of the *Planning Act 2016*, Development Permit for: Minor Change for Decision Notice Reconfiguring a Lot for proposed residential development on lot 7 SP273361 at Elu Road, Bamaga.

The application dated 11 July 2024 being properly made seeking approval for the following is noted:

- i) Minor Change:
- to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.
 - revised development Plan and conditions of the approved DA2011_022 (4/05/2011).
 - revised staged development of the approved DA2011_022 (4/05/2011).

Please be advised that your application was assessed and considered at Council's schedule meetings held on 22 August 2024.

Commented [GV2]: Meeting date

Council resolved to:

Approve (subject to conditions) the:

- a. Minor Change:
- i. to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.
 - ii. a revised development Plan
 - iii. a revised staged development of the approved DA2011_022 (4/05/2011)
 - iv. to conditions of the approved DA2011_022 (4/05/2011).

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Galloway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council

Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2023_038
Applicant Details	RPS AAP Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Property Description	Lot 7SP273361 Elu Rd, Bamaga
Proposal	i) Minor Change to: <ul style="list-style-type: none">to the Decision Notice for Reconfiguration of a Lot approval granted on 4 May 2011, DA2011_022.a revised development Plana revised staged development of the approved DA2011_022 (4/05/2011)to conditions of the approved DA2011_022 (4/05/2011).
Level of Assessment	s81

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has NOT been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was partially approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made. The application for the Reconfiguring a Lot creating a /NEW Lot and Balance Lot was refused.
Decision Date	22 August 2024
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme 2018, Alignment Amendment 2020
Submissions	N/A
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
Nil	
PROPERTY NOTES	
Development Permit dated 4/05/2011	
FURTHER DEVELOPMENT PERMITS REQUIRED	
Building Act 1975 Plumbing & Drainage Act 2018	
RIGHTS OF APPEAL	
The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).	
<u>Appeal by an applicant</u>	
An applicant for a development application may appeal to the Planning and Environment Court against the following:	
<ul style="list-style-type: none">The refusal of all or part of the development application;A provision of the development approval;	

Commented [GV3]: Meeting date

<ul style="list-style-type: none"> • The decision to give a preliminary approval when a development permit was applied for; and • A deemed refusal of the development application. <p>An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i>.</p> <p><u><i>Appeal by an eligible submitter</i></u></p> <p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none"> • Any part of the development application that required impact assessment; and • A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse as reflected in the conditions of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
<p>This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:</p> <ul style="list-style-type: none"> • The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and • Any other information, documents or other material Council was either required to, or able to, consider in its assessment. <p>All terms used in this Notice have the meaning given then in the <i>Planning Act 2016</i>.</p>

REASONS FOR THE DECISION

The proposal;

The minor change proposal is considered to be generally in accordance with the following relevant overall outcomes of the Northern Peninsula Area Regional Council Decision Notice of 4 May 2011 (DA2011_002) in particular.

- The overall intent of the development does not change.
- The proposed changes are minor and provide a layout design that aligns with current infrastructure and development.

SCHEDULE OF CONDITIONS

Applicable to the following, Section 81 of the *Planning Act 2016*, approval for:

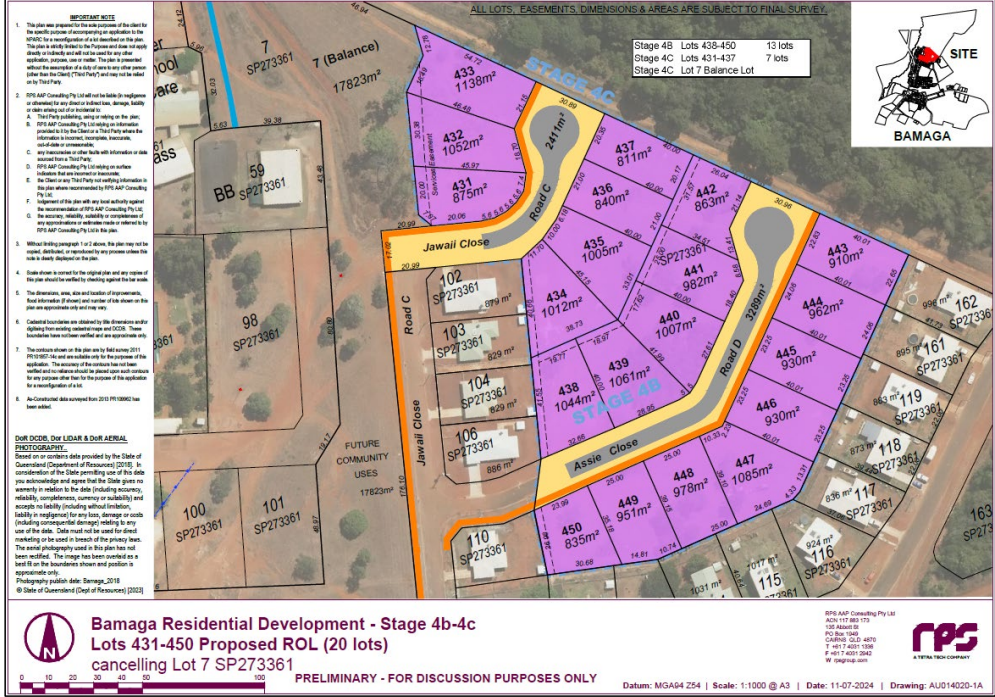
- a. Minor Change Application for:
 - i. a revised development Plan
 - ii. a revised staged development of the approved DA2011_022 (4/05/2011)
 - iii. to conditions of the approved DA2011_022 (4/05/2011).

Subject to the below conditions and to be read with the Decision Notice DA2011_002 dated 4 May 2011.

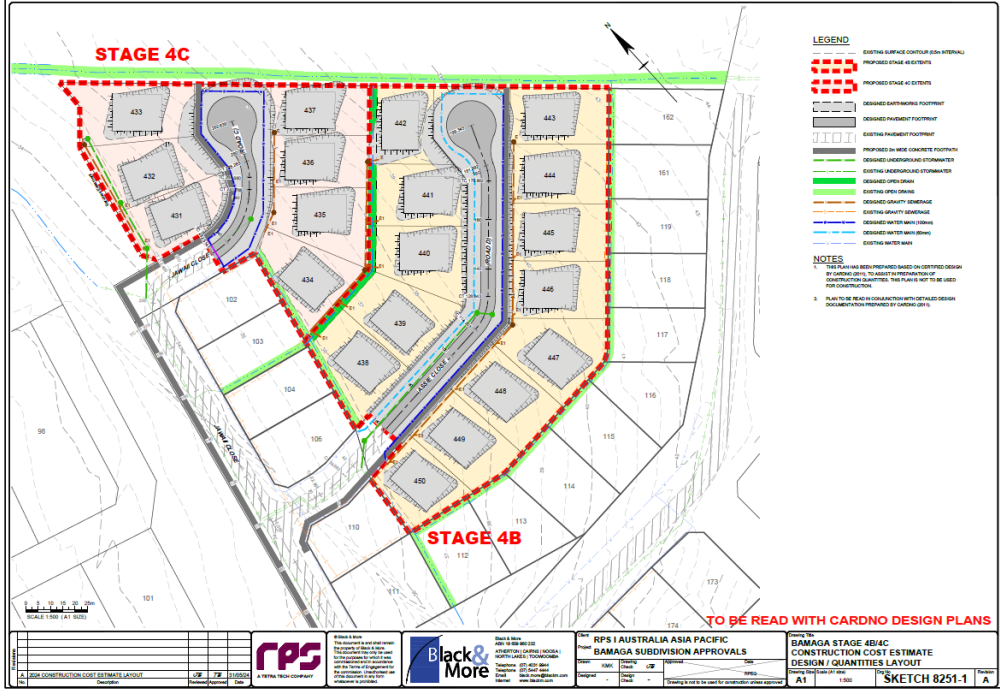
CONDITIONS OF APPROVAL	TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering. 1.1.4. Department of Environment and Resource Management Advice Agency Advice dated: 4 May 2011 (Advice Only - no conditions). 1.1.5. Assessment Manager Advice <ul style="list-style-type: none"> i) This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009 ii) All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works. iii) 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 eth 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.nrw.qld.gov.au iv) Further approvals which may be required: <ul style="list-style-type: none"> a) Development Permit for Operational Works 	At all times
2. Timing of Effect Currency Period The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval. 2.1. The applicable currency periods are: 2.1.1. Reconfiguring a Lot 6 Years	As per condition
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:	At all times

CONDITIONS OF APPROVAL	TIMING
<p>9.3. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p>	At all times
<p>10. Fill Requirements</p> <p>10.1. Details of Fill Requirements, including copy of a plan of the works, <u>must be designed and undertaken in accordance with FNQROC Development Manual standards and sound engineering practice</u> and must be endorsed by the Chief Executive Officer prior to the commencement of works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.</p>	As per condition
<p>11. Acid Sulfate Soils</p> <p>11.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>11.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.

RaL Plan



Stage Plan





NORTHERN PENINSULA AREA REGIONAL COUNCIL

PO Box 200 Bamaga, Qld, 4876

Telephone: (07) 4069 3211

Fax: (07) 4069 3264

ABN: 27 853 926 592

8-03.05.2011

Your ref: PR101857-2/DAF/MLM/L69073

4 May 2011

Northern Peninsula Area Regional Council

c/- RPS Australia East Pty Ltd

PO Box 1949

CAIRNS QLD 4870

DECISION NOTICE

APPROVAL

Sustainable Planning Act 2009 s334 and s335

Dear Sir/Madam

Decision Notice for Development Application – Reconfiguration of Lot (60 Residential Lots plus New Road byway of Lease Agreement) over land described as Part of Lot 7 on SO53, Elu Road, Bamaga (Code Assessable)

I refer to your Development Application, which was determined by Council at its Meeting held on 3 May 2011, which was:

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 3 of this notice.

1. → Details of the approval

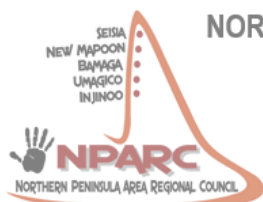
This Decision Notice approves a Development Permit for Reconfiguration of a Lot (60 Residential Lots, plus New Road byway of Lease Agreement) over land described as Part of Lot 7 on SO53, Elu Road, Bamaga made assessable under Schedule 3 of the Sustainable Planning Regulation 2009.

2. → When approval lapses if development not started (s341)

This development approval will lapse in accordance with section 341 of the Sustainable Planning Act 2009 (SPA) if development does not start within the relevant period as stated below:

- Reconfiguration of a Lot requiring Operational Works – four (4) years.

The currency period for this approval is four (4) years. Any extension to the currency period must be applied for within this period.



NORTHERN PENINSULA AREA REGIONAL COUNCIL

PO Box 200 Bamaga, Qld, 4876

Telephone: (07) 4069 3211

Fax: (07) 4069 3264

ABN: 27 853 926 592

3. → Conditions

(A) → Details of the Premises and Approved Use

Location: → Elu Road, Bamaga

Property Description: → Part of Lot 7 on SO53

Reconfiguration of a Lot: → 60 Residential Lots plus New Road

Level of Assessment: → Code Assessable

Submissions: → Not Applicable / Non-received

(B) → Assessment Manager Conditions (Council)

Approved Drawings

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, and subject to any alterations:
 - a. → found necessary by the 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
 - b. → to ensure compliance with the following conditions of approval:

Approved Drawings	Reference	Date
MIP 4B Bamaga Subdivision Concept Plan prepared by RPS Australia East Pty Ltd	PR101857-10 Issue A	10/02/2011
Workscope Plan Roadworks and Stormwater prepared by Cardno Pty Ltd	Q104027	March 2011
Workscope Plan Sewer and Water Reticulation	Q104027	March 2011
Workscope Plan Stage 4	Q104027	March 2011

Timing of Effect

2. → The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Street Layout and Design

3. → The street layout and design must comply with Queensland Streets and FNQROC Development Manual, to the satisfaction of the Chief Executive Officer, subject to any alterations:
 - a. → found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;

Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works. Section Break (Next Page)



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All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Infrastructure Services

4. → The proposed subdivision is required to be adequately serviced by provision of water, sewerage disposal, stormwater drainage, electricity supply, telecommunications connection and sealed road access. Any infrastructure requirement costs are to be borne by the applicant/owner.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Details of the works, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

5. → Services (excluding sewerage) must be contained within the Road Reserve. Each Proposed Lot must be serviced with separate services for water supply, sewer connection, road access, electricity and telecommunications. In any instance where services to one lot are required to be contained within or

traverse another lot, registration of necessary easements over the services will be required to the satisfaction of the Chief Executive Officer.

Fill Requirements

6. → Details of Fill Requirements, including copy of a plan of the works, must be endorsed by the Chief Executive Officer prior to the commencement of works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

7. → The applicant/owner must ensure that the flow of all external stormwater from the proposed lots is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

(C) → Referral Agency Response

Department of Environment and Resource Management Advice Agency Advice dated: 4 May 2011 (Advice Only - no conditions).

(D) → Assessment Manager Advice

- i. → This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.

Section Break (Next Page)



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- ii. → All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
- iii. → 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.nrw.qld.gov.au
- iv. → Further approvals which may be required:
 - a. → Development Permit for Operational Works.

4. → RIGHTS OF APPEAL:

Please refer to www.dip.qld.gov.au/spa to access the Sustainable Planning Act 2009. Please refer to sections 360 to 366 (Changing decision notices and approvals during applicant's appeal period) and section 461 (Appeals by Applicants) which details your appeal rights regarding this decision.

Should you require any further information or assistance please contact Council's Chief Executive Officer.

Yours faithfully

Stuart Duncan
Chief Executive Officer

enc. → Attachment 1: Approved Drawings
Attachment 2: DERM Wetland Advice



NORTHERN PENINSULA AREA REGIONAL COUNCIL

PO Box 200 Bamaga, Qld, 4876

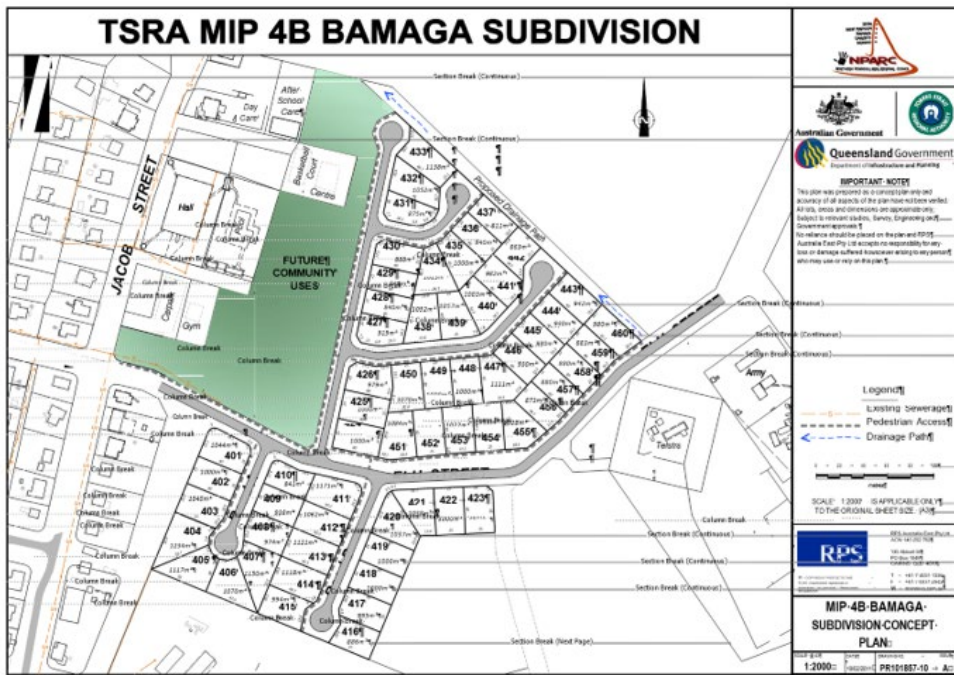
Telephone: (07) 4069 3211

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ATTACHMENT 1

Approved Drawings Section Break (Next Page)





Advice Agency Response - Referable Wetland

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Section Break (Continuous)

Northern Peninsula Area Regional Council
PO Box 68

cc. → Northern Peninsula Area Regional Council
C/- RPS Australia East Pty Ltd

CAIRNS QLD

PO Box 1949
CAIRNS QLD 4870

Attn: Ian Doust

Project reference: 242433
DERM Permit Number: SPAR01755211

Application Details

Assessment Manager Reference: → PR101857/DAF/MLM/L69142 → ATTN: Jim Foody

Date properly referred to DERM: → 29 March 2011

Development approval applied for: → Development permit

Aspect of development: → Reconfiguring a Lot if - (a) any part of the land is situated in a wetland management area; and (b) the reconfiguration results in more than 6 lots, or any lot created is less than 5ha
Sustainable Planning Regulation 2009 - Schedule 7, Table 2, Item 43

Development description: → Reconfiguring a Lot by way of lease agreement (60 Lots)

Property/Location description: → Elu Street, Bamaga (Lot 7 on S053)

Section Break (Continuous)

Recommendation¶

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:¶

Wetland:¶

The Assessment Manager should consider the potential impacts of the proposed development on wetland values; including the water quality, natural hydrological flows and ecological functioning of the wetland.¶ Development should meet the following outcomes:¶

- → **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. ... A report prepared and¶ certified by an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. ... If adverse impacts are unavoidable, the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.¶

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural resources). An Implementation Guideline should be consulted:¶

<http://www.derm.qld.gov.au/services/resources/item-detail.php?item-id=202304&topic-id=54>.¶

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan* -- *Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8:1, Areas of state significance (natural resources).¶

- → **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.¶
- → **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland; and retaining and allowing for regeneration of native vegetation.¶

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:¶

- → a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and¶
- → a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.¶

Buffer distances should be maximised in order to maintain existing biodiversity values; habitat connectivity and to minimise edge effects. ... Unless otherwise determined by a suitably qualified professional, the following¶ buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.¶

- → within urban areas; a minimum 50m buffer to wetland¶

- → outside of urban areas a minimum 200m buffer to wetland[¶]
- → for 'significant coastal wetlands', a buffer width of 200m to wetland[¶]

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/revegetation management plan including weed management[¶] strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.[¶]

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South-East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. → For areas outside of the South-east[¶] Queensland Regional Plan area any approval should recognise the requirements of the *Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009*^{1, ¶}

General information for assessment managers[¶]

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.[¶]

Additional information for applicants[¶]

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.[¶]

Aboriginal Cultural Heritage[¶]

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.[¶]


Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.[¶]

¹ The Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009, is available at [¶]
<http://www.derm.qld.gov.au/environmental--management/water/environmental--values--environmental--protection--water--policy/draft--urb-an--stormwater--qbpem--guideline--2009.html>[¶]

Notice
Advice Agency Response

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural-heritage

Should you have any questions about the above, please contact Ria George on telephone 1300 130 372, quoting the above reference number.


Section Break (Continuous)
Delegate
Michael Mawn
Delegate for the Chief Executive administering the
Coastal Protection and Management Act 1995,
Environmental Protection Act 1994,
Nature Conservation Act 1992,
Department of Environment and
Resource Management
Enquiries:
Ria George
Department of Environment and
Resource Management
Permit and Licence Management
Address: GPO Box 2454 BRISBANE QLD 4001
Telephone: 130 0 130 372
Facsimile: 07 3896 3342
Email: palm@derm.qld.gov.au

Column Break
4 April 2011



AGENDA ITEM 6.3
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA 2023_006 Snake Gully Road (Hurrki Village Road) Material Change of Use

Agenda Item: 6.3

Classification: For decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

That Council:

Approve a Development Permit Enabling a Staged Residential Development at Snake Gully Road, (Hurrki Road) Injinoo:

- i) Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363.
- ii) New Road

Subject to the below conditions:

CONDITIONS OF APPROVAL				TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1.The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2.The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3.The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering. 1.1.4.The DoR s22A response and conditions reference 2023/004287 dated 25 March 2024.				At all times
2. Currency Period 2.1. The applicable currency periods are: 2.1.1.Reconfiguring a Lot - 6 Years				As per condition
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:				At all times
Plan / Document Name		Drawing Number	Sheet / Ref	Date/DWG
Injinoo Social Housing Development Plan		0998-001	A	28/04/2023
Injinoo Social Housing Development Road Surrender Plan		0998-RS-001	A	28/04/2023
Relevant Purpose Determination Plan		RPDP 2023/004287	Area A	25/03/2024
DoR response and conditions		2023/004287	700 SP273363	25/03/2024

<p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>	
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>	<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and</p>	<p>Prior to the commencement of the use.</p>

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As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

PURPOSE OF REPORT

The report seeks to obtain a Development Permit as reflected in the table below.

Proposal

Reconfiguring a Lot (Subdivision)

The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363 for the development of a residential development referred to as the 'Snake Gully residential development'.

It is proposed to subdivide a portion of the subject site for the purposes of creating:

- A subdivision of 1 lot into 21 lots.
- The newly created allotment is between 725m² and 1.335m².

BACKGROUND AND CONTEXT

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting on behalf of Northern Peninsula Area Regional Council. Engaged Meridian Urban Pty Ltd to prepare a Development Application for a Development Permit Enabling a Staged Residential Development at Snake Gully Road (Hurrki Village Road), Injinoo.

The Public Notification period was from the 15th of May and the 21st of June, No submissions were made during this period.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

CRITICAL DATES

Decision Making Period Concludes on the 26th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *“Increase the number of social houses available for allocation in the NPA”*.

FINANCIAL AND RESOURCE CONSIDERATIONS

Costs associated with the development application and assessment were covered by DTATSIPCA Cairns Office.

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (*LGIP*).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED RECONFIGURING A LOT AT INJINOO, NORTHERN PENINSULA AREA.

SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (SUBDIVISION) STAGED OF (PART) LOT 700 ON SP273363 FOR A RESIDENTIAL DEVELOPMENT AT SNAKE GULLY ROAD, INJINOO, NORTHERN PENINSULA AREA.

Strategic Considerations

Council assessed the application to be compliant with its Corporate Plan objective “**Increase the number of social houses available for allocation in the NPA**”.

Budget, Financial and Resource Implications

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (LGIP).

Asset Management

Not Applicable.

Executive Summary


Council is in receipt of a development application for:

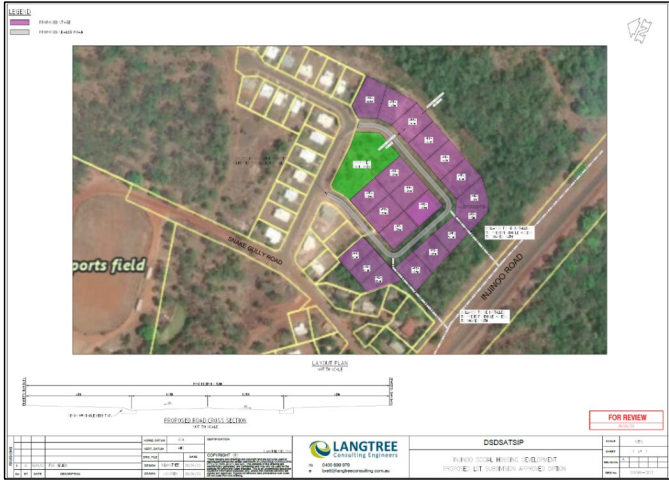
- i) Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363.
- ii) New Road


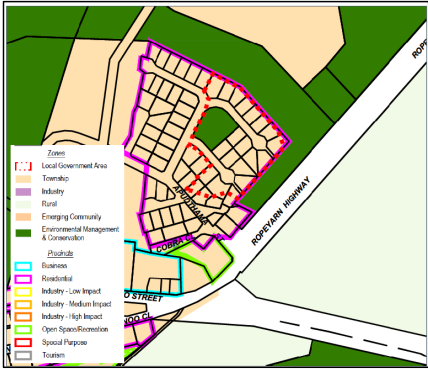
(Attachment B, Locality Plan)

The proposed development is assessment provisions are set out in the tables below and is assessable development in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

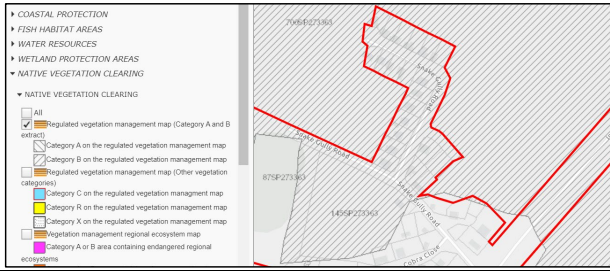
Application	
Applicant:	Northern Peninsula Area Regional Council Development application prepared by Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Proposed Development:	Material Change of Use (to vary the planning instrument, from Township and Environmental Management & Conservation to Township Zone, Residential Precinct). Reconfiguring a Lot (Subdivision) of part of Lot 700 on SP273363 (1 Lot Into 21 Lots). Enabling a Staged Residential Development at Snake Gully Road, Injinoo
Type of Approval sought:	Development Permit

Site Details Summary	
Street Address:	Snake Gully Road, Injinoo, Northern Peninsula Area
RP Description:	Lot 700 on SP273363
Land Area:	3,42 ha (Development area 2.95 ha)
Lease Area:	n/a
Existing Use of Land:	The portion of the site which is the subject of this application is vacant land with vegetation throughout the site. The location of the proposed development area is within a previously disturbed portion and is located at Snake Gully Road adjacent to a predominantly residential development.
Locality & Community Services Plan:	

Development Summary	
Number of Lots:	21
Lot sizes:	A range of lot sizes between 725m ² and 1.335m ²
Stages:	Development to be staged subject to availability of funding and need.
Development Plans	
Proposed Development Plan:	
Staging Plan:	Development to be staged subject to availability of funding and need.

Local Plan Summary	
Local Plan:	Northern Peninsula Area Regional Council Planning Scheme, 2018
Strategic Framework:	<p>Urban development</p> 
Zoning:	<p>Township zone The development is within a Residential Precinct.</p> 
Codes	<ul style="list-style-type: none"> • Township Zone Code • Environmental Management & Conservation Zone Code • Reconfiguring a Lot Code • Operational Works Code
Overlays:	<ul style="list-style-type: none"> • Biodiversity Overlay Code • Natural Hazards Overlay Codes <ul style="list-style-type: none"> ▪ Bushfire
Level of Assessment:	Impact Assessable

Master Plan Summary	
Master Plan:	<p>NPARC Master Plan 2020</p> 
Land Use:	The Master Plan indicate the area to be developed for residential purposes
Assessment:	The proposed development is compliant with the visions and aspirations of the community as reflected in the Master Plan.

State Requirements Summary	
Regional Plan:	The Cape York Regional Plan (August 2014) indicate the development area as - Priority Living Area
State Planning Policy (SPP) & DAMS Mapping:	<p>The development is located in a biodiversity area and triggers Clearing of Native Vegetation.</p> 
Pre-lodgement:	n/a
Referral:	The referral agency SARA provided conditions of approval.
State Development Assessment Provisions (SDAP):	SDAP Code 16 – Native Vegetation Clearing

IMPACT ASSESSMENT CONSULTATION	
Consultation Period:	27 June 2024- 8 August 2024
Submissions:	Nil
Assessment:	n/a

The proposal seeks to obtain a Development Permit as reflected in the table below.

Proposal	
Reconfiguring a Lot (Subdivision)	
<p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363 for the development of a residential development referred to as the 'Snake Gully residential development'.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> A subdivision of 1 lot into 21 lots. The newly created allotment is between 725m² and 1.335m². 	

The proposal can be considered to be generally in accordance with the following outcomes of the Northern Peninsula Area Regional Council Planning Scheme 2018, in particular the proposed development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

For Council Decision – Recommendation

That Council approve a Development Permit Enabling a Staged Residential Development at Snake Gully Road, Injinoo:

- Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363.
- New Road

Subject to the below conditions:

CONDITIONS OF APPROVAL		TIMING																				
<p>1. Administration</p> <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p> <p>1.1.4. The DoR s22A response and conditions reference 2023/004287 dated 25 March 2024.</p>		At all times																				
<p>2. Currency Period</p> <p>2.1. The applicable currency periods are:</p> <p>2.1.1. Reconfiguring a Lot - 6 Years</p>		As per condition																				
<p>3. Approved Site Drawings/Plans</p> <p>3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</p> <table><tr><th>Plan / Document Nam</th><th>Drawing Number</th><th>Sheet / Ref</th><th>Date/DWG</th></tr><tr><td>Injinoo Social Housing Development Plan</td><td>0998-001</td><td>A</td><td>28/04/2023</td></tr><tr><td>Injinoo Social Housing Development Road Surrender Plan</td><td>0998-RS-001</td><td>A</td><td>28/04/2023</td></tr><tr><td>Relevant Purpose Determination Plan</td><td>RPDP 2023/004287</td><td>Area A</td><td>25/03/2024</td></tr><tr><td>DoR response and conditions</td><td>2023/004287</td><td>700 SP273363</td><td>25/03/2024</td></tr></table>		Plan / Document Nam	Drawing Number	Sheet / Ref	Date/DWG	Injinoo Social Housing Development Plan	0998-001	A	28/04/2023	Injinoo Social Housing Development Road Surrender Plan	0998-RS-001	A	28/04/2023	Relevant Purpose Determination Plan	RPDP 2023/004287	Area A	25/03/2024	DoR response and conditions	2023/004287	700 SP273363	25/03/2024	At all times
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Relevant Purpose Determination Plan	RPDP 2023/004287	Area A	25/03/2024																			
DoR response and conditions	2023/004287	700 SP273363	25/03/2024																			

CONDITIONS OF APPROVAL	TIMING
<p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>	
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>	<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p>	<p>Prior to the commencement of the use</p>

CONDITIONS OF APPROVAL	TIMING
<p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	As per condition
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	Prior to clearing works being undertaken.

Reasons for Decision:

As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

Summary

The proposed development is considered to be generally in accordance with the overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme.

Historical Information

Nil

Policy Implications

Nil

Risk Management Implications

The only hazard that is triggered for the development area is a potential bushfire hazard impact area. Bushfire mitigation plans and bushfire clearances will be applicable when the development occur.

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 published 02 September 2020 and commenced 11 September 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018.

NPARC Master Plan 2020.

Consultation

- Council

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Development Plan
Attachment D:	Stage Plan
Attachment E:	Vegetation Management Plan
Attachment F:	SARA referral agency response – Snake Gully Road, Injinoo

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 & 61(3));

- 10 Business Days for a Confirmation Notice from date after receiving an application; and
- 40 Business Days for a Referral Response from date after referral of an application; and
- 35 Business Days from date of Referral Response received or impact consultation completed the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	8/04/2024
Action Notice Issued	n/a
Confirmation Notice Issued	22/04/2024
Referrals Information Received	25/03/2024
Impact Consultation period	27/06/2024- 08/08/2024
<i>Planning Act 2016</i> - Decision Making Period Concludes	26/09/2024
Applicant agreed Decision Making Period Extension Concludes	n/a
Council Meeting	22/08/2024
Decision Notice preparation and mail-out Period Concludes	29/08/2024

Commented [GV1]: Please change date if date above change to 5 business days after council meeting date.

Assessment against relevant legislation.

The development proposal is determined to be Assessable Development.

Legislation / Policy	Assessment Trigger	Assessment
Northern Peninsula Area Regional Council Planning Scheme 2018	✓	The Assessment Manager is the Northern Peninsula Area Regional Council (NPARC) as determined by Schedule 8 of the Planning Regulation 2017. Under the Planning Act 2016.
• Code Assessment	✗	n/a
• Impact Assessment	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section 60 of the Planning Act 2016, are outlined in 45(3) and s21 to 28 of the Planning Regulations 2017.
• Public Notification	✓	Public Notification period was from 15/05/2024- 21/06/2024. No submissions were made during this period.
NPARC Master Plan 2020	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant projects listed in the master plan making the decision pursuant to the relevant council policy.
State Interests	Assessment Trigger	Assessment
• State Assessment and Referral Agency (SARA)	✓	The development triggered referral to DoR. Relevant conditions of approval are reflected in the report.
• Department of Resources (DoR) s22A		
• State Development Assessment Provisions (SDAP)	✓	State Assessment and Referral Mapping (DoR) s22A is triggered by the application. Refer Attachments E & F.

<ul style="list-style-type: none"> State Planning Policy (SPP) 	✓	In accordance with section 2.1 – State Planning Policy of the planning scheme, the NPARC Planning Scheme 1018 reflects the SPP of 2016. An assessment against the current SPP is required.
<ul style="list-style-type: none"> Regional Plan <ul style="list-style-type: none"> Cape York Regional Plan (CYRP), 2014 	✖	The development site at Injinoo is within the “Priority Living Area” as identified in the CYRP. No further assessment of the application against the CYRP is required.

Assessment against the Northern Peninsula Area Regional Council Planning Scheme 2018 provisions.

Detailed assessment of the proposed development against the *Specific Benchmarks* for applicable codes is reflected in the Development Application.

An assessment against the applicable *Purpose and Overall Outcomes* provisions has been undertaken as reflected hereunder:

Proposed Use	Zoning	Precinct	Zone Codes	Overlay Maps
Residential Development	Township Environmental Management & Conservation	Residential	Township Zone Code Environmental Management & Conservation Zone Code Reconfiguring a Lot Code Operational Works Code	Biodiversity Overlay Code Natural Hazards Overlay Codes <ul style="list-style-type: none"> Bushfire

Northern Peninsula Area Regional Council Planning Scheme 2018	
Township Zone Code	
Purpose	Assessment
The purpose of the township zone is to provide for: <ul style="list-style-type: none"> (a) small to medium urban areas in a rural or coastal area; and (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential and retail uses and activities and (c) tourist attractions and short-term accommodation, if appropriate for the area. 	The subdivision layout and design incorporates a mix of lot sizes allowing for the design and construction of a diverse range of dwelling types and provides sufficient room for pedestrian, vehicle and cyclist movements.

Environmental Management & Conservation Code	
Purpose	Assessment
The purpose of the environmental management and conservation zone is to provide for the protection and maintenance of areas that support 1 or more of the following: <ul style="list-style-type: none"> (a) biological diversity (b) ecological integrity (c) naturally occurring landforms (d) coastal processes. 	The proposed development relocate the environmental area to a position as preferred by the community and reflected in the Master Plan. The development is thus compliant with the Master Plan and the Environmental Code,

Reconfiguring a Lot Code	
Purpose	Assessment
The purpose of the Reconfiguring a Lot code is to provide detailed standards for assessing reconfiguration, to ensure that development is appropriately located, considers constraints, is able to be efficiently serviced and promotes best practice standards.	<p>The proposed development complies with the average lot size of 800m² in providing a range of lot sizes between 725m² and 1.335m².</p> <p>The proposed development complies with the liveability principles with existing social / community services available in Injinoo.</p>

Reconfiguring a Lot Code	
Purpose	Assessment
	<p>The proposed development complies with the convenience and comfortable walking provisions as:</p> <ul style="list-style-type: none"> • The proposed road layout is consistent with the pattern of development within the existing township and provides an extension of the grid-like pattern, there is ample space with the road reserve to provide for footpaths. • The development streets does not exceed 250m and to encourage pedestrian mobility. • The provision of street trees can be conditioned, where considered reasonable considering climatic conditions. • The proposed road width is sufficient to accommodate footpaths either side of the road.

Operational Works Code	
Purpose	Assessment
<p>The purpose of the operational works code is to:</p> <ul style="list-style-type: none"> (a) Ensure that development is provided with adequate infrastructure and services; (b) Manage the impact of development on the environmental values identified in the Council area. 	<p>This application does not include subsequent operational works or buildings works applications that may be required under the Planning Act 2016 or Building Act 1975 to deliver the proposed subdivision.</p> <p>Operational Works application(s) is required when funding for the construction of the development become available.</p>

Biodiversity Overlay Code	
Purpose	Assessment
<p>The purpose of the biodiversity code is to ensure that matters of state environmental significance are identified and protected.</p>	<p>The proposed vegetation clearance area is located within to reduce impacts to matters of environmental significance as far as practical. All vegetation clearing maximizes non-remnant vegetation and is located along existing road and residential infrastructure.</p> <p>Most of the development footprint is in the Township Zone (urban area) and the proposed development is for urban purposes (residential subdivision). Any clearing of native vegetation for the development within the Township Zone therefore will be exempt clearing work (Schedule 21, Part 2, Item 3, item (h)).</p> <p>The entire project site is mapped within a high risk protected plant trigger area. Vegetation clearance within these areas will require a protected plant survey as per the Flora Survey Guidelines – Protected Plants will be required prior to clearing work being undertaken.</p>

Natural Hazards Overlay Code (Bushfire)	
Purpose	Assessment
<p>The purpose of the Natural Hazards Overlay Code – Bushfire is to ensure that risk to life, property, and the environment as a result of bushfire is mitigated to an acceptable r tolerable level.</p>	<p>The site contains an area that is mapped as partly affected by bushfires.</p> <p>Bushfire mitigation plans, bushfire clearing and Bushfire Attach Level (BAL) housing design principles will be undertaken during the construction of the development</p>

Natural Hazards Overlay Code (Bushfire)	
Purpose	Assessment
	to mitigate any potential bushfire hazard to the development area.

Assessment against the Northern Peninsula Area Regional Council Master Plan 2020.

Detailed assessment of the proposed development against the *Visions and Aspiration* as reflected in the Master Plan is reflected in the Development Application.

An assessment against the applicable *Visions & Aspirations* provisions has been undertaken as reflected hereunder:

Vision	Aspiration	Assessment
Liveable communities & housing	Housing supply & diversity	The development area is earmarked in the Master Plan for Residential development. The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy.
	Liveable communities	The proposed development is an extension of the Injinoo urban area with access to social / community services.
Economic Growth	Investment & employment	The development will create opportunities for short and longer term construction investment and employment.
Environment	Biodiversity	The proposal maximises the use of existing cleared and non-remnant vegetation.
Cultural Heritage	Cultural	Cultural protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander places of significance.
	Heritage	Heritage protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander artifacts.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of Injinoo.
Resilient development	Natural hazards, risk & resilience	The development is partially located in a bushfire risk area. Bushfire mitigation plans, bushfire clearing and Bushfire Attach Level (BAL) housing design principles will be undertaken during the construction of the development to mitigate any potential bushfire hazard to the development area.

Assessment against the State Planning Policy 2017 provisions.

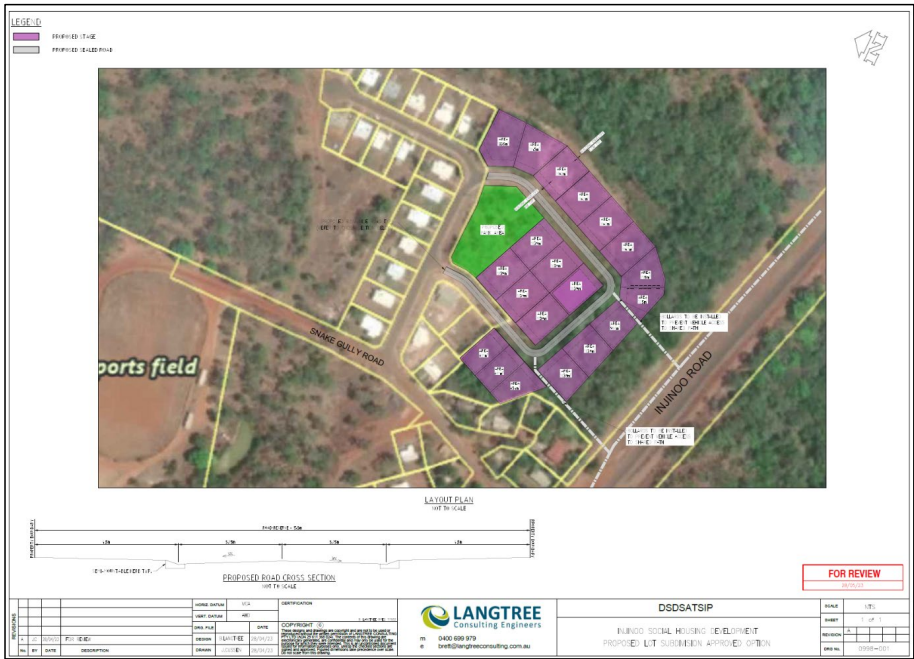
Detailed assessment of the proposed development against the *SPP Policies* as reflected in the Development Application.

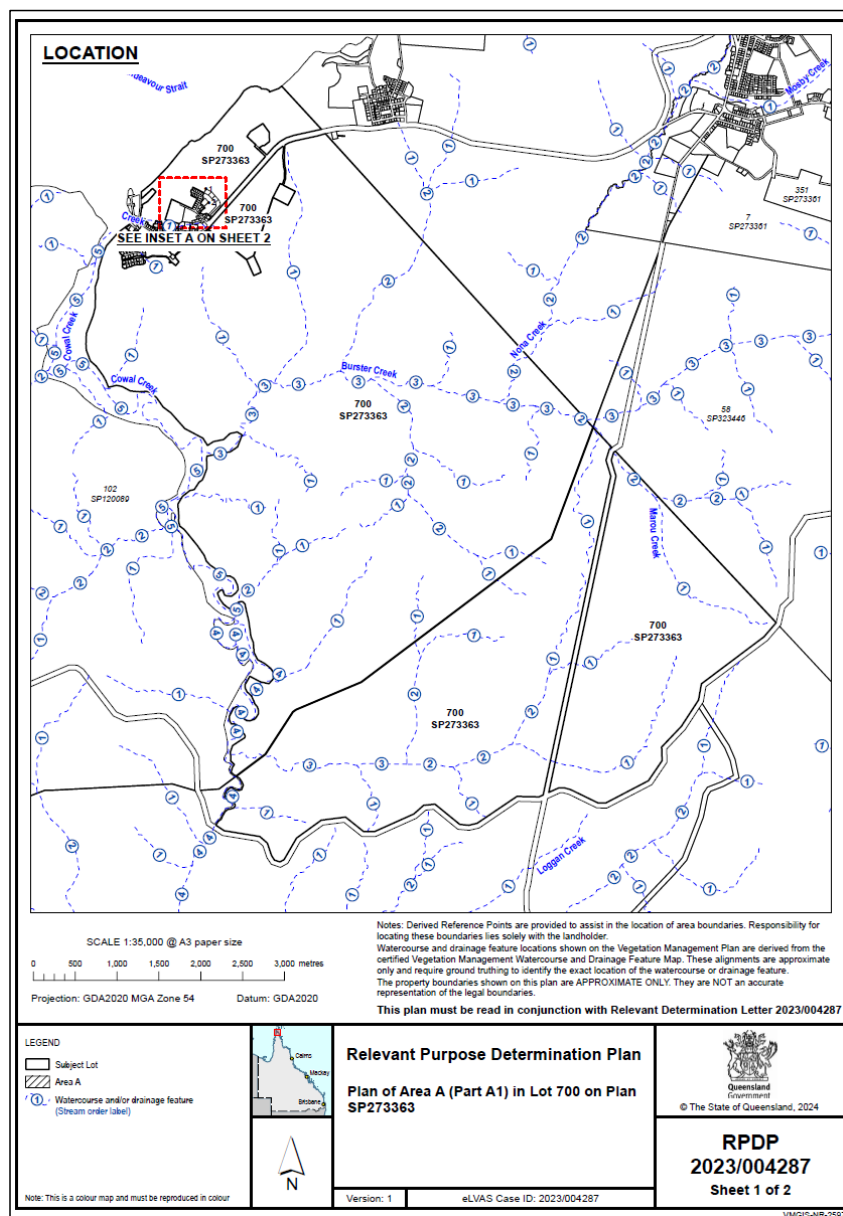
An assessment against the applicable *State Interest* provisions has been undertaken as reflected hereunder:

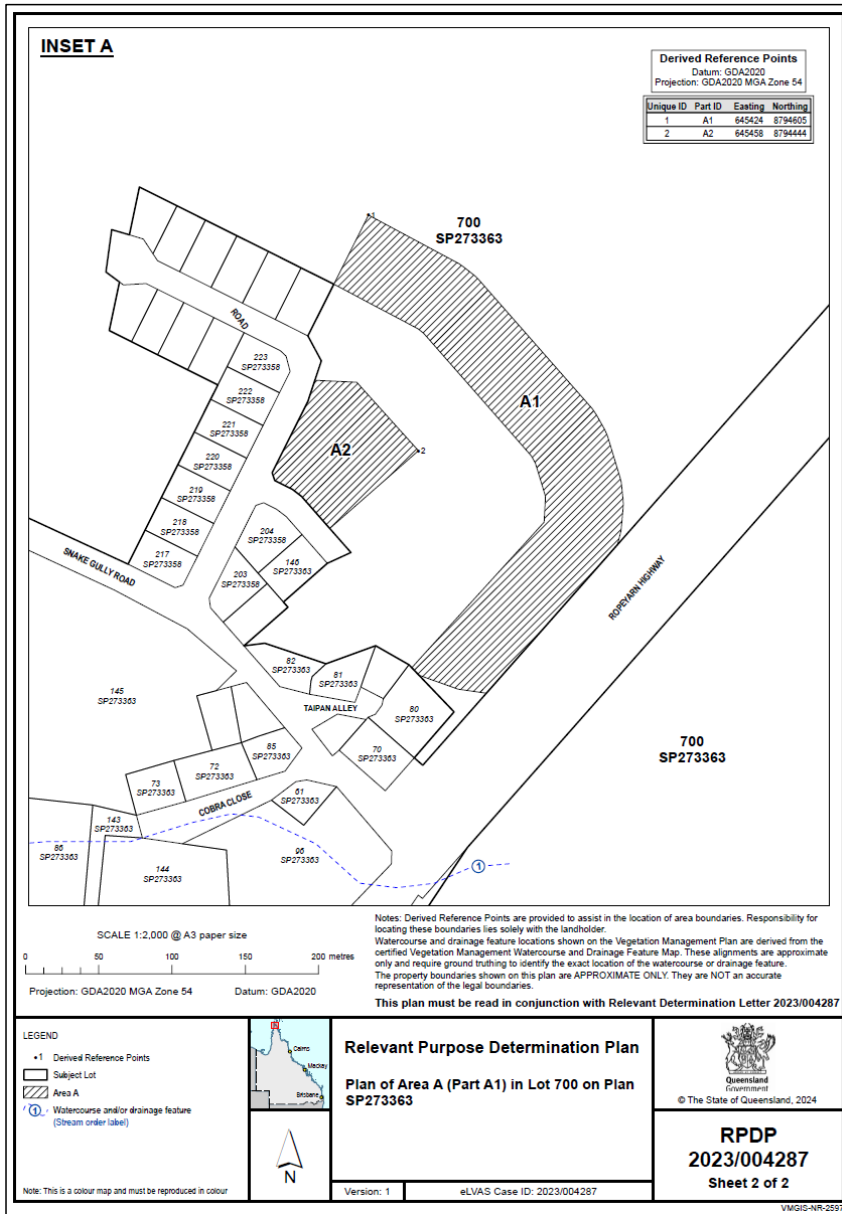
Policy	State Interests	Assessment
Liveable communities & housing	Housing supply & diversity	The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy, for the purposes of social housing.
	Liveable communities	The proposed development is an extension of the Injinoo urban area with access to social / community services.
Economic Growth	Agriculture	The development is situated within Agricultural Land Classification (ALC) Class A and B and adjacent to a stock route. However, the land is currently vacant, vegetated and has not been used for agricultural purposes or intended to be used for agricultural purposes in the NPARC Master Plan 2020.
	Development & construction	The development will create opportunities for short and longer term construction work that could have a positive impact on the economy of the region.
Environment & Heritage	Biodiversity	The proposed vegetation clearance area is located to reduce impacts of matters of environmental significance as far as practical. The proposal maximises the use of existing cleared non-remnant vegetation.
	Water quality	Stormwater management design objectives including erosion and sediment control at construction and post-construction phase is included in conditions of approval.

Policy	State Interests	Assessment
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of Injinoo. The proposed development has access to reticulated water services. Water for Injinoo is sourced from the Jardine River. Water is pumped 15 kilometres to the treatment plant in Bamaga where it is filtered and disinfected (chlorinated) thereafter pumped to reservoirs at each community.
	Transport infrastructure	The proposed development is located in close proximity to the township of Injinoo, which is provided with appropriate transport infrastructure.
Safety & resilience to hazards	Natural hazards, risk & resilience	The development is located in a landslide risk area. The development is designed on the land area to the east of the steep contoured area not impacted upon by landslip risk. Whilst the site is not mapped, adjoining land has the potential to be hazards from a bushfire perspective, Bushfire mitigation measures, including asset protection zones (i.e. separation from vegetation) were considered as part of the development layout to assist with mitigating the risk to people and property from bushfire.









Author : Nichole Zahra
Ref number : 2023/004287

25 March 2024

Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts
(DTATSIPCA),
Remote Indigenous Land Infrastructure Program Office (RILIPO)
C/- Meridian Urban Pty Ltd
Level 8, 95 North Quay
Brisbane

Email: amy.adamson@meridianurban.com

Dear Amy Adamson

Application for a Relevant Purpose determination under section 22A of the *Vegetation Management Act 1999* for the clearing of native vegetation on lot/s 700 SP273363 - Northern Peninsula Area RC

I refer to your application submitted to the Department of Resources (the department) on 22 December 2023.

As the delegate for the Chief Executive, I have considered your request and am satisfied that the proposed development to clear vegetation for the purpose of Relevant Infrastructure Activities meets the relevant requirements of section 22A of the *Vegetation Management Act 1999*. The areas determined to be for a relevant purpose are shown as 'Area A' on the attached Relevant Purpose Determination Plan (RPDP).

This decision is based on:

- the development proposal and information you submitted to the department on 22 December 2023;
- further information received by the department on 22 January 2024 and 13 March 2024;
- circumstances at the time of this determination; and
- the attached RPDP.

Should your proposal change (eg. development footprint) or circumstances associated with your proposal change (eg. legislation changes, regional ecosystem mapping changes), you will need to request another section 22A relevant purpose determination.

This relevant purpose determination is valid for two years and will expire on 24 March 2026.

Please note that this letter is not a development approval to carry out vegetation clearing. You will need to apply for a development approval from your local Council, or the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) under the *Planning Act 2016*.

Prior to lodging a development application, it is strongly recommended that, you arrange a pre-lodgement meeting through the State Assessment and Referral Agency (SARA) to identify all relevant State legislation, approvals and application requirements.

Disclaimer: Please note, assessment of rehabilitation requirements and environmental offset requirements will be undertaken as part of the State Development Assessment Provisions: State Code 16

(SDAP: State Code 16) assessment. Accordingly, any determination that the proposed development is for a relevant purpose under section 22A of the Vegetation Management Act 1999 is not a finding that the proposed development also satisfies any Performance Outcome requirements to rehabilitate or provide environmental offsets where required under SDAP: State Code 16.

Other relevant Commonwealth or State approvals may also be required to undertake vegetation clearing. An indicative list of other legislation is provided in Attachment 1.

Should you require any additional information please contact your local SARA office as below:

SARA Far North Queensland Office

Location: Ground Floor, Ports North Building, Corner Grafton and Hartley Streets, Cairns

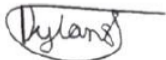
Postal address: PO Box 2358, Cairns Qld 4870

Telephone: 07 4037 3214

Email: CairnsSARA@dsdqlq.qld.gov.au

Should you have any enquiries or require assistance regarding this request, please do not hesitate to contact Nichole Zahra, Natural Resource Management Officer for the Department either via telephone 07 3164 3628 or email Nichole.zahra@resources.qld.gov.au (quote reference number 2023/004287).

Yours sincerely



Dylan Johnston
Senior Natural Resource Management Officer

Our Ref: DA2023_006
Your Ref:

Xx August 2024

Commented [GV1]: Signature date to be inserted.

Northern Peninsula Area Regional Council C/- Meridian Urban

Delivery via email:

upendo.kowero@meridianurban.com & olivia.scroope@meridianurban.com & gerhard.visser@dsdsatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 of the Planning Act 2016, development permit for Reconfiguring a Lot (Subdivision) staged of (part) lot 700 on SP273363 for a residential development at Snake Gully Road, Injinoo, Northern Peninsula Area.

The application dated 8 April 2024 seeking approval for the following is noted:

- (i) A development permit for
- (ii) the development of a residential development at
- (iii) Snake Gully Road, Injinoo, Northern Peninsula Area.

Please be advised that your application was assessed and considered at Council's schedule meetings held on 28 August 2024.

Commented [GV2]: Council meeting date to be inserted.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- (i) Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 222 on SP273365.
- (ii) Creation of a New Road

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Gallaway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council
Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2023_006
Applicant Details	Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Property Description	Lot 700 on SP273363
Proposal	<ul style="list-style-type: none">Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363.New Road For Residential & Community Use Development at Snake Gully road
Level of Assessment	Impact

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has Not been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28 August 2024
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme, 2018
Submissions	Nil
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
DoR s22A response and conditions reference 2023/004287 dated 25 March 2024.	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
<i>Building Act 1975</i> <i>Plumbing & Drainage Act 2018</i> <i>Planning Act, 2016</i> Operational Works permit	
RIGHTS OF APPEAL	
The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).	
<u>Appeal by an applicant</u>	
An applicant for a development application may appeal to the Planning and Environment Court against the following:	
<ul style="list-style-type: none">The refusal of all or part of the development application;A provision of the development approval;The decision to give a preliminary approval when a development permit was applied for; andA deemed refusal of the development application.	
An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i> .	

Commented [GV3]: Council meeting date to be inserted

<p><u>Appeal by an eligible submitter</u></p> <p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none"> Any part of the development application that required impact assessment; and A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse as reflected in the conditions of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
<p>This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:</p> <ul style="list-style-type: none"> The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and Any other information, documents or other material Council was either required to, or able to, consider in its assessment. <p>All terms used in this Notice have the meaning given then in the Planning Act 2016.</p>

REASONS FOR THE DECISION

The proposed development:

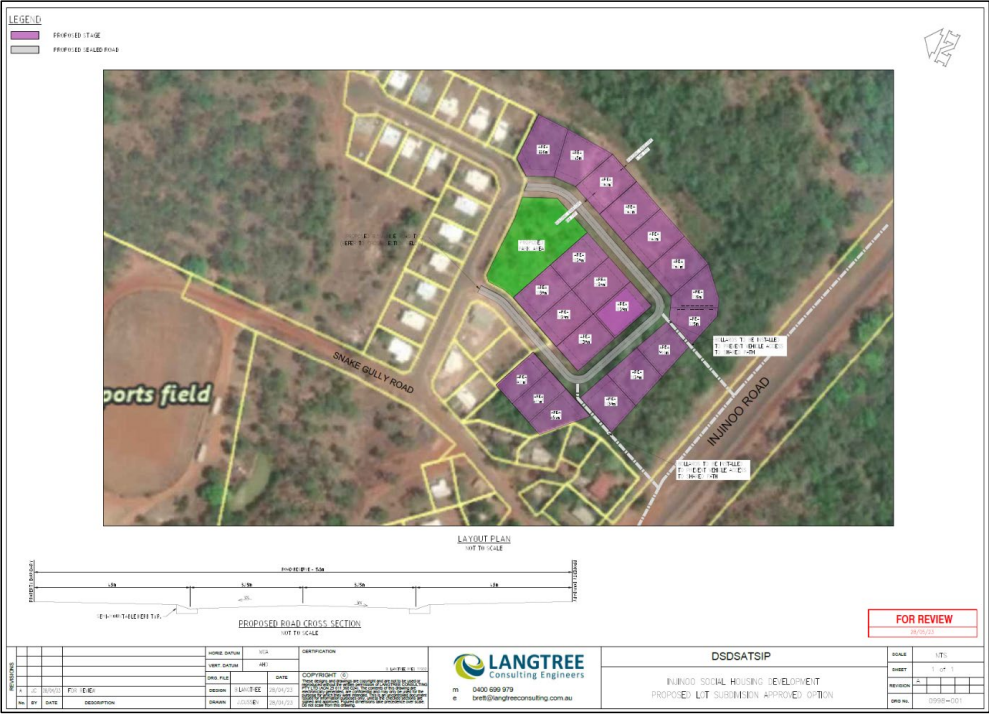
- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

SCHEDULE OF CONDITIONS

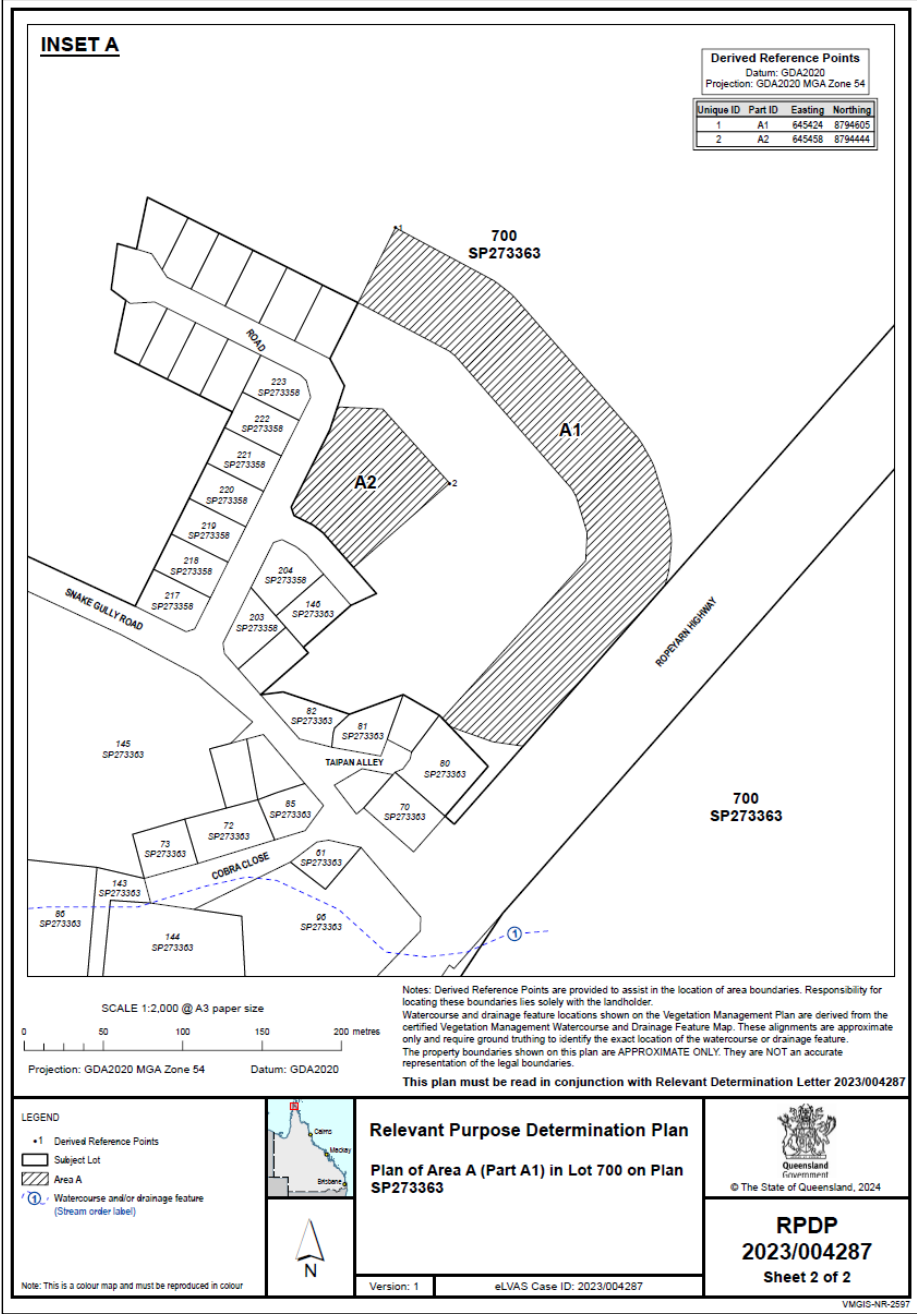
Applicable to the following Section 63 of the *Planning Act 2016*, approvals:

- Reconfiguring a Lot (Subdivision) (1 Lot Into 21 Lots) in stages over part of Lot 700 on SP273363.
- New Road

CONDITIONS OF APPROVAL	TIMING
<p>1. Administration</p> <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p> <p>1.1.4. The DoR s22A response and conditions reference 2023/004287 dated 25 March 2024.</p>	At all times



Development plan



Author : Nichole Zahra
Ref number : 2023/004287

25 March 2024

Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts
(DTATSIPCA),
Remote Indigenous Land Infrastructure Program Office (RILIPO)
C/- Meridian Urban Pty Ltd
Level 8, 95 North Quay
Brisbane

Email: amy.adamson@meridianurban.com

Dear Amy Adamson

Application for a Relevant Purpose determination under section 22A of the *Vegetation Management Act 1999* for the clearing of native vegetation on lot/s 700 SP273363 - Northern Peninsula Area RC

I refer to your application submitted to the Department of Resources (the department) on 22 December 2023.

As the delegate for the Chief Executive, I have considered your request and am satisfied that the proposed development to clear vegetation for the purpose of Relevant Infrastructure Activities meets the relevant requirements of section 22A of the *Vegetation Management Act 1999*. The areas determined to be for a relevant purpose are shown as 'Area A' on the attached Relevant Purpose Determination Plan (RPDP).

This decision is based on:

- the development proposal and information you submitted to the department on 22 December 2023;
- further information received by the department on 22 January 2024 and 13 March 2024;
- circumstances at the time of this determination; and
- the attached RPDP.

Should your proposal change (eg. development footprint) or circumstances associated with your proposal change (eg. legislation changes, regional ecosystem mapping changes), you will need to request another section 22A relevant purpose determination.

This relevant purpose determination is valid for two years and will expire on 24 March 2026.

Please note that this letter is not a development approval to carry out vegetation clearing. You will need to apply for a development approval from your local Council, or the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) under the *Planning Act 2016*.

Prior to lodging a development application, it is strongly recommended that, you arrange a pre-lodgement meeting through the State Assessment and Referral Agency (SARA) to identify all relevant State legislation, approvals and application requirements.

Disclaimer: Please note, assessment of rehabilitation requirements and environmental offset requirements will be undertaken as part of the State Development Assessment Provisions: State Code 16

(SDAP: State Code 16) assessment. Accordingly, any determination that the proposed development is for a relevant purpose under section 22A of the Vegetation Management Act 1999 is not a finding that the proposed development also satisfies any Performance Outcome requirements to rehabilitate or provide environmental offsets where required under SDAP: State Code 16.

Other relevant Commonwealth or State approvals may also be required to undertake vegetation clearing. An indicative list of other legislation is provided in Attachment 1.

Should you require any additional information please contact your local SARA office as below:

SARA Far North Queensland Office

Location: Ground Floor, Ports North Building, Corner Grafton and Hartley Streets, Cairns

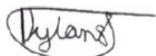
Postal address: PO Box 2358, Cairns Qld 4870

Telephone: 07 4037 3214

Email: CairnsSARA@dsdiloq.qld.gov.au

Should you have any enquiries or require assistance regarding this request, please do not hesitate to contact Nichole Zahra, Natural Resource Management Officer for the Department either via telephone 07 3164 3628 or email Nichole.zahra@resources.qld.gov.au (quote reference number 2023/004287).

Yours sincerely



Dylan Johnston
Senior Natural Resource Management Officer



AGENDA ITEM 6.4
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA 2023_002 Langie Draha Street Material Change of Use

Agenda Item: 6.4

Classification: For decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

That Council:

Approve a Development Permit Enabling a Staged Residential Development at Langie Draha Street, New Mapoon:

- i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct) for a residential development.
- ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365.

Subject to the below conditions:

CONDITIONS OF APPROVAL				TIMING																											
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<p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>	
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>	<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and</p>	

<p>to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	<p>Prior to the commencement of the use</p> <p>As per condition</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	<p>Prior to the commencement of the use.</p>
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken.</p>	<p>Prior to clearing works being undertaken.</p>

<p>undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	
<p>Reasons for Decision:</p> <p>As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.</p> <p>The development:</p> <ul style="list-style-type: none"> • Is located generally in accordance with the urban footprint. • Is located outside the Hazard impact areas. • Is of a size that is adhering to the planning scheme. • Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner. • Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land. 	

PURPOSE OF REPORT

The report seeks to obtain a Development Permit as reflected in the table below.

Proposal
Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument
<p>The proposed development seeks to vary the planning instrument,</p> <ul style="list-style-type: none"> • from Township and Environmental Management & Conservation • to Township Zone, Residential Precinct <p>Enabling a Staged Residential Development at Langie Draha Street, New Mapoon</p> <p>The proposed development will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.</p> <p>The proposed development furthermore addresses the Closing the Gap target 9 “People can secure appropriate, affordable housing that is aligned with their priorities and need”.</p>
Reconfiguring a Lot (Subdivision)
<p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365 for the development of a residential development referred to as the ‘Langie Draha residential development’.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> • A subdivision of 1 lot into 26 lots. • The newly created allotment is between 1.178m² and 1.473m². The average lot size as required in the planning scheme is 800m².

BACKGROUND AND CONTEXT

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting on behalf of Northern Peninsula Area Regional Council. Engaged Meridian Urban Pty Ltd to prepare a Development Application for a Development Permit Enabling a Staged Residential Development at Parry Street, New Mapoon.

The Public Notification period was from the 15th of May and the 26TH of June, No submissions were made during this period.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

CRITICAL DATES

Decision Making Period (Extended) Concludes on the 13th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *“Increase the number of social houses available for allocation in the NPA”*.

FINANCIAL AND RESOURCE CONSIDERATIONS

Costs associated with the development application and assessment were covered by DTATSIPCA Cairns Office.

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (*LGIP*).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR A VARIATION OF THE PLANNING SCHEME AND RECONFIGURING A LOT AT NEW MAPOON, NORTHERN PENINSULA AREA.

SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR A VARIATION OF THE PLANNING SCHEME (FROM TOWNSHIP AND ENVIRONMENTAL MANAGEMENT & CONSERVATION ZONE TO TOWNSHIP ZONE, RESIDENTIAL PRECINCT), RECONFIGURING A LOT (SUBDIVISION) STAGED OF (PART) LOT 222 ON SP273365 FOR A RESIDENTIAL DEVELOPMENT AT LANGIE DRAHA STREET, NEW MAPOON, NORTHERN PENINSULA AREA.

Strategic Considerations

Council assessed the application to be compliant with its Corporate Plan objective “Increase the number of social houses available for allocation in the NPA”.

Budget, Financial and Resource Implications

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (LGIP).

Asset Management

Not Applicable.

Executive Summary


Council is in receipt of a development application for:


- i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation Zone to Township Zone, Residential Precinct) for a residential development.
- ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365.

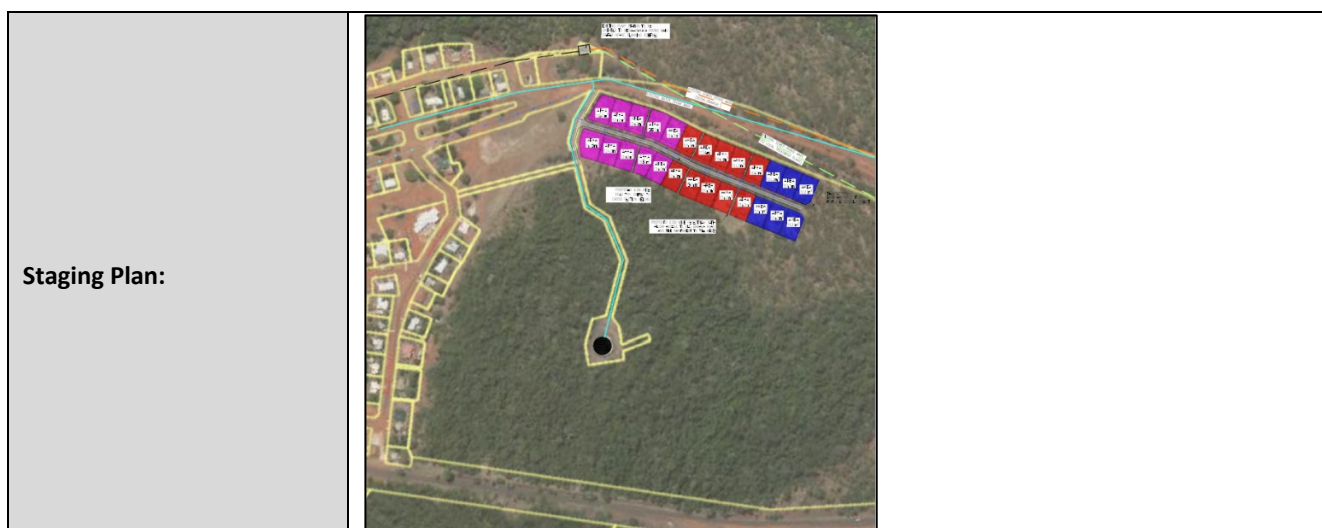
(Attachment B, Locality Plan)


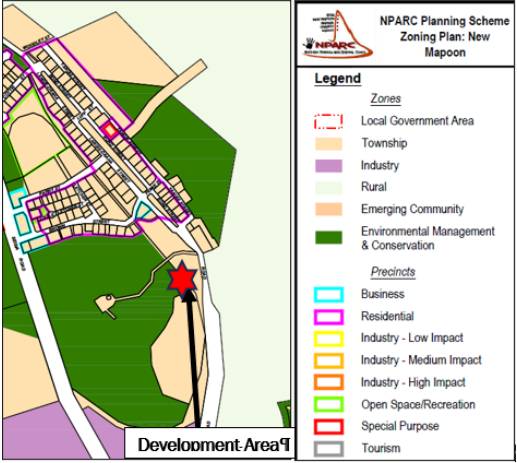
The proposed development is assessment provisions are set out in the tables below and is assessable development in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

Application	
Applicant:	Northern Peninsula Area Regional Council Development application prepared by Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Proposed Development:	Material Change of Use (to vary the planning instrument, from Township and Environmental Management & Conservation to Township Zone, Residential Precinct). Reconfiguring a Lot (Subdivision) of part of Lot 222 on SP273365 (1 Lot Into 26 Lots). Enabling a Staged Residential Development at Langie Draha Street, New Mapoon
Type of Approval sought:	Development Permit


Site Details Summary	
Street Address:	Langie Draha Street, New Mapoon, Northern Peninsula Area
RP Description:	Lot 222 on SP273365
Land Area:	47.4 ha
Lease Area:	n/a
Existing Use of Land:	The portion of the site which is the subject of this application is vacant land with some vegetation scattered throughout the site. The location of the proposed development area is within a previously disturbed portion and is located at Langie Draha Street adjacent to a predominantly residential development.
Locality & Community Services Plan:	

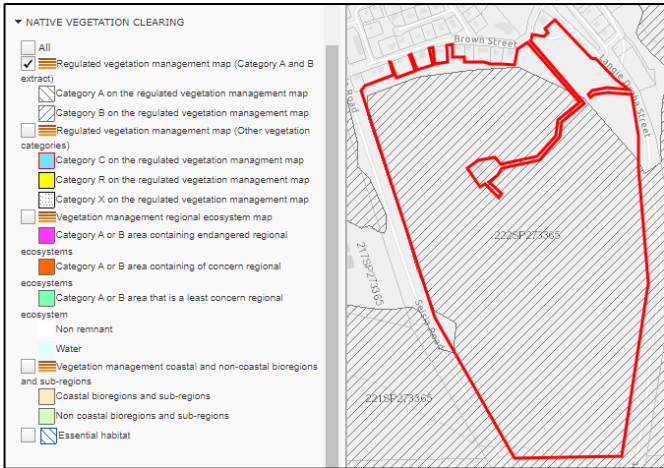
Development Summary	
Number of Lots:	26
Lot sizes:	A range of lot sizes between 1.178m ² and 1.473m ²
Stages:	3 stages. 2x 10 lots and 1x 6 lots.
Development Plans	
Proposed Development Plan:	



Local Plan Summary	
Local Plan:	Northern Peninsula Area Regional Council Planning Scheme, 2018
Strategic Framework:	<p>Nature Conservation & Open Space and Future Urban area</p> 
Zoning:	<p>Township zone The development is not within a Residential Precinct.</p> 
Codes	<ul style="list-style-type: none"> • Township Zone Code • Environmental Management & Conservation Zone Code • Reconfiguring a Lot Code

Local Plan Summary	
	<ul style="list-style-type: none"> Operational Works Code
Overlays:	<ul style="list-style-type: none"> Biodiversity Overlay Code Airport Overlay Code Natural Hazards Overlay Codes <ul style="list-style-type: none"> Landslide
Level of Assessment:	Impact Assessable

Master Plan Summary	
Master Plan:	<p>NPARC Master Plan 2020</p> 
Land Use:	The Master Plan indicate the area to be developed for residential purposes
Assessment:	The proposed development is compliant with the visions and aspirations of the community as reflected in the Master Plan.

State Requirements Summary	
Regional Plan:	The Cape York Regional Plan (August 2014) indicate the development area as - Priority Living Area
State Planning Policy (SPP) & DAMS Mapping:	<p>The development is located in a biodiversity area and triggers Clearing of Native Vegetation.</p> 
Pre-lodgement:	n/a
Referral:	The referral agency SARA provided conditions of approval.
State Development Assessment Provisions (SDAP):	SDAP Code 16 – Native Vegetation Clearing

IMPACT ASSESSMENT CONSULTATION	
Consultation Period:	15 May 2024- 26 June 2024
Submissions:	Nil
Assessment:	n/a

The proposal seeks to obtain a Development Permit as reflected in the table below.

Proposal
Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument <p>The proposed development seeks to vary the planning instrument,</p> <ul style="list-style-type: none"> from Township and Environmental Management & Conservation to Township Zone, Residential Precinct <p>Enabling a Staged Residential Development at Langie Draha Street, New Mapoon</p> <p>The proposed development will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.</p> <p>The proposed development furthermore addresses the Closing the Gap target 9 “People can secure appropriate, affordable housing that is aligned with their priorities and need”.</p>
Reconfiguring a Lot (Subdivision) <p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365 for the development of a residential development referred to as the ‘Langie Draha residential development’.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> A subdivision of 1 lot into 26 lots. The newly created allotment is between 1.178m² and 1.473m². The average lot size as required in the planning scheme is 800m².

The proposal can be considered to be generally in accordance with the following outcomes of the Northern Peninsula Area Regional Council Planning Scheme 2018, in particular the proposed development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

For Council Decision – Recommendation

That Council approve a Development Permit Enabling a Staged Residential Development at Langie Draha Street, New Mapoon:

- i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct) for a residential development.
- ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365.

Subject to the below conditions:

CONDITIONS OF APPROVAL	TIMING																				
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<div>4. Construction</div> <div>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</div> <div>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</div> <div>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent</div>	At all times																				

CONDITIONS OF APPROVAL	TIMING
<p>dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>	<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	<p>Prior to the commencement of the use</p> <p>As per condition</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an</p>	<p>Prior to the commencement of the use</p>

CONDITIONS OF APPROVAL	TIMING
<p>alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	At all times
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	Prior to clearing works being undertaken.

Reasons for Decision:

As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

Summary

The proposed development is considered to be generally in accordance with the overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme.

Historical Information

Nil

Policy Implications

Nil

Risk Management Implications

The only hazard that is triggered for the development area is a potential landslide & bushfire hazard impact area. The development has been designed outside of the landslide area. Bushfire mitigation plans and bushfire clearances will be applicable when the development occur.

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 published 02 September 2020 and commenced 11 September 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018.

NPARC Master Plan 2020.

Consultation

- Council
-

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Development Plan
Attachment D:	Stage Plan
Attachment E:	Vegetation Management Plan
Attachment F:	SARA referral agency response – Langie Draha Street, New Mapoon

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 & 61(3));

- 10 Business Days for a Confirmation Notice from date after receiving an application; and
- 40 Business Days for a Referral Response from date after referral of an application; and
- 35 Business Days from date of Referral Response received or impact consultation completed the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	28/02/2023
Action Notice Issued	n/a
Confirmation Notice Issued	12/03/2023
Referrals Information Received	16/04/2024
Impact Consultation period	15/05/2024- 26/06/2024
<i>Planning Act 2016</i> - Decision Making Period Concludes	14/08/2024
Applicant agreed Decision Making Period Extension Concludes	13/09/2024
Council Meeting	29/08/2024
Decision Notice preparation and mail-out Period Concludes	05/09/2024

Assessment against relevant legislation.

The development proposal is determined to be Assessable Development.

Legislation / Policy	Assessment Trigger	Assessment
Northern Peninsula Area Regional Council Planning Scheme 2018	✓	The Assessment Manager is the Northern Peninsula Area Regional Council (NPARC) as determined by Schedule 8 of the Planning Regulation 2017. Under the Planning Act 2016.
• Code Assessment	✗	n/a
• Impact Assessment	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section 60 of the Planning Act 2016, are outlined in 45(3) and s26 to 28 of the Planning Regulations 2017.
• Public Notification	✓	Public Notification period was from 15/05/2024- 26/06/2024. No submissions were made during this period.
NPARC Master Plan 2020	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant projects listed in the master plan making the decision pursuant to the relevant council policy.
State Interests	Assessment Trigger	Assessment
• State Assessment and Referral Agency (SARA)	✓	The development triggered referral to SARA. Relevant conditions of approval are reflected in the report.
• State Development Assessment Provisions (SDAP)	✓	State Assessment and Referral Agency Mapping (SARA) is triggered by the application. Refer Attachments E & F.
• State Planning Policy (SPP)	✓	In accordance with section 2.1 – State Planning Policy of the planning scheme, the NPARC Planning Scheme 1018 reflects the SPP of 2016. An assessment against the current SPP is required.

<ul style="list-style-type: none"> Regional Plan <ul style="list-style-type: none"> Cape York Regional Plan (CYRP), 2014 	✖	The development site at New Mapoon is within the “Priority Living Area” as identified in the CYRP. No further assessment of the application against the CYRP is required.
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Assessment against the Northern Peninsula Area Regional Council Planning Scheme 2018 provisions.

Detailed assessment of the proposed development against the *Specific Benchmarks* for applicable codes is reflected in the Development Application.

An assessment against the applicable *Purpose and Overall Outcomes* provisions has been undertaken as reflected hereunder:

Proposed Use	Zoning	Precinct	Zone Codes	Overlay Maps
Residential Development	Township Environmental Management & Conservation	Nil	Township Zone Code Environmental Management & Conservation Zone Code Reconfiguring a Lot Code Operational Works Code	Biodiversity Overlay Code Airport Overlay Code Natural Hazards Overlay Codes <ul style="list-style-type: none"> Landslide

Northern Peninsula Area Regional Council Planning Scheme 2018	
Township Zone Code	
Purpose	Assessment
<p>The purpose of the township zone is to provide for:</p> <ul style="list-style-type: none"> (a) small to medium urban areas in a rural or coastal area; and (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential and retail uses and activities and (c) tourist attractions and short-term accommodation, if appropriate for the area. 	<p>The application seeks a variation request to change the intended land use of the site to residential purposes.</p> <p>The subdivision layout and design incorporates a mix of lot sizes allowing for the design and construction of a diverse range of dwelling types and provides sufficient room for pedestrian, vehicle and cyclist movements.</p>

Environmental Management & Conservation Code	
Purpose	Assessment
<p>The purpose of the environmental management and conservation zone is to provide for the protection and maintenance of areas that support 1 or more of the following:</p> <ul style="list-style-type: none"> (a) biological diversity (b) ecological integrity (c) naturally occurring landforms (d) coastal processes. 	<p>Given the nature of the application, being a variation request to change the intended land use of the site to residential purposes, application is not assessed against the Environmental Management and Conservation Zone Code; it is acknowledged that the application is not consistent with the intent of that zone.</p>

Reconfiguring a Lot Code	
Purpose	Assessment
<p>The purpose of the Reconfiguring a Lot code is to provide detailed standards for assessing reconfiguration, to ensure that development is appropriately located, considers constraints, is able to be efficiently serviced and promotes best practice standards.</p>	<p>The proposed development complies with the average lot size of 800m² in providing a range of lot sizes between 1.178m² and 1.473m²</p> <p>The proposed development complies with the livability principles with existing social / community services available in New Mapoon.</p> <p>The proposed development complies with the convenience and comfortable walking provisions as:</p> <ul style="list-style-type: none"> The proposed road layout is consistent with the

Reconfiguring a Lot Code	
Purpose	Assessment
	<p>pattern of development within the existing township and provides an extension of the grid-like pattern, There is ample space with the road reserve to provide for footpaths.</p> <ul style="list-style-type: none"> • Breaks between the lots have been provided for pedestrian movement every three to four lots so that the boundary of a block in the development does not exceed 250m and to encourage pedestrian mobility. • The provision of street trees can be conditioned, where considered reasonable considering climatic conditions. • The proposed road width is sufficient to accommodate footpaths either side of the road, should Council seek to provide such. However, Council have advised that most roads in the township are used as shared path for vehicles and pedestrians.

Operational Works Code	
Purpose	Assessment
<p>The purpose of the operational works code is to:</p> <ul style="list-style-type: none"> (a) Ensure that development is provided with adequate infrastructure and services; (b) Manage the impact of development on the environmental values identified in the Council area. 	<p>This application does not include subsequent operational works or buildings works applications that may be required under the Planning Act 2016 or Building Act 1975 to deliver the proposed subdivision.</p> <p>Operational Works application(s) is required when funding for the construction of the development become available.</p>

Biodiversity Overlay Code	
Purpose	Assessment
<p>The purpose of the biodiversity code is to ensure that matters of state environmental significance are identified and protected.</p>	<p>The proposed vegetation clearance area is located within to reduce impacts to matters of environmental significance as far as practical. All vegetation clearing maximizes non-remnant category x vegetation and is located along existing road and residential infrastructure.</p> <p>Most of the development footprint is in the Township Zone (urban area) and the proposed development is for urban purposes (residential subdivision). Any clearing of native vegetation for the development within the Township Zone therefore will be exempt clearing work (Schedule 21, Part 2, Item 3, item (h)).</p> <p>The entire project site is mapped within a high risk protected plant trigger area. Vegetation clearance within these areas will require a protected plant survey as per the Flora Survey Guidelines – Protected Plants will be required prior to clearing work being undertaken.</p>

Airport Overlay Code	
Purpose	Assessment
<p>The purpose of the code will be achieved through the following overall outcomes:</p>	<p>The site is within the 13km Wildlife Buffer Area of the NPA Airport</p>

Airport Overlay Code	
Purpose	Assessment
(a) conflicts between the NPA Airport and surrounding uses are avoided unless, where practicable, adequate mitigation measures are incorporated into the development;	The proposed development is for a residential subdivision at New Mapoon. It is not of a scale or type that will affect the airport operations.
(b) the safe and efficient airport operations are protected.	

Natural Hazards Overlay Code (Landslide)	
Purpose	Assessment
The purpose of the Natural Hazards Overlay Code – Bushfire is to ensure that risk to life, property, and the environment as a result of bushfire is mitigated to an acceptable or tolerable level.	<p>The site contains an area that is mapped as Landslide Risk Area (land with slope of 15% or greater).</p> <p>The land on which housing is proposed to be constructed is at the landing of the steep area on predominately flat land. The steep slope is recommended to continue to be vegetated by trees thus mitigating the potential of land slip in the future.</p>

Assessment against the Northern Peninsula Area Regional Council Master Plan 2020.

Detailed assessment of the proposed development against the *Visions and Aspiration* as reflected in the Master Plan is reflected in the Development Application.

An assessment against the applicable *Visions & Aspirations* provisions has been undertaken as reflected hereunder:

Vision	Aspiration	Assessment
Liveable communities & housing	Housing supply & diversity	The development area is earmarked in the Master Plan for Residential development. The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy.
	Liveable communities	The proposed development is an extension of the New Mapoon urban area with access to social / community services.
Economic Growth	Investment & employment	The development will create opportunities for short and longer term construction investment and employment.
Environment	Biodiversity	The proposal maximises the use of existing cleared and non-remnant vegetation.
Cultural Heritage	Cultural	Cultural protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander places of significance.
	Heritage	Heritage protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander artifacts.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of New Mapoon.
Resilient development	Natural hazards, risk & resilience	The development is located in a landslide risk area. The development is designed on the land area to the east of the steep contoured area, not impacted upon by landslip risk.

Assessment against the State Planning Policy 2017 provisions.

Detailed assessment of the proposed development against the *SPP Policies* as reflected in the Development Application.

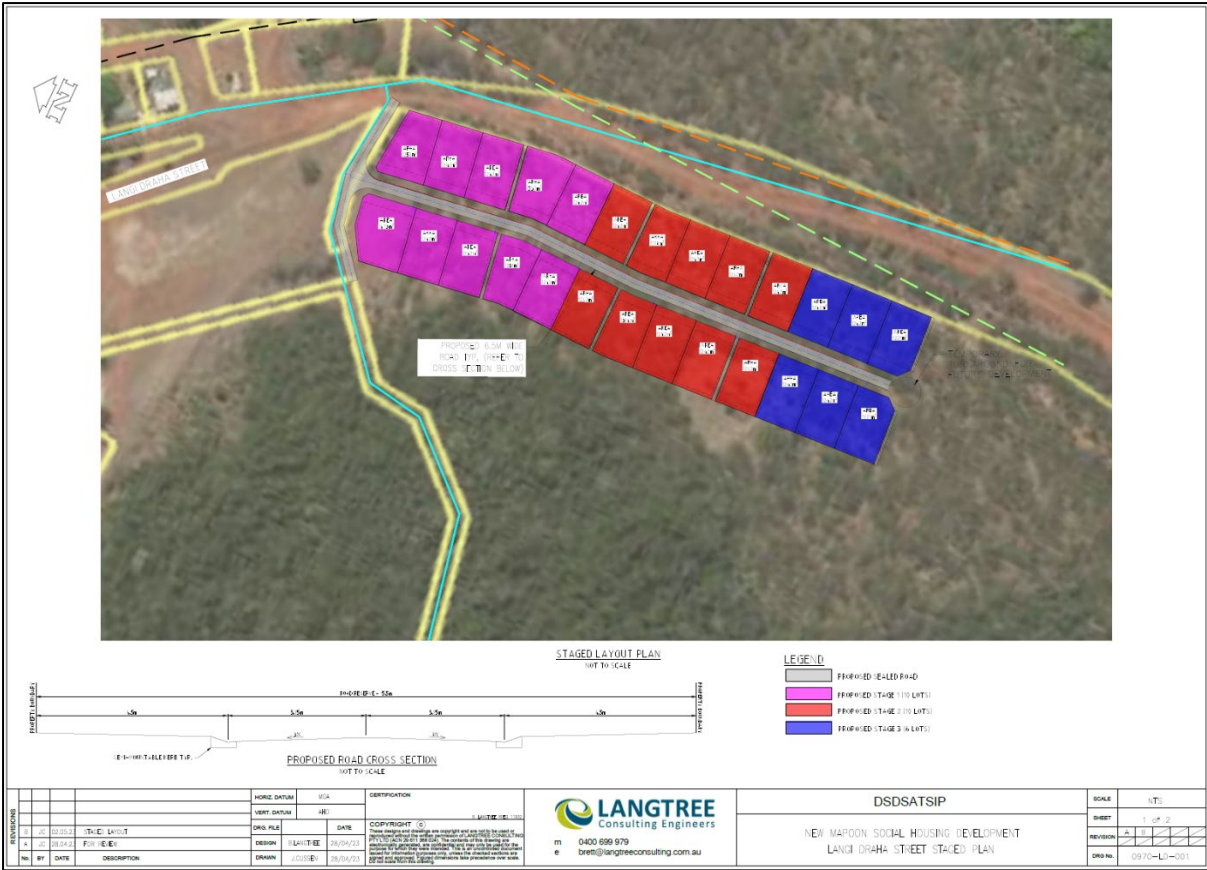
An assessment against the applicable *State Interest* provisions has been undertaken as reflected hereunder:

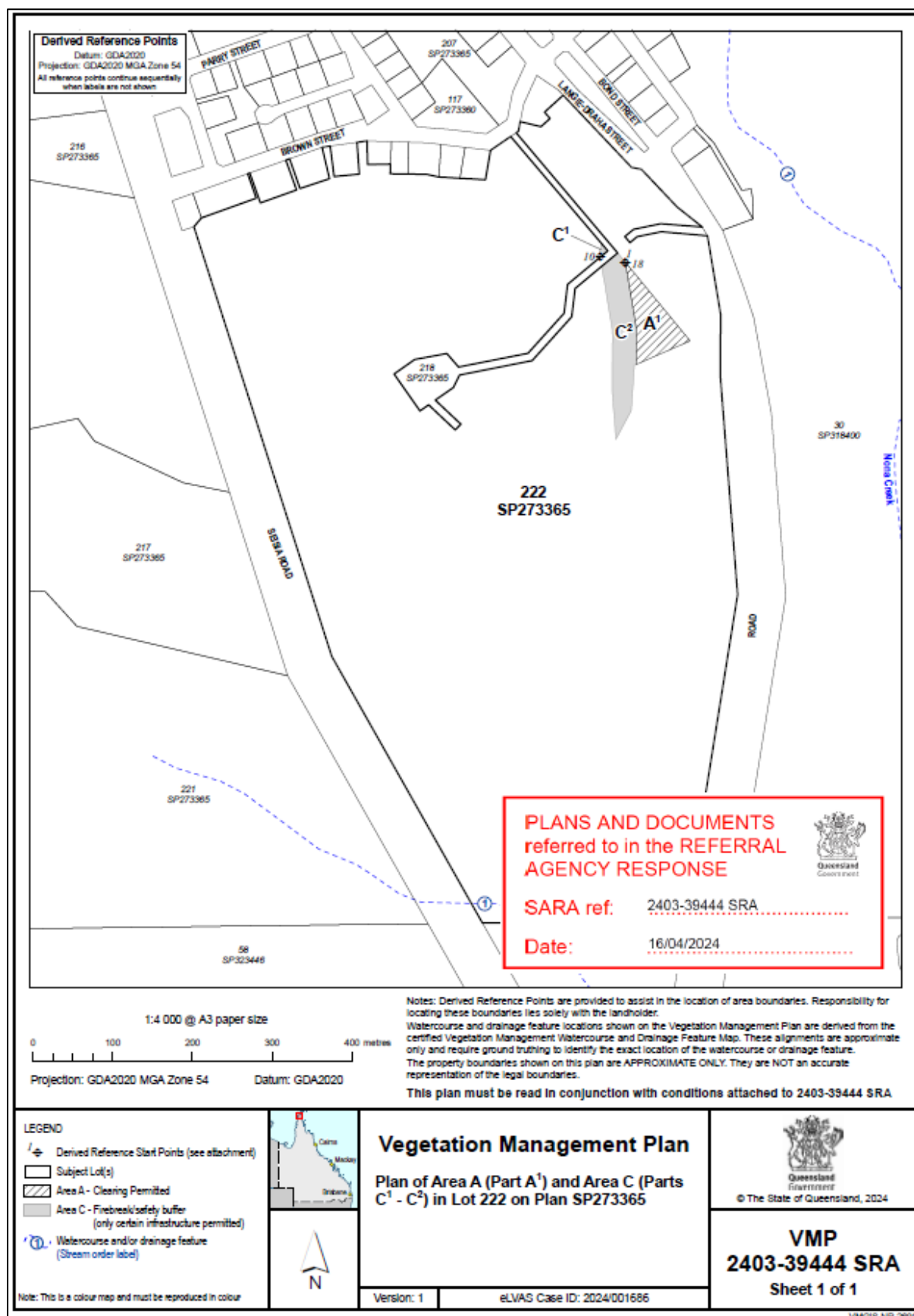
Policy	State Interests	Assessment
Liveable communities & housing	Housing supply & diversity	The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy, for the purposes of social housing.

Policy	State Interests	Assessment
	Liveable communities	The proposed development is an extension of the New Mapoon urban area with access to social / community services.
Economic Growth	Agriculture	The development is situated within Agricultural Land Classification (ALC) Class A and B and adjacent to a stock route. However, the land is currently vacant, vegetated and has not been used for agricultural purposes or intended to be used for agricultural purposes in the NPARC Master Plan 2020.
	Development & construction	The development will create opportunities for short and longer term construction work that could have a positive impact on the economy of the region.
Environment & Heritage	Biodiversity	The proposed vegetation clearance area is located to reduce impacts of matters of environmental significance as far as practical. The proposal maximises the use of existing cleared non-remnant vegetation.
	Water quality	Stormwater management design objectives including erosion and sediment control at construction and post-construction phase is included in conditions of approval.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of New Mapoon. The proposed development has access to reticulated water services. Water for New Mapoon is sourced from the Jardine River. Water is pumped 15 kilometres to the treatment plant in Bamaga where it is filtered and disinfected (chlorinated) thereafter pumped to reservoirs at each community.
	Transport infrastructure	The proposed development is located in close proximity to the township of New Mapoon, which is provided with appropriate transport infrastructure.
Safety & resilience to hazards	Natural hazards, risk & resilience	The development is located in a landslide risk area. The development is designed on the land area to the east of the steep contoured area not impacted upon by landslip risk. Whilst the site is not mapped, adjoining land has the potential to be hazards from a bushfire perspective, Bushfire mitigation measures, including asset protection zones (i.e. separation from vegetation) were considered as part of the development layout to assist with mitigating the risk to people and property from bushfire.



Figure 2 - Lot 222 and the Development Site





Attachment to Plan: 2403-39444 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 54

Notes: Derived Reference Points are provided to assist in the location of area boundaries.

Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	651569	8797984
A1	2	651650	8797885
A1	3	651583	8797856
A1	4	651583	8797862
A1	5	651583	8797890
A1	6	651583	8797901
A1	7	651581	8797911
A1	8	651572	8797969
A1	9	651569	8797984
C1	10	651538	8797990
C1	11	651538	8797991
C1	12	651537	8797996
C1	13	651538	8798000
C1	14	651539	8798005
C1	15	651540	8798007
C1	16	651547	8797998
C1	17	651538	8797990
C2	18	651569	8797984
C2	19	651572	8797969
C2	20	651581	8797911
C2	21	651583	8797901
C2	22	651583	8797890
C2	23	651583	8797862
C2	24	651583	8797856
C2	25	651581	8797855
C2	26	651577	8797798
C2	27	651557	8797762
C2	28	651557	8797773
C2	29	651556	8797776
C2	30	651554	8797801
C2	31	651553	8797821
C2	32	651553	8797824
C2	33	651553	8797835
C2	34	651553	8797863
C2	35	651553	8797890
C2	36	651553	8797898
C2	37	651552	8797907
C2	38	651547	8797937
C2	39	651543	8797959
C2	40	651542	8797964
C2	41	651540	8797979
C2	42	651560	8797995
C2	43	651569	8797984

[illegible][illegible]

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2403-39444 SRA

Date: 16/04/2024



SARA reference: 2403-39444 SRA
Council reference: DA2023_002
Applicant reference: 23-017

16 April 2024

Chief Executive Officer
Northern Peninsula Area Regional Council
info@nparc.qld.gov.au

Attention: Kate Gallaway

Dear Ms Gallaway

SARA referral agency response—Langie Draha Street, New Mapoon

(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 11 March 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	16 April 2024
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 (1 lot into 26 lots, new road and balance lot)
	Preliminary approval that includes a variation request	Material change of use to vary the effect of the planning scheme.
SARA role:	Referral agency	

SARA trigger:

- Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) - Reconfiguring a lot involving clearing of native vegetation
- Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Material change of use involving clearing of native vegetation

SARA reference: 2403-39444 SRA

Assessment manager: Northern Peninsula Area Regional Council

Street address: Langie Draha Street, New Mapoon

Real property description: Lot 222 on SP273365

Applicant name: Northern Peninsula Area Regional Council C/- Meridian Urban

Applicant contact details: Level 8, 95 North Quay
Brisbane City QLD 4000
info@meridianurban.com

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights 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 Leanne Simpson, Principal Planning Officer, on 5352 9707 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Northern Peninsula Area Regional Council, info@meridianurban.com

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 and Material change of use		
10.3.4.2.1 – Reconfiguring a lot involving clearing of native vegetation and 10.3.4.3.1 – Material change of use involving clearing of native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources 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>Clearing of vegetation must:</p> <p>(a) only occur within area A (A¹) as shown on the attached:</p> <p>(i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2403-39444 SRA, Sheet 1 of 1, Version 1; and</p> <p>(ii) Attachment to Vegetation Management Plan VMP 2403-39444, Derived Reference Points for GPS.</p> <p>(b) not exceed 1.018 hectares, subject to other conditions included in this referral agency response.</p>	At all times
2.	<p>Built infrastructure, other than for fences, roads, and underground services must not be established, constructed or located within Area C (C¹ – C²) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2403-39444 SRA, Sheet 1 of 1, Version 1; and</p> <p>(b) Attachment to Vegetation Management Plan VMP 2403-39444 SRA, Derived Reference Points for GPS.</p>	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.

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:

- SARA has assessed the development against State code 16: Native vegetation clearing of the State Development Assessment Provisions (SDAP) and found the proposed development complies with the relevant performance outcomes. Specifically, the proposed development:
 - o avoids clearing, or where avoidance is not reasonably possible, minimises clearing to:
 - conserve vegetation;
 - avoid land degradation;
 - avoid the loss of biodiversity;
 - maintain ecological processes;
 - o sustainably manages the impacts of the clearing on regional ecosystems, biodiversity and ecological processes;
 - o does not result in a significant residual impact on a matter of state environmental significance.

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
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Our Ref: DA2023_002
Your Ref:

Xx August 2024

Commented [GV1]: Signature date to be inserted.

Northern Peninsula Area Regional Council C/- Meridian Urban

Delivery via email:

upendo.kowero@meridianurban.com & olivia.scroope@meridianurban.com & gerhard.visser@dsdsatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 of the Planning Act 2016, development permit for Preliminary Approval for a Material Change of Use for a Variation of the Planning Scheme (from Township and Environmental Management & Conservation zone to Township zone, Residential Precinct), Reconfiguring a Lot (Subdivision) staged of (part) lot 222 on SP273365 for a residential development at Langie Draha street, New Mapoon, Northern Peninsula Area.

The application dated 28 February 2023 seeking approval for the following is noted:

- (i) A development permit for
- (ii) the development of a residential development at
- (iii) Langie Draha Street, New Mapoon, Northern Peninsula Area.

Please be advised that your application was assessed and considered at Council's schedule meetings held on 28 August 2024.

Commented [GV2]: Council meeting date to be inserted.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- (i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct) for a residential development.
- (ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365.

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Gallaway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council
Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2023_002
Applicant Details	Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Property Description	Lot 222 on SP273365
Proposal	<ul style="list-style-type: none">Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct) for a residential development.Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365. For Residential & Community Use Development at Parry Street
Level of Assessment	Impact

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has Not been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28 August 2024
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme, 2018
Submissions	Nil
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
SARA response and conditions reference 2403-39444 SRA dated 16 April 2024	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
Building Act 1975 Plumbing & Drainage Act 2018 Planning Act, 2016 Operational Works permit	
RIGHTS OF APPEAL	
The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).	
Appeal by an applicant	
An applicant for a development application may appeal to the Planning and Environment Court against the following:	
<ul style="list-style-type: none">The refusal of all or part of the development application;A provision of the development approval;The decision to give a preliminary approval when a development permit was applied for; andA deemed refusal of the development application.	

Commented [GV3]: Council meeting date to be inserted

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i> .
<u>Appeal by an eligible submitter</u> An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to: <ul style="list-style-type: none"> Any part of the development application that required impact assessment; and A variation request. The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i> .
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse as reflected in the conditions of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to: <ul style="list-style-type: none"> The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and Any other information, documents or other material Council was either required to, or able to, consider in its assessment. All terms used in this Notice have the meaning given then in the <i>Planning Act 2016</i> .

REASONS FOR THE DECISION

The proposed development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

SCHEDULE OF CONDITIONS

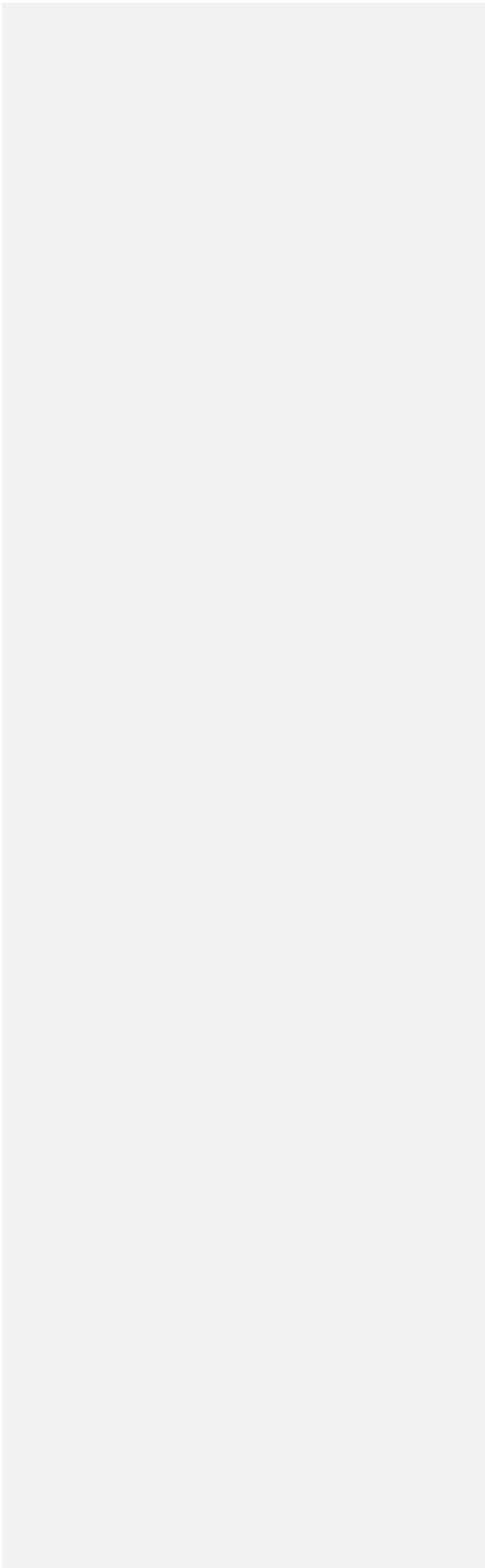
Applicable to the following Section 63 of the *Planning Act 2016*, approvals:

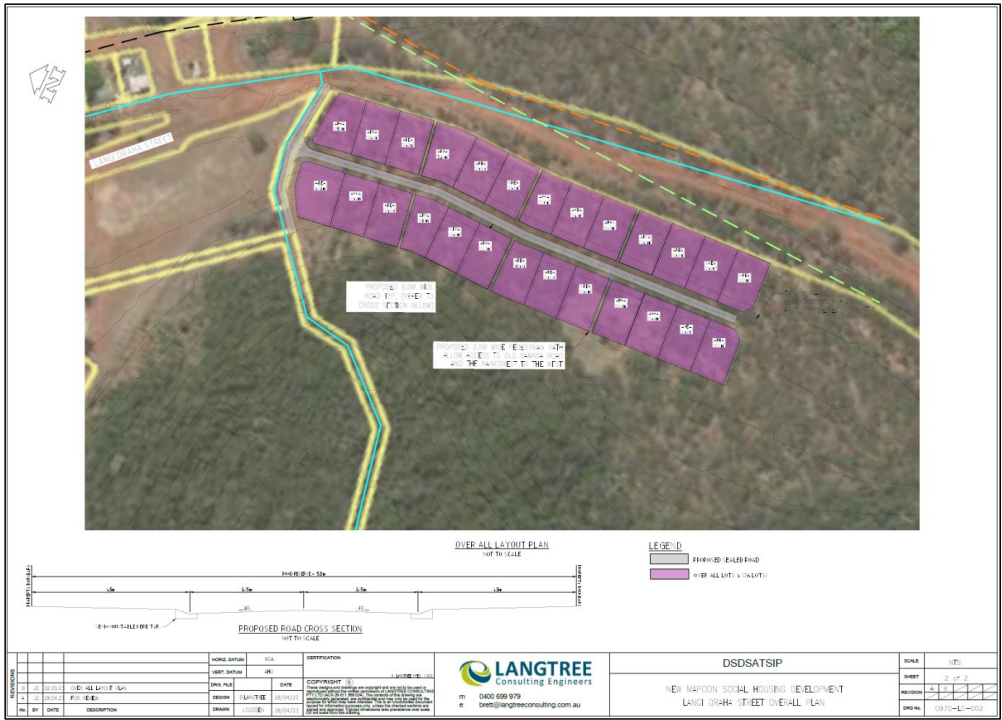
- Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct) for a residential development.
- Reconfiguring a Lot (Subdivision) (1 Lot Into 26 Lots) in stages over part of Lot 222 on SP273365.

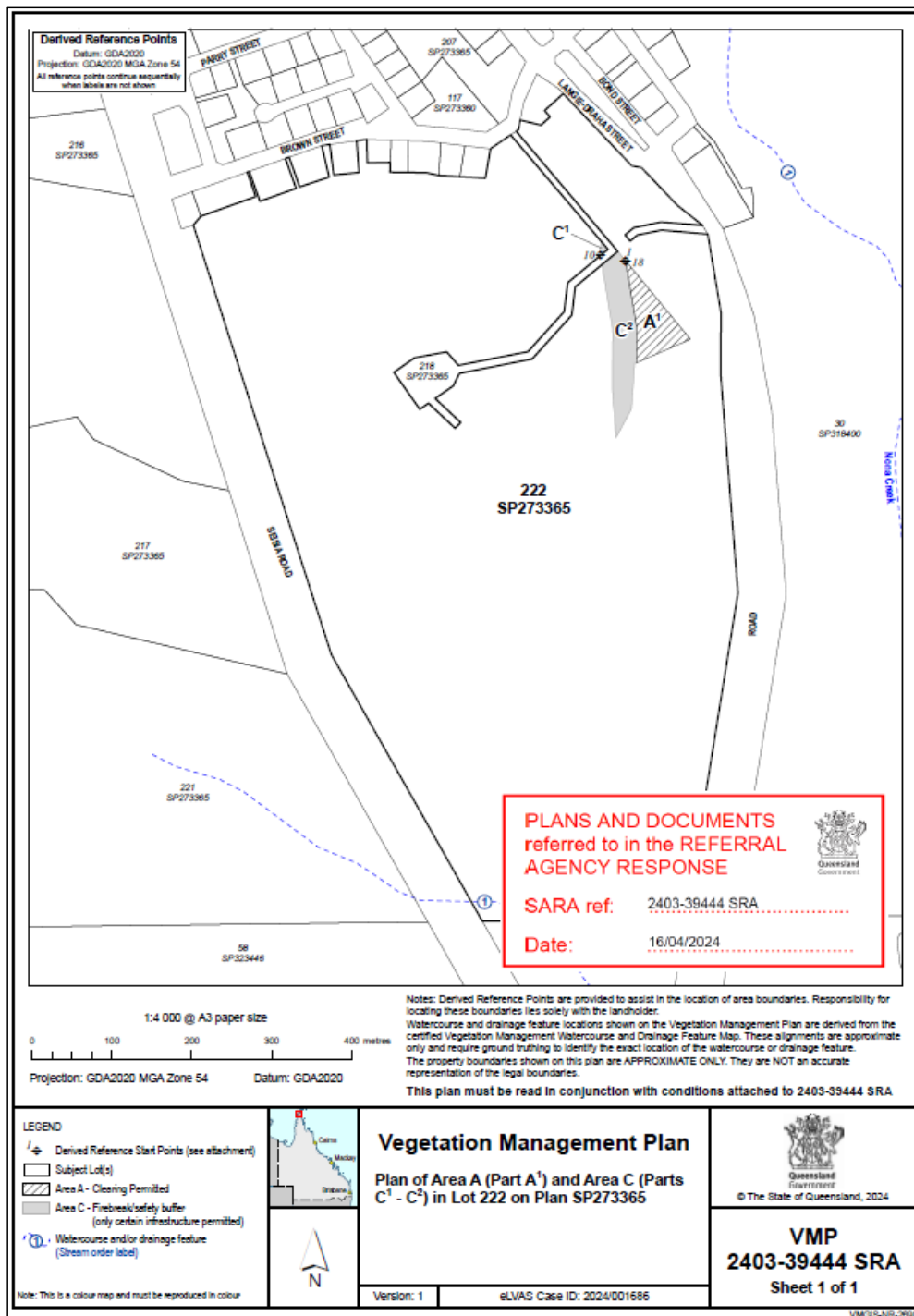
CONDITIONS OF APPROVAL	TIMING
1. Administration	At all times
1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:	
1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;	
1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the	

CONDITIONS OF APPROVAL		TIMING																				
relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;																						
1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.		As per condition																				
1.1.4. The SARA response and conditions reference 2403-39444 SRA dated 16 April 2024																						
2. Currency Period		As per condition																				
2.1. The applicable currency periods are:																						
2.1.1. Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument – 6 Years																						
2.1.2. Reconfiguring a Lot - 6 Years																						
3. Approved Site Drawings/Plans		At all times																				
3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:																						
<table><tr><th>Plan / Document Name</th><th>Drawing Number</th><th>Sheet / Ref.</th><th>Date/DWG</th></tr><tr><td>New Mapoon Social Housing Development Langie Draha Street Overall Plan</td><td>0970-LD-002</td><td>B</td><td>28/04/2023</td></tr><tr><td>New Mapoon Social Housing Development Langie Draha Street Staged Plan</td><td>0970-LD-001</td><td>B</td><td>28/04/2023</td></tr><tr><td>Vegetation Management Plan</td><td>2403-39444</td><td>SRA</td><td>16-04-2024</td></tr><tr><td>SARA response and conditions</td><td>2403-39444</td><td>SRA</td><td>16-04-2024</td></tr></table>			Plan / Document Name	Drawing Number	Sheet / Ref.	Date/DWG	New Mapoon Social Housing Development Langie Draha Street Overall Plan	0970-LD-002	B	28/04/2023	New Mapoon Social Housing Development Langie Draha Street Staged Plan	0970-LD-001	B	28/04/2023	Vegetation Management Plan	2403-39444	SRA	16-04-2024	SARA response and conditions	2403-39444	SRA	16-04-2024
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Vegetation Management Plan	2403-39444	SRA	16-04-2024																			
SARA response and conditions	2403-39444	SRA	16-04-2024																			
3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.																						
3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.																						
4. Construction		At all times																				
4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.																						
4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.																						
4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.																						
4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.																						
4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan.		Prior to commencement of construction.																				
4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.		Prior to commencement of construction.																				
5. Damage to Infrastructure		At all times																				
5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.																						
5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.																						
6. Drainage		At all times																				
6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.																						

CONDITIONS OF APPROVAL	TIMING
<p>6.2. Any works as a result of the development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>Prior to the start of any works on the site.</p> <p>Prior to the commencement of the use.</p>
<p>7. Access</p> <p>7.1. Access provision to the development must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	<p>Prior to the commencement of the use</p> <p>As per condition</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area.</p> <p>9.4. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.5. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to use of site.</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	<p>Prior to the commencement of the use.</p>
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	<p>Prior to clearing works being undertaken.</p>







Attachment to Plan: 2403-39444 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 54

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	651569	8797984								
A1	2	651560	8797885								
A1	3	651583	8797855								
A1	4	651583	8797862								
A1	5	651583	8797890								
A1	6	651583	8797901								
A1	7	651581	8797911								
A1	8	651572	8797969								
A1	9	651569	8797984								
C1	10	651538	8797990								
C1	11	651538	8797991								
C1	12	651537	8797996								
C1	13	651538	8798000								
C1	14	651539	8798005								
C1	15	651540	8798007								
C1	16	651547	8797998								
C1	17	651538	8797990								
C2	18	651569	8797984								
C2	19	651572	8797969								
C2	20	651581	8797911								
C2	21	651583	8797901								
C2	22	651583	8797890								
C2	23	651583	8797862								
C2	24	651583	8797855								
C2	25	651581	8797855								
C2	26	651577	8797798								
C2	27	651567	8797762								
C2	28	651557	8797773								
C2	29	651556	8797776								
C2	30	651554	8797801								
C2	31	651553	8797821								
C2	32	651553	8797824								
C2	33	651553	8797835								
C2	34	651553	8797863								
C2	35	651553	8797890								
C2	36	651553	8797898								
C2	37	651552	8797907								
C2	38	651547	8797937								
C2	39	651543	8797959								
C2	40	651542	8797964								
C2	41	651540	8797979								
C2	42	651560	8797995								
C2	43	651569	8797984								

PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE



SARA ref: 2403-39444 SRA

Date: 16/04/2024

RA6-N



SARA reference: 2403-39444 SRA
Council reference: DA2023_002
Applicant reference: 23-017

16 April 2024

Chief Executive Officer
Northern Peninsula Area Regional Council
info@nparc.qld.gov.au

Attention: Kate Galloway

Dear Ms Galloway

SARA referral agency response—Langie Draha Street, New Mapoon

(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 11 March 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	16 April 2024
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 (1 lot into 26 lots, new road and balance lot)
	Preliminary approval that includes a variation request	Material change of use to vary the effect of the planning scheme.
SARA role:	Referral agency	

SARA trigger:

- Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) - Reconfiguring a lot involving clearing of native vegetation
- Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Material change of use involving clearing of native vegetation

SARA reference: 2403-39444 SRA

Assessment manager: Northern Peninsula Area Regional Council

Street address: Langie Draha Street, New Mapoon

Real property description: Lot 222 on SP273365

Applicant name: Northern Peninsula Area Regional Council C/- Meridian Urban

Applicant contact details: Level 8, 95 North Quay
Brisbane City QLD 4000
info@meridianurban.com

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights 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 Leanne Simpson, Principal Planning Officer, on 5352 9707 or via email CairnsSARA@dsdipg.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Northern Peninsula Area Regional Council, info@meridianurban.com

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 and Material change of use		
10.3.4.2.1 – Reconfiguring a lot involving clearing of native vegetation and 10.3.4.3.1 – Material change of use involving clearing of native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources 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>Clearing of vegetation must:</p> <p>(a) only occur within area A (A¹) as shown on the attached:</p> <p>(i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2403-39444 SRA, Sheet 1 of 1, Version 1; and</p> <p>(ii) Attachment to Vegetation Management Plan VMP 2403-39444, Derived Reference Points for GPS.</p> <p>(b) not exceed 1.018 hectares, subject to other conditions included in this referral agency response.</p>	At all times
2.	<p>Built infrastructure, other than for fences, roads, and underground services must not be established, constructed or located within Area C (C¹ – C²) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2403-39444 SRA, Sheet 1 of 1, Version 1; and</p> <p>(b) Attachment to Vegetation Management Plan VMP 2403-39444 SRA, Derived Reference Points for GPS.</p>	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.

Attachment 3—Reasons for referral agency response

(Given under section 58(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- SARA has assessed the development against State code 16: Native vegetation clearing of the State Development Assessment Provisions (SDAP) and found the proposed development complies with the relevant performance outcomes. Specifically, the proposed development:
 - o avoids clearing, or where avoidance is not reasonably possible, minimises clearing to:
 - conserve vegetation;
 - avoid land degradation;
 - avoid the loss of biodiversity;
 - maintain ecological processes;
 - o sustainably manages the impacts of the clearing on regional ecosystems, biodiversity and ecological processes;
 - o does not result in a significant residual impact on a matter of state environmental significance.

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
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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AGENDA ITEM 6.5
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA 2023_001 Parry Street Subdivision Material Change of Use

Agenda Item: 6.5

Classification: For decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

That Council:

Approve a Development Permit Enabling a Staged Residential Development at Parry Street, New Mapoon:

- i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct and Community Use) for a residential & community use purposes development.
- ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365.

Subject to the below conditions:

CONDITIONS OF APPROVAL				TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1.The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2.The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3.The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering. 1.1.4.The SARA response and conditions reference 2404-40195 SRA dated 6 June 2024				At all times
2. Currency Period 2.1. The applicable currency periods are: 2.1.1.Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument – 6 Years 2.1.2.Reconfiguring a Lot - 6 Years				As per condition
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:				At all times
Plan / Document Nam		Drawing Number	Sheet / Ref	Date/DWG
New Mapoon Social Housing Development Parry Street Layout Plan		0970-PA-001	B	28/04/2023
New Mapoon Social Housing Development Parry Street. Road Surrender Plan Parry		0970-PA-001	A	15/06/2024

Vegetation Management Plan	2404-40195	SRA	6-06-2024	
SARA response and conditions	2404-40195	SRA	6-06-2024	
<p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>				
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer</p>				<p>At all times</p> <p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>				<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>				<p>At all times</p> <p>Prior to the start of any works on the site.</p>

<p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	<p>Prior to the commencement of the use</p> <p>As per condition</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for firefighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>

<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	<p>Prior to the commencement of the use.</p>
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	<p>Prior to clearing works being undertaken.</p>
<p>Reasons for Decision:</p> <p>As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.</p> <p>The development:</p> <ul style="list-style-type: none"> • Is located generally in accordance with the urban footprint. • Is of a size that is adhering to the planning scheme. • Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner. • Will enable the development of community uses that could support the community needs. • Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land. 	

PURPOSE OF REPORT

The proposal seeks to obtain a Development Permit as reflected in the table below.

Proposal
<p>Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument</p> <p>The proposed development seeks to vary the planning instrument,</p> <ul style="list-style-type: none"> • from Township and Environmental Management & Conservation • to Township Zone, Residential Precinct and • to Community Use purposes. <p>Enabling a Staged Residential and Community Use Development at Parry Street, New Mapoon</p> <p>The proposed development will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.</p> <p>Provide Community Uses supporting the community.</p> <p>The proposed development furthermore addresses the Closing the Gap target 9 “People can secure appropriate, affordable housing that is aligned with their priorities and need”.</p>
<p>Reconfiguring a Lot (Subdivision)</p> <p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365 for the development of a residential development referred to as the ‘Parry Street residential development’.</p>

Proposal

It is proposed to subdivide a portion of the subject site for the purposes of creating:

- A subdivision of 1 lot into 6 lots.
- The newly created allotment is between 2,399m² and 4,000m². The average lot size as required in the planning scheme is 800m² which is appropriate to accommodate 2-4 multiple dwelling units.

BACKGROUND AND CONTEXT

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting on behalf of Northern Peninsula Area Regional Council. Engaged Meridian Urban Pty Ltd to prepare a Development Application for a Development Permit Enabling a Staged Residential Development at Parry Street, New Mapoon.

The Public Notification period was from the 15th of May and the 26th of June, No submissions were made during this period.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

CRITICAL DATES

Decision Making Period Concludes on the 26th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *"Increase the number of social houses available for allocation in the NPA"*.

FINANCIAL AND RESOURCE CONSIDERATIONS

Costs associated with the development application and assessment were covered by DTATSIPCA Cairns Office.



AGENDA ITEM 6.5
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

The application does not trigger infrastructure charges under Council's Local Government Infrastructure Plan (*LGIP*).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR A VARIATION OF THE PLANNING SCHEME AND RECONFIGURING A LOT AT NEW MAPOON, NORTHERN PENINSULA AREA.

SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR A VARIATION OF THE PLANNING SCHEME (FROM TOWNSHIP AND ENVIRONMENTAL MANAGEMENT & CONSERVATION ZONE TO TOWNSHIP ZONE, RESIDENTIAL PRECINCT AND COMMUNITY USE), RECONFIGURING A LOT (SUBDIVISION) STAGED OF (PART) LOT 206 ON SP273365 FOR A RESIDENTIAL & COMMUNITY USE DEVELOPMENT AT PARRY STREET, NEW MAPOON, NORTHERN PENINSULA AREA.

Strategic Considerations

Council assessed the application to be compliant with its Corporate Plan objective “Increase the number of social houses available for allocation in the NPA”.

Budget, Financial and Resource Implications

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (LGIP).

Asset Management

Not Applicable.

Executive Summary


Council is in receipt of a development application for:

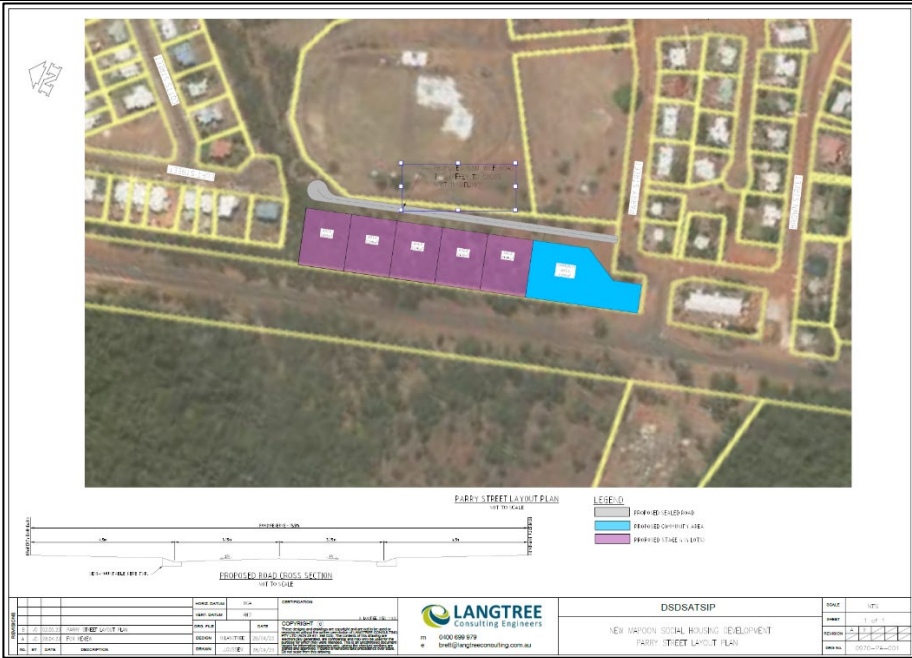
- i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation Zone to Township Zone, Residential Precinct and Community Use purposes) for a residential and community use development.
- ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365.
- iii) New Road

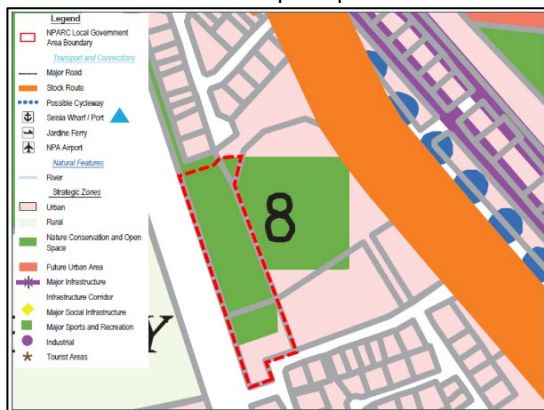
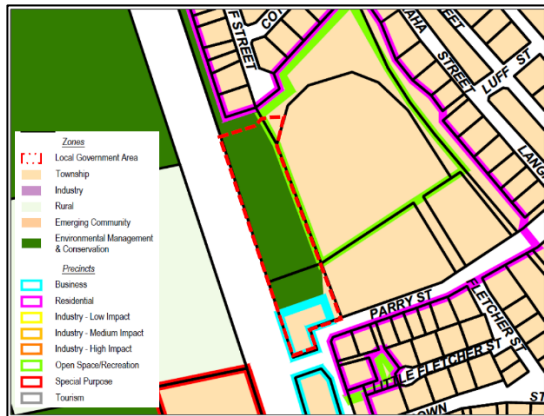
(Attachment B, Locality Plan)



The proposed development is assessment provisions are set out in the tables below and is assessable development in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

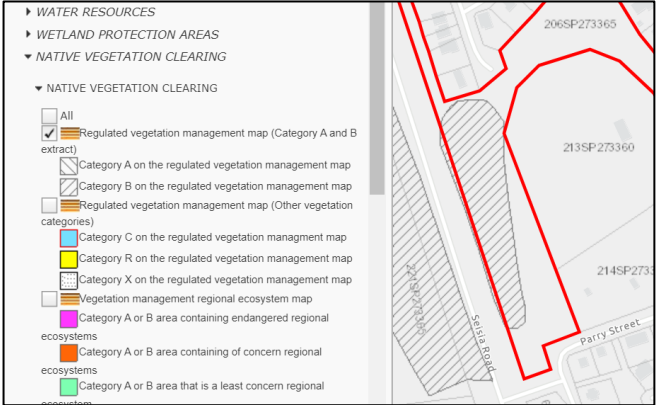
Application	
Applicant:	Northern Peninsula Area Regional Council Development application prepared by Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Proposed Development:	Material Change of Use (to vary the planning instrument, from Township and Environmental Management & Conservation to Township Zone, Residential Precinct and Community Use purposes). Reconfiguring a Lot (Subdivision) of part of Lot 206 on SP273365 (1 Lot Into 6 Lots). Enabling a Staged Residential Development at Parry Street, New Mapoon
Type of Approval sought:	Development Permit

Site Details Summary	
Street Address:	Parry Street, New Mapoon, Northern Peninsula Area
RP Description:	Lot 206 on SP273365
Land Area:	8.164 ha (Development area 2 ha)
Lease Area:	n/a
Existing Use of Land:	The portion of the site which is the subject of this application is vacant land with some vegetation scattered throughout the site. The location of the proposed development area is within the area between Seisia Road and the sport complex.
Locality & Community Services Plan:	<p>Land Uses in the Locality</p> 

Development Summary	
Number of Lots:	6
Lot sizes:	A range of lot sizes between 2,399m ² and 4,000m ²
Stages:	In stages as required for development and development funding.
Development Plans	
Proposed Development Plan:	
Staging Plan:	As required dependanty on funding and applications.

Local Plan Summary	
Local Plan:	Northern Peninsula Area Regional Council Planning Scheme, 2018
Strategic Framework:	<p>Nature Conservation & Open Space and Urban area</p> 
Zoning:	<p>Township zone</p> <p>The development is not within a Environmental Management & Conservation Zone, Township Zone (Business Precinct and Open Space & Recreation Precinct).</p> 
Codes	<ul style="list-style-type: none"> • Township Zone Code • Environmental Management & Conservation Zone Code • Reconfiguring a Lot Code • Operational Works Code
Overlays:	<ul style="list-style-type: none"> • Biodiversity Overlay Code • Airport Overlay Code
Level of Assessment:	Impact Assessable

Master Plan Summary	
Master Plan:	<p>NPARC Master Plan 2020</p>  
Land Use:	The Master Plan indicate the area to be developed for multiple dwelling residential and community use purposes
Assessment:	The proposed development is compliant with the visions and aspirations of the community as reflected in the Master Plan.

State Requirements Summary	
Regional Plan:	The Cape York Regional Plan (August 2014) indicate the development area as - Priority Living Area
State Planning Policy (SPP) & DAMS Mapping:	<p>The development is located in a biodiversity area and triggers Clearing of Native Vegetation.</p> 
Pre-lodgement:	n/a
Referral:	The referral agency SARA provided conditions of approval.
State Development Assessment Provisions (SDAP):	SDAP Code 16 – Native Vegetation Clearing

IMPACT ASSESSMENT CONSULTATION	
Consultation Period:	27 June 2024- 8 August 2024
Submissions:	Nil
Assessment:	n/a

The proposal seeks to obtain a Development Permit as reflected in the table below.

Proposal
<p>Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument</p> <p>The proposed development seeks to vary the planning instrument,</p> <ul style="list-style-type: none"> from Township and Environmental Management & Conservation to Township Zone, Residential Precinct and to Community Use purposes. <p>Enabling a Staged Residential and Community Use Development at Parry Street, New Mapoon</p> <p>The proposed development will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.</p> <p>Provide Community Uses supporting the community.</p> <p>The proposed development furthermore addresses the Closing the Gap target 9 “People can secure appropriate, affordable housing that is aligned with their priorities and need”.</p>
<p>Reconfiguring a Lot (Subdivision)</p> <p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365 for the development of a residential development referred to as the ‘Parry Street residential development’.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> A subdivision of 1 lot into 6 lots. The newly created allotment is between 2,399m² and 4,000m². The average lot size as required in the planning scheme is 800m² which is appropriate to accommodate 2-4 multiple dwelling units.

The proposal can be considered to be generally in accordance with the following outcomes of the Northern Peninsula Area Regional Council Planning Scheme 2018, in particular the proposed development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will enable the development of community uses that could support the community needs.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

For Council Decision – Recommendation

That Council approve a Development Permit Enabling a Staged Residential Development at ParryStreet, New Mapoon:

- Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct and Community Use) for a residential & community use purposes development.
- Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365.

Subject to the below conditions:

CONDITIONS OF APPROVAL	TIMING																
<div>1. Administration</div> <div>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</div> <div>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</div> <div>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</div> <div>1.1.3. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</div> <div>1.1.4. The SARA response and conditions reference 2404-40195 SRA dated 6 June 2024</div>	At all times																
<div>2. Currency Period</div> <div>2.1. The applicable currency periods are:</div> <div>2.1.1. Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument – 6 Years</div> <div>2.1.2. Reconfiguring a Lot - 6 Years</div>	As per condition																
<div>3. Approved Site Drawings/Plans</div> <div>3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</div> <table><tr><th>Plan / Document Nam</th><th>Drawing Number</th><th>Sheet / Ref</th><th>Date/DWG</th></tr><tr><td>New Mapoon Social Housing Development Parry Street Layout Plan</td><td>0970-PA-001</td><td>B</td><td>28/04/2023</td></tr><tr><td>New Mapoon Social Housing Development Parry Street. Road Surrender Plan Parry</td><td>0970-PA-001</td><td>A</td><td>15/06/2024</td></tr><tr><td>Vegetation Management Plan</td><td>2404-40195</td><td>SRA</td><td>6-06-2024</td></tr></table>	Plan / Document Nam	Drawing Number	Sheet / Ref	Date/DWG	New Mapoon Social Housing Development Parry Street Layout Plan	0970-PA-001	B	28/04/2023	New Mapoon Social Housing Development Parry Street. Road Surrender Plan Parry	0970-PA-001	A	15/06/2024	Vegetation Management Plan	2404-40195	SRA	6-06-2024	At all times
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Vegetation Management Plan	2404-40195	SRA	6-06-2024														

CONDITIONS OF APPROVAL					TIMING
SARA response and conditions		2404-40195	SRA	6-06-2024	
<p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>					
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer</p>					<p>At all times</p> <p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>					<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>					<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>					Prior to the commencement of the use.
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p>					Prior to the commencement of the use

CONDITIONS OF APPROVAL	TIMING
<p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	As per condition
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	Prior to clearing works being undertaken.

Reasons for Decision:

As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will enable the development of community uses that could support the community needs.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

Summary

The proposed development is considered to be generally in accordance with the overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme.

Historical Information

n/a

Policy Implications

n/a

Risk Management Implications

n/a

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 published 02 September 2020 and commenced 11 September 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018.

NPARC Master Plan 2020.

Consultation

- Council
-

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Development Plan
Attachment D:	New Road Plan
Attachment E:	Vegetation Management Plan
Attachment F:	SARA referral agency response and conditions reference 2404-40195 SRA dated 6 June 2024

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 & 61(3));

- 10 Business Days for a Confirmation Notice from date after receiving an application; and
- 40 Business Days for a Referral Response from date after referral of an application; and
- 35 Business Days from date of Referral Response received or impact consultation completed the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	04/04/2024
Action Notice Issued	n/a
Confirmation Notice Issued	18/04/2024
Referrals Information Received	06/06/2024
Impact Consultation period	27/06/2024- 08/08/2024
<i>Planning Act 2016</i> - Decision Making Period Concludes	26/09/2024
Applicant agreed Decision Making Period Extension Concludes	n/a
Council Meeting	29/08/2024
Decision Notice preparation and mail-out Period Concludes	05/09/2024

Assessment against relevant legislation.

The development proposal is determined to be Assessable Development.

Legislation / Policy	Assessment Trigger	Assessment
Northern Peninsula Area Regional Council Planning Scheme 2018	✓	The Assessment Manager is the Northern Peninsula Area Regional Council (NPARC) as determined by Schedule 8 of the Planning Regulation 2017. Under the Planning Act 2016.
• Code Assessment	✗	n/a
• Impact Assessment	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section 60 of the Planning Act 2016, are outlined in 45(3) and s26 to 28 of the Planning Regulations 2017.
• Public Notification	✓	Public Notification period was from 15/05/2024- 26/06/2024. No submissions were made during this period.
NPARC Master Plan 2020	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant projects listed in the master plan making the decision pursuant to the relevant council policy.
State Interests	Assessment Trigger	Assessment
• State Assessment and Referral Agency (SARA)	✓	The development triggered referral to SARA. Relevant conditions of approval are reflected in the report.
• State Development Assessment Provisions (SDAP)	✓	State Assessment and Referral Agency Mapping (SARA) is triggered by the application. Refer Attachments E & F.
• State Planning Policy (SPP)	✓	In accordance with section 2.1 – State Planning Policy of the planning scheme, the NPARC Planning Scheme 1018 reflects the SPP of 2016. An assessment against the current SPP is required.

<ul style="list-style-type: none"> Regional Plan <ul style="list-style-type: none"> Cape York Regional Plan (CYRP), 2014 	✖	The development site at New Mapoon is within the “Priority Living Area” as identified in the CYRP. No further assessment of the application against the CYRP is required.
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Assessment against the Northern Peninsula Area Regional Council Planning Scheme 2018 provisions.

Detailed assessment of the proposed development against the *Specific Benchmarks* for applicable codes is reflected in the Development Application.

An assessment against the applicable *Purpose and Overall Outcomes* provisions has been undertaken as reflected hereunder:

Proposed Use	Zoning	Precinct	Zone Codes	Overlay Maps
Residential Development & Community Use	Township Environmental Management & Conservation	Business & Open Space & Recreation	Township Zone Code Environmental Management & Conservation Zone Code Reconfiguring a Lot Code Operational Works Code	Biodiversity Overlay Code Airport Overlay Code

Northern Peninsula Area Regional Council Planning Scheme 2018

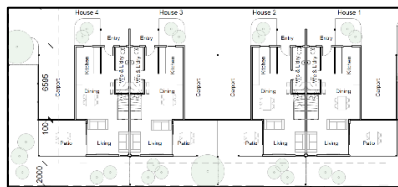
Township Zone Code

Purpose	Assessment
<p>The purpose of the township zone is to provide for:</p> <ul style="list-style-type: none"> (a) small to medium urban areas in a rural or coastal area; and (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential and retail uses and activities and (c) tourist attractions and short-term accommodation, if appropriate for the area. 	<p>The application seeks a variation request to change the intended land use of the site to residential purposes & community use purposes.</p> <p>The subdivision layout and design incorporate a mix of lot sizes allowing for the design and construction of a diverse range of dwelling types and provides sufficient room for pedestrian, vehicle and cyclist movements.</p>

Environmental Management & Conservation Code

Purpose	Assessment
<p>The purpose of the environmental management and conservation zone is to provide for the protection and maintenance of areas that support 1 or more of the following:</p> <ul style="list-style-type: none"> (a) biological diversity (b) ecological integrity (c) naturally occurring landforms (d) coastal processes. 	<p>Given the nature of the application, being a variation request to change the intended land use of the site to residential purposes, application is not assessed against the Environmental Management and Conservation Zone Code; it is acknowledged that the application is not consistent with the intent of that zone.</p>

Reconfiguring a Lot Code

Purpose	Assessment
<p>The purpose of the Reconfiguring a Lot code is to provide detailed standards for assessing reconfiguration, to ensure that development is appropriately located, considers constraints, is able to be efficiently serviced and promotes best practice standards.</p>	<p>The proposed development complies with the average lot size of 800m² in providing a range of lot sizes between 2,399m² and 4,000m². 800 m² lots area appropriate to accommodate 2-4 multiple dwelling units, see example.</p> 

Reconfiguring a Lot Code	
Purpose	Assessment
	<p>The proposed development complies with the liveability principles with existing social / community services available in New Mapoon.</p> <p>The proposed development complies with the convenience and comfortable walking provisions as:</p> <ul style="list-style-type: none"> • The proposed road layout is consistent with the pattern of development within the existing township and provides an extension of the grid-like pattern, There is ample space with the road reserve to provide for footpaths. • The provision of street trees can be conditioned, where considered reasonable considering climatic conditions. • The proposed road width is sufficient to accommodate footpaths..

Operational Works Code	
Purpose	Assessment
<p>The purpose of the operational works code is to:</p> <ul style="list-style-type: none"> (a) Ensure that development is provided with adequate infrastructure and services; (b) Manage the impact of development on the environmental values identified in the Council area. 	<p>This application does not include subsequent operational works or buildings works applications that may be required under the Planning Act 2016 or Building Act 1975 to deliver the proposed subdivision.</p> <p>Operational Works application(s) is required when funding for the construction of the development become available.</p>

Biodiversity Overlay Code	
Purpose	Assessment
<p>The purpose of the biodiversity code is to ensure that matters of state environmental significance are identified and protected.</p>	<p>The proposed vegetation clearance area is located within to reduce impacts to matters of environmental significance as far as practical.</p> <p>The entire project site is mapped within a high risk protected plant trigger area. Vegetation clearance within these areas will require a protected plant survey as per the Flora Survey Guidelines – Protected Plants will be required prior to clearing work being undertaken.</p>

Airport Overlay Code	
Purpose	Assessment
<p>The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> (a) conflicts between the NPA Airport and surrounding uses are avoided unless, where practicable, adequate mitigation measures are incorporated into the development; (b) the safe and efficient airport operations are protected. 	<p>The site is within the 13km Wildlife Buffer Area of the NPA Airport</p> <p>The proposed development is for a residential subdivision at New Mapoon. It is not of a scale or type that will affect the airport operations.</p>

Assessment against the Northern Peninsula Area Regional Council Master Plan 2020.

Detailed assessment of the proposed development against the *Visions and Aspiration* as reflected in the Master Plan is reflected in the Development Application.

An assessment against the applicable *Visions & Aspirations* provisions has been undertaken as reflected hereunder:

Vision	Aspiration	Assessment
Liveable communities & housing	Housing supply & diversity	The development area is earmarked in the Master Plan for Multiple Dwelling Residential development. The proposed development provides for a mix of dwelling types. The average lot size as required in the planning scheme is 800m ² which is appropriate to accommodate 2-4 multiple dwelling units.
	Liveable communities	The proposed development is an extension of the New Mapoon urban area with access to social / community services.
Economic Growth	Investment & employment	The development will create opportunities for short- and longer-term construction investment and employment.
Environment	Biodiversity	The proposal maximises the use of existing cleared and non-remnant vegetation.
Cultural Heritage	Cultural	Cultural protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander places of significance.
	Heritage	Heritage protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander artifacts.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of New Mapoon.
Resilient development	Natural hazards, risk & resilience	The development is not located in a natural hazard risk area. Appropriate local drainage and 1% AEP requirements will have to be considered in the design of structures.

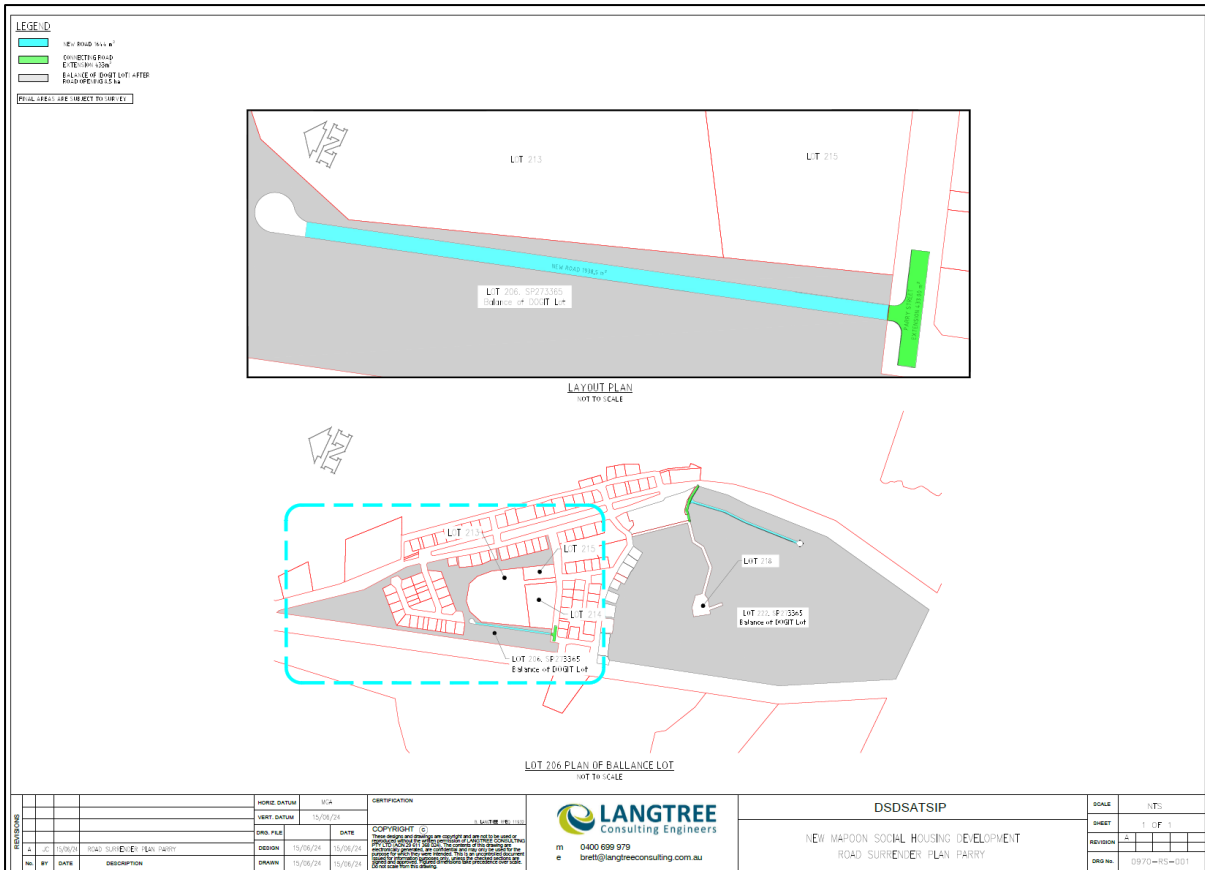
Assessment against the State Planning Policy 2017 provisions.

Detailed assessment of the proposed development against the ***SPP Policies*** as reflected in the Development Application. An assessment against the applicable ***State Interest*** provisions has been undertaken as reflected hereunder:

Policy	State Interests	Assessment
Liveable communities & housing	Housing supply & diversity	The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy, for the purposes of social housing.
	Liveable communities	The proposed development is an extension of the New Mapoon urban area with access to social / community services.
Economic Growth	Agriculture	The development is situated within Agricultural Land Classification (ALC) Class A and B and adjacent to a stock route. However, the land is currently vacant, vegetated and has not been used for agricultural purposes or intended to be used for agricultural purposes in the NPARC Master Plan 2020.
	Development & construction	The development will create opportunities for short and longer term construction work that could have a positive impact on the economy of the region.
Environment & Heritage	Biodiversity	The proposed vegetation clearance area is located to reduce impacts of matters of environmental significance as far as practical. The proposal maximises the use of existing cleared non-remnant vegetation.
	Water quality	Stormwater management design objectives including erosion and sediment control at construction and post-construction phase is included in conditions of approval.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of New Mapoon.
	Transport infrastructure	The proposed development is located in close proximity to the township of New Mapoon, which is provided with appropriate transport infrastructure.
Safety & resilience to hazards	Natural hazards, risk & resilience	The development is not located in a natural hazard risk area. Appropriate local drainage and 1% AEP requirements will have to be considered in the design of structures.







Attachment: 2404-40195 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 54

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2404-40195 SRA

Date: 6 June 2024

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	650962	8798265
A1	2	650960	8798483
A1	3	650961	8798483
A1	4	650963	8798482
A1	5	650964	8798481
A1	6	650966	8798480
A1	7	650968	8798480
A1	8	650900	8798479
A1	9	650902	8798479
A1	10	650904	8798479
A1	11	650906	8798479
A1	12	650908	8798479
A1	13	650910	8798479
A1	14	650912	8798479
A1	15	650914	8798480
A1	16	650915	8798480
A1	17	650918	8798481
A1	18	650922	8798482
A1	19	650926	8798483
A1	20	650928	8798484
A1	21	650929	8798484
A1	22	650930	8798485
A1	23	650931	8798485
A1	24	650933	8798486
A1	25	650933	8798486
A1	26	650968	8798411
A1	27	650968	8798407
A1	28	650969	8798398
A1	29	650961	8798384
A1	30	650961	8798382
A1	31	650961	8798380
A1	32	650962	8798373
A1	33	650963	8798368
A1	34	650966	8798343
A1	35	650966	8798343
A1	36	650966	8798343
A1	37	650966	8798342
A1	38	650966	8798342
A1	39	650966	8798342
A1	40	650966	8798342
A1	41	650966	8798341
A1	42	650967	8798340
A1	43	650967	8798336
A1	44	650968	8798328
A1	45	650969	8798323
A1	46	650969	8798320
A1	47	650972	8798303
A1	48	650972	8798301
A1	49	650972	8798299
A1	50	650973	8798296
A1	51	650973	8798295
A1	52	650973	8798293
A1	53	650974	8798291
A1	54	650974	8798290
A1	55	650974	8798288
A1	56	650974	8798288
A1	57	650975	8798286
A1	58	650975	8798284
A1	59	650976	8798282
A1	60	650978	8798271

Part ID	Unique ID	Easting	Northing
A1	61	650962	8798265
C1	62	650946	8798469
C1	63	650946	8798468
C1	64	650945	8798467
C1	65	650945	8798465
C1	66	650945	8798465
C1	67	650944	8798465
C1	68	650944	8798464
C1	69	650944	8798464
C1	70	650944	8798464
C1	71	650944	8798464
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C1	111	650945	8798460
C1	112	650945	8798460
C1	113	650945	8798459
C1	114	650945	8798459
C1	115	650945	8798459
C1	116	650945	8798459
C1	117	650945	8798459
C1	118	650945	8798459
C1	119	650945	8798459
C1	120	650945	8798459

Part ID	Unique ID	Easting	Northing
C1	121	650950	8798445
C1	122	650955	8798431
C1	123	650957	8798417
C1	124	650958	8798411
C1	125	650933	8798486
C1	126	650933	8798486
C1	127	650934	8798487
C1	128	650935	8798488
C1	129	650936	8798488
C1	130	650937	8798488
C1	131	650941	8798481
C1	132	650946	8798469



SARA reference: 2404-40195 SRA
Council reference: DA2023_001
Applicant reference: 23-017

6 June 2024

Chief Executive Officer
Northern Peninsula Area Regional Council
C/- Meridian Urban
Level 8 95 North Quay
BRISBANE CITY QLD 4000
info@nparc.qld.gov.au

Attention: Upendo Kowero

Dear Sir/Madam

SARA referral agency response—Parry Street, New Mapoon

(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 29 April 2024.

Response

Outcome:	Referral agency response – with conditions
	Under section 56(2)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements for the variation request.
Date of response:	6 June 2024
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 - 1 into 6 lots, plus new road and balance lot
	Preliminary approval that includes a	Material change of use for a variation request to vary the effect of the planning

	variation request	scheme
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) - Clearing native vegetation for reconfiguring a lot	
	Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Clearing native vegetation for a material change of use	
SARA reference:	2404-40195 SRA	
Assessment manager:	Northern Peninsula Area Regional Council	
Street address:	Parry Street, New Mapoon	
Real property description:	Lot 206 on SP273365	
Applicant name:	Northern Peninsula Area Regional Council, C/- Meridian Urban	
Applicant contact details:	Lvl 8 95 North Quay Brisbane City QLD 4000 info@meridianurban.com	
<i>Human Rights Act 2019</i> considerations:	The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> . The decision was found not to limit human rights under the <i>Human Rights Act 2019</i> therefore, it is reasonable to conclude the decision is compatible with 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



Anthony Walsh
Manager Planning

cc Northern Peninsula Area Regional Council C/- Meridian Urban, info@meridianurban.com

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 and Material change of use		
10.3.4.2.1 – Reconfiguring a lot that is assessable development under s21 and 10.3.4.3.1 - Material change of use that is assessable under a local categorising instrument—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources 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.	Clearing of vegetation can: (a) Occur within Area A(A ¹) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference 2404-40195 SRA, Sheet 1 of 1, version 1, and (ii) Attachment to Vegetation Management Plan 2404-40195 SRA Derived Reference Points for GPS (b) not exceed 0.733 hectares.	At all times
2.	Built infrastructure, other than for roads, fences and underground services, must not be established, constructed or located within Area C(C ¹) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2404-40195 SRA, Sheet 1 of 1, version 1, and (ii) Attachment to Vegetation Management Plan VMP 2404-40195 SRA Derived Reference Points for GPS.	At all times
3.	Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matters of state environmental significance being: (a) 0.764 hectares of Essential Habitat for Palm cockatoo (<i>Probosciger aterrimus macgillivrayi</i>) in regional ecosystem 3.5.3/3.5.5.	Prior to submitting the Plan of Survey to the local government for approval
4.	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—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.
Clearing of native vegetation	
2.	To request an electronic file of the GPS coordinates/Derived Reference Points contained in an Attachment of this decision notice, email a request to the Department of Resources at vegetation.support@resources.qld.gov.au include application reference 2404-40195 SRA .
3.	<p><u>Existing exemptions for clearing native vegetation</u></p> <p>Schedule 21 of the Planning Regulation 2017 prescribes what is exempt clearing work for operational work that is clearing native vegetation that is necessary for essential management. Essential management is defined in Schedule 24 of the Planning Regulation 2017 and includes clearing native vegetation for establishing or maintaining necessary firebreaks.</p> <p>Essential management exemptions could already be applied to the part of the lot the subject of this development application that is zoned under the Northern Peninsula Area Regional Council Planning Scheme as Township zone.</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:

SARA has assessed the development against State code 16: Native vegetation clearing of the State Development Assessment Provisions (SDAP) and found that with conditions, the proposed development complies with the relevant performance outcomes. Specifically, the proposed development:

- where possible, minimises clearing vegetation to:
 - o conserve vegetation
 - o avoid land degradation
 - o avoid the loss of biodiversity
 - o maintain ecological processes
- sustainably manages the impacts of the clearing on regional ecosystems, biodiversity and ecological processes
- results in an acceptable significant residual impact on a matter of state environmental significance; an offset condition is provided.

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)

Our Ref: DA2023_001
Your Ref:

Xx August 2024

Commented [GV1]: Signature date to be inserted.

Northern Peninsula Area Regional Council C/- Meridian Urban

Delivery via email:

upendo.kowero@meridianurban.com & olivia.scroope@meridianurban.com & gerhard.visser@dsdsatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 of the Planning Act 2016, development permit for Preliminary Approval for a Material Change of Use for a Variation of the Planning Scheme (from Township and Environmental Management & Conservation zone to Township zone, Residential & Open Space and Recreation Precinct and Community Use purposes), Reconfiguring a Lot (Subdivision) staged of (part) lot 206 on SP273365 for a residential development at Parry Street, New Mapoon, Northern Peninsula Area.

The application dated 4 April 2024 seeking approval for the following is noted:

- (i) A development permit for
- (ii) the development of a residential development and
- (iii) community use at
- (iv) Parry Street, New Mapoon, Northern Peninsula Area.

Please be advised that your application was assessed and considered at Council's schedule meetings held on 28 August 2024.

Commented [GV2]: Council meeting date to be inserted.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- (i) Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct and Community Use) for residential and community use development.
- (ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365.

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Gallaway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council
Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2023_001
Applicant Details	Meridian Urban Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Property Description	Lot 206 on SP273365
Proposal	<ul style="list-style-type: none"> Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct and Community Use) for a residential & community use purposes development. Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365. <p>For Residential & Community Use Development at Parry Street</p>
Level of Assessment	Impact

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has Not been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28 August 2024
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme, 2018
Submissions	Nil
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
SARA response and conditions reference 2404-40195 SRA dated 6 June 2024	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
<i>Building Act 1975</i> <i>Plumbing & Drainage Act 2018</i> <i>Planning Act, 2016</i> Operational Works permit	
RIGHTS OF APPEAL	
<p>The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i>. There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).</p> <p><u>Appeal by an applicant</u></p> <p>An applicant for a development application may appeal to the Planning and Environment Court against the following:</p> <ul style="list-style-type: none"> The refusal of all or part of the development application; A provision of the development approval; The decision to give a preliminary approval when a development permit was applied for; and 	

Commented [GV3]: Council meeting date to be inserted

<ul style="list-style-type: none"> • A deemed refusal of the development application. <p>An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i>.</p> <p><u>Appeal by an eligible submitter</u></p> <p>An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:</p> <ul style="list-style-type: none"> • Any part of the development application that required impact assessment; and • A variation request. <p>The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the <i>Planning Act 2016</i>.</p>
APPROVAL CURRENCY PERIOD
Pursuant to s46(8) of the <i>Planning Act 2016</i> , the development approval will lapse as reflected in the conditions of approval.
APPROVED PLANS & SPECIFICATIONS
Copies of the approved plans, specifications and/or drawings are attached.
FURTHER INFORMATION
The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.
NOTICE ABOUT DECISION – STATEMENT OF REASONS
<p>This Notice is prepared in accordance with s63 (5) and s83 (7) of the <i>Planning Act 2016</i> to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:</p> <ul style="list-style-type: none"> • The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and • Any other information, documents or other material Council was either required to, or able to, consider in its assessment. <p>All terms used in this Notice have the meaning given then in the <i>Planning Act 2016</i>.</p>

REASONS FOR THE DECISION

The proposed development:

- Is located generally in accordance with the urban footprint.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will enable the development of community uses that could support the community needs.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

SCHEDULE OF CONDITIONS

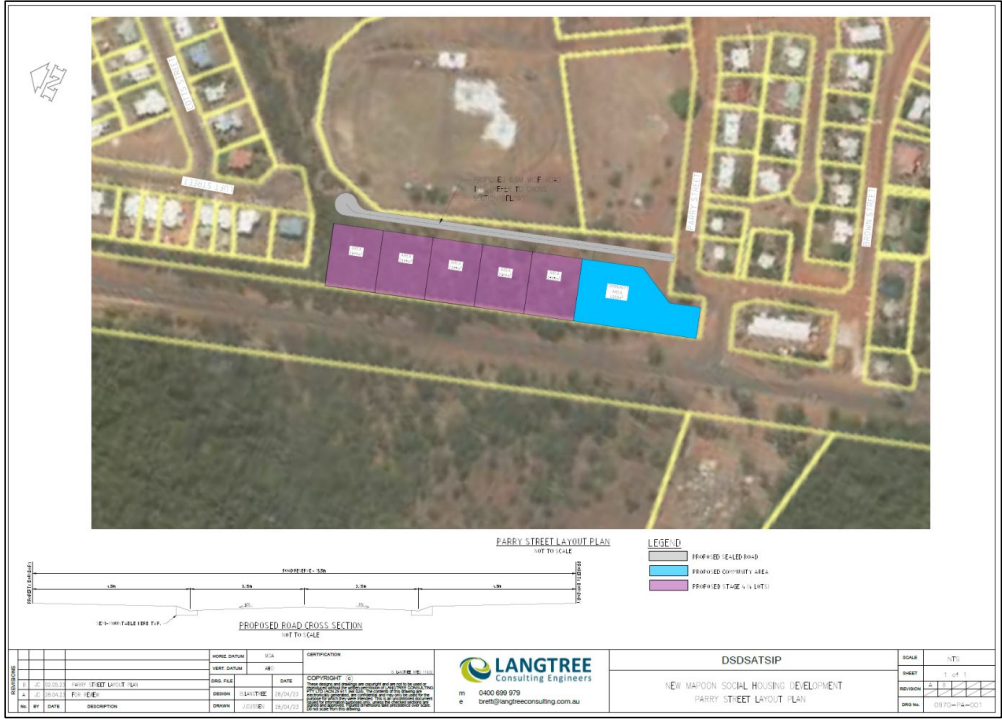
Applicable to the following Section 63 of the *Planning Act 2016*, approvals:

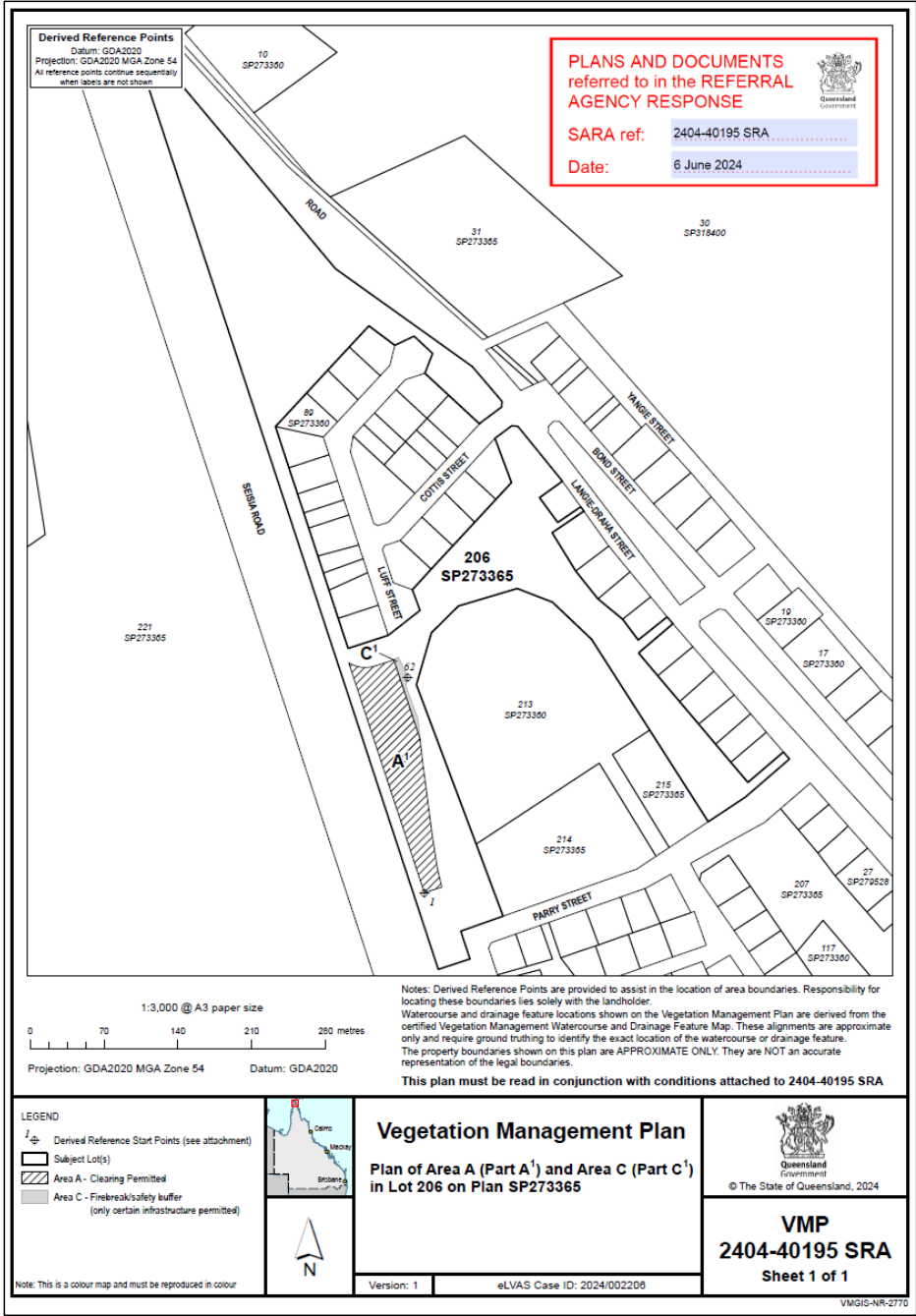
- Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument (from Township and Environmental Management & Conservation zone to Township Zone, Residential Precinct and Community Use) for residential and community use development.
- Reconfiguring a Lot (Subdivision) (1 Lot Into 6 Lots) in stages over part of Lot 206 on SP273365.
- New Road

CONDITIONS OF APPROVAL	TIMING
1. Administration <p>1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant</p>	At all times

CONDITIONS OF APPROVAL	TIMING																												
<p>design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;</p> <p>1.1.3. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p> <p>1.1.4. The SARA response and conditions reference 2404-40195 SRA dated 6 June 2024</p>																													
<p>2. Currency Period</p> <p>2.1. The applicable currency periods are:</p> <p>2.1.1. Preliminary Approval for a Material Change of Use to Vary the effect of the Planning Instrument – 6 Years</p> <p>2.1.2. Reconfiguring a Lot - 6 Years</p>	As per condition																												
<p>3. Approved Site Drawings/Plans</p> <p>3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</p> <table><tr><th>Plan / Document Nam</th><th>Drawing Number</th><th>Sheet / Ref</th><th>Date/DWG</th></tr><tr><td>New Mapoon Social Housing Development</td><td>0970-PA-001</td><td>B</td><td>28/04/2023</td></tr><tr><td>Parry Street Layout Plan</td><td></td><td></td><td></td></tr><tr><td>New Mapoon Social Housing Development</td><td>0970-PA-001</td><td>A</td><td>15/06/2024</td></tr><tr><td>Parry Street. Road Surrender Plan Parry</td><td></td><td></td><td></td></tr><tr><td>Vegetation Management Plan</td><td>2404-40195</td><td>SRA</td><td>6-06-2024</td></tr><tr><td>SARA response and conditions</td><td>2404-40195</td><td>SRA</td><td>6-06-2024</td></tr></table> <p>3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p> <p>3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>	Plan / Document Nam	Drawing Number	Sheet / Ref	Date/DWG	New Mapoon Social Housing Development	0970-PA-001	B	28/04/2023	Parry Street Layout Plan				New Mapoon Social Housing Development	0970-PA-001	A	15/06/2024	Parry Street. Road Surrender Plan Parry				Vegetation Management Plan	2404-40195	SRA	6-06-2024	SARA response and conditions	2404-40195	SRA	6-06-2024	At all times
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Vegetation Management Plan	2404-40195	SRA	6-06-2024																										
SARA response and conditions	2404-40195	SRA	6-06-2024																										
<p>4. Construction</p> <p>4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.</p> <p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer</p>	At all times <																												

CONDITIONS OF APPROVAL	TIMING
<p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p> <p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is undertaken.</p>	<p>Prior to the commencement of the use</p> <p>As per condition</p>
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	<p>Prior to the commencement of the use.</p>
<p>11. Vegetation Clearance</p> <p>11.1. Vegetation clearance will require a protected plant survey as per the Flora Survey Guidelines prior to clearing work being undertaken at the development site. The document(s) must be submitted for endorsement to Council.</p>	<p>Prior to clearing works being undertaken.</p>





Vegetation Management Plan

Attachment: 2404-40195 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 54

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2404-40195 SRA
Date: 6 June 2024

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	650962	8798285
A1	2	650960	8798483
A1	3	650961	8798483
A1	4	650963	8798482
A1	5	650964	8798481
A1	6	650966	8798480
A1	7	650968	8798480
A1	8	650960	8798479
A1	9	650962	8798479
A1	10	650964	8798479
A1	11	650966	8798479
A1	12	650968	8798479
A1	13	650910	8798479
A1	14	650912	8798479
A1	15	650914	8798480
A1	16	650915	8798480
A1	17	650918	8798481
A1	18	650922	8798482
A1	19	650926	8798483
A1	20	650928	8798484
A1	21	650929	8798484
A1	22	650930	8798485
A1	23	650931	8798485
A1	24	650933	8798486
A1	25	650933	8798486
A1	26	650958	8798411
A1	27	650958	8798407
A1	28	650959	8798368
A1	29	650961	8798384
A1	30	650961	8798382
A1	31	650961	8798380
A1	32	650962	8798373
A1	33	650963	8798368
A1	34	650966	8798343
A1	35	650966	8798343
A1	36	650966	8798343
A1	37	650966	8798342
A1	38	650966	8798342
A1	39	650966	8798342
A1	40	650966	8798342
A1	41	650966	8798341
A1	42	650967	8798340
A1	43	650967	8798336
A1	44	650968	8798328
A1	45	650969	8798323
A1	46	650969	8798320
A1	47	650972	8798303
A1	48	650972	8798301
A1	49	650972	8798299
A1	50	650973	8798296
A1	51	650973	8798295
A1	52	650973	8798293
A1	53	650974	8798291
A1	54	650974	8798290
A1	55	650974	8798288
A1	56	650974	8798288
A1	57	650975	8798286
A1	58	650975	8798284
A1	59	650976	8798282
A1	60	650978	8798271

Part ID	Unique ID	Easting	Northing
A1	61	650982	8798265
C1	62	650946	8798499
C1	63	650946	8798498
C1	64	650945	8798487
C1	65	650945	8798485
C1	66	650945	8798485
C1	67	650944	8798485
C1	68	650944	8798484
C1	69	650944	8798484
C1	70	650944	8798484
C1	71	650944	8798484
C1	72	650944	8798483
C1	73	650944	8798483
C1	74	650944	8798483
C1	75	650944	8798483
C1	76	650944	8798483
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C1	98	650944	8798481
C1	99	650944	8798481
C1	100	650944	8798481
C1	101	650944	8798481
C1	102	650944	8798480
C1	103	650944	8798480
C1	104	650944	8798480
C1	105	650944	8798480
C1	106	650944	8798480
C1	107	650944	8798480
C1	108	650945	8798480
C1	109	650945	8798480
C1	110	650945	8798480
C1	111	650945	8798480
C1	112	650945	8798480
C1	113	650945	8798480
C1	114	650945	8798480
C1	115	650945	8798480
C1	116	650945	8798480
C1	117	650945	8798480
C1	118	650945	8798480
C1	119	650945	8798480
C1	120	650945	8798480

Part ID	Unique ID	Easting	Northing
C1	121	650950	8798445
C1	122	650955	8798431
C1	123	650957	8798417
C1	124	650958	8798411
C1	125	650933	8798486
C1	126	650933	8798486
C1	127	650934	8798487
C1	128	650935	8798488
C1	129	650936	8798488
C1	130	650937	8798488
C1	131	650941	8798481
C1	132	650946	8798469

RA6-N



SARA reference: 2404-40195 SRA
Council reference: DA2023_001
Applicant reference: 23-017

6 June 2024

Chief Executive Officer
Northern Peninsula Area Regional Council
C/- Meridian Urban
Level 8 95 North Quay
BRISBANE CITY QLD 4000
info@nparc.qld.gov.au

Attention: Upendo Kowero

Dear Sir/Madam

SARA referral agency response—Parry Street, New Mapoon

(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 29 April 2024.

Response

Outcome:	Referral agency response – with conditions	
	Under section 56(2)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements for the variation request.	
Date of response:	6 June 2024	
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 - 1 into 6 lots, plus new road and balance lot
	Preliminary approval that includes a	Material change of use for a variation request to vary the effect of the planning

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

2404-40195 SRA

variation request scheme

SARA role: Referral agency

SARA trigger: Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) - Clearing native vegetation for reconfiguring a lot

SARA reference: Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Clearing native vegetation for a material change of use
2404-40195 SRA

Assessment manager: Northern Peninsula Area Regional Council

Street address: Parry Street, New Mapoon

Real property description: Lot 206 on SP273365

Applicant name: Northern Peninsula Area Regional Council, C/- Meridian Urban

Applicant contact details: Lvl 8 95 North Quay
Brisbane City QLD 4000
info@meridianurban.com

Human Rights Act 2019 considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with 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 CaimsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Northern Peninsula Area Regional Council C/- Meridian Urban, info@meridianurban.com

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 and Material change of use		
10.3.4.2.1 – Reconfiguring a lot that is assessable development under s21 and 10.3.4.3.1 - Material change of use that is assessable under a local categorising instrument—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources 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.	Clearing of vegetation can: (a) Occur within Area A(A ¹) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference 2404-40195 SRA, Sheet 1 of 1, version 1, and (ii) Attachment to Vegetation Management Plan 2404-40195 SRA Derived Reference Points for GPS (b) not exceed 0.733 hectares.	At all times
2.	Built infrastructure, other than for roads, fences and underground services, must not be established, constructed or located within Area C(C ¹) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2404-40195 SRA, Sheet 1 of 1, version 1, and (ii) Attachment to Vegetation Management Plan VMP 2404-40195 SRA Derived Reference Points for GPS.	At all times
3.	Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matters of state environmental significance being: (a) 0.764 hectares of Essential Habitat for Palm cockatoo (<i>Probosciger aterrimus macgillivrayi</i>) in regional ecosystem 3.5.3/3.5.5.	Prior to submitting the Plan of Survey to the local government for approval
4.	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—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.
Clearing of native vegetation	
2.	To request an electronic file of the GPS coordinates/Derived Reference Points contained in an Attachment of this decision notice, email a request to the Department of Resources at vegetation.support@resources.qld.gov.au include application reference 2404-40195 SRA .
3.	<u>Existing exemptions for clearing native vegetation</u> Schedule 21 of the Planning Regulation 2017 prescribes what is exempt clearing work for operational work that is clearing native vegetation that is necessary for essential management. Essential management is defined in Schedule 24 of the Planning Regulation 2017 and includes clearing native vegetation for establishing or maintaining necessary firebreaks. Essential management exemptions could already be applied to the part of the lot the subject of this development application that is zoned under the Northern Peninsula Area Regional Council Planning Scheme as Township zone.

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:

SARA has assessed the development against State code 16: Native vegetation clearing of the State Development Assessment Provisions (SDAP) and found that with conditions, the proposed development complies with the relevant performance outcomes. Specifically, the proposed development:

- where possible, minimises clearing vegetation to:
 - o conserve vegetation
 - o avoid land degradation
 - o avoid the loss of biodiversity
 - o maintain ecological processes
- sustainably manages the impacts of the clearing on regional ecosystems, biodiversity and ecological processes
- results in an acceptable significant residual impact on a matter of state environmental significance; an offset condition is provided.

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)



AGENDA ITEM 6.6
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

Title of Report: DA 2023_0023 Mooka Street Umagico Material Change of Use

Agenda Item: 6.6

Classification: For Decision

Author Executive Manager, Operations

Attachments Attachment A Planning Assessment Report
Attachment B Draft Decision Notice

Officers Recommendation:

That Council:

Approve a Development Permit Enabling a Residential Development at Namok Road, Umagico:

- i) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over part of Lot 58 SP323446.
- ii) Creating a New Road

Subject to the below conditions:

CONDITIONS OF APPROVAL				TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1.The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2.The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3.The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.				At all times
2. Currency Period 2.1. The applicable currency periods are: 2.1.1.Reconfiguring a Lot - 6 Years				As per condition
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:				At all times
Plan / Document Nam		Drawing Number	Sheet / Ref	Date/DWG
Umagico Stage 3 Mooka Street Concept 2c		AU012154-2	C	17/06/2024
Plan of Roads to be surrendered		AU012154-4	A	24/06/2024
3.2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail. 3.3. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.				
4. Construction 4.1. Any construction work associated with this development shall be carried out in accordance with sound engineering practice. 4.2. No nuisance is to be caused to adjoining properties by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.				At all times

<p>4.3. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>4.4. Where material is spilled or carried on to existing roads or shared paths, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>4.5. Stormwater will be managed during construction in accordance with FNQROC Development Manual standards and a Soil and Erosion Management Plan to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p> <p>4.6. A Traffic Management Plan is to be completed prior to commencement of construction and to the satisfaction of the Chief Executive Officer.</p>	<p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>
<p>5. Damage to Infrastructure</p> <p>5.1. In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.</p> <p>5.2. All works must be completed prior to the issue of a Compliance Certificate, Building Act.</p>	<p>At all times</p> <p>As per condition</p>
<p>6. Drainage</p> <p>6.1. The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.</p> <p>6.2. Any works as a result of development must not interfere with natural stormwater flow over or through the land.</p> <p>6.3. A Drainage Management Plan must be provided, compliant with FNQROC Development Manual standards, Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>6.4. An appropriate Stormwater Quality Management Plan (SQMP) must be developed for the site that provides for achievable stormwater quality treatment measures in accordance with FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p>	<p>At all times</p> <p>Prior to the start of any works on the site.</p> <p>Prior to the start of any works on the site.</p>
<p>7. Access</p> <p>7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use.</p>
<p>8. Infrastructure Services</p> <p>8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice.</p> <p>8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence.</p> <p>8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p>

<p>8.4. Electricity provision certificate must be provided to the Local Authority.</p> <p>8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer.</p> <p>8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.</p> <p>8.7. Operational Works application(s) is required for the construction of the development is to be undertaken.</p>	As per condition
<p>9. Fire Hydrants, Fire Management and Emergency Access</p> <p>9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer.</p> <p>9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours.</p> <p>9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes.</p> <p>9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.</p>	<p>Prior to the commencement of the use</p> <p>At all times</p>
<p>10. Acid Sulfate Soils</p> <p>10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants.</p> <p>10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.</p>	Prior to the commencement of the use.
<p>11. Bushfire Management</p> <p>11.1. Structures must be designed to the required Bushfire Attack Level (BAL) requirements.</p>	At all times

Reasons for Decision:

As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

PURPOSE OF REPORT

The purpose of the report is obtain a Development Permit as reflected in the table below.

Proposal
Reconfiguring a Lot (Subdivision) <p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over part of Lot 58 SP323446 for the development of a residential development referred to as the 'Namok Road residential development'.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> • A subdivision of 1 lot into 9 lots. • The newly created allotment is between 1,000m² and 1,283m². The average lot size as required in the planning scheme is 800m².

BACKGROUND AND CONTEXT

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting on behalf of Northern Peninsula Area Regional Council. Engaged by RPS AAP Consulting Pty Ltd to prepare a Development Application for a Development Permit Reconfiguring a Lot (Subdivision) of Lot 58 on SP323446 (1 Lot Into 9 Lots). Enabling a Residential Development at Namok Road, Umagico

A Public Notification period was not required.

DTATSIPCA RILIPO staff have completed a full planning assessment report, report attached (Attachment A). DTATSIPCA RILIPO staff are in attendance at the Special Council Meeting on Thursday 29th of August 2024, to present the assessment report.

The draft Decision Notice is also attached (Attachment B) for Council information.

A community meeting was held

CRITICAL DATES

Decision Making Period (extended) Concludes on the 13th of September 2024.

OTHER OPTIONS CONSIDERED

N/A.

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Corporate Plan objective *“Increase the number of social houses available for allocation in the NPA”*.

FINANCIAL AND RESOURCE CONSIDERATIONS

Costs associated with the development application and assessment were covered by DTATSIPCA Cairns Office.

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (*LGIP*).

CONSULTATION

DTATSIPCA RILIPO.

DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED RECONFIGURING A LOT AT UMAGICO, NORTHERN PENINSULA AREA.

SECTION 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (SUBDIVISION) ON LOT 58 ON SP323446 FOR A RESIDENTIAL DEVELOPMENT AT NAMOK ROAD, UMAGICO, NORTHERN PENINSULA AREA.

Strategic Considerations

Council assessed the application to be compliant with its Corporate Plan objective “Increase the number of social houses available for allocation in the NPA”.

Budget, Financial and Resource Implications

The application does not trigger infrastructure charges under Council’s Local Government Infrastructure Plan (*LGIP*).

Asset Management

Not Applicable.

Executive Summary


Council is in receipt of a development application for:

- i) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over Lot 58 on SP323446.
- ii) Creating a New Road

(Attachment B, Locality Plan)

The proposed development is assessment provisions are set out in the tables below and is assessable development in accordance with the provisions of the planning scheme and the *Planning Act 2016*.

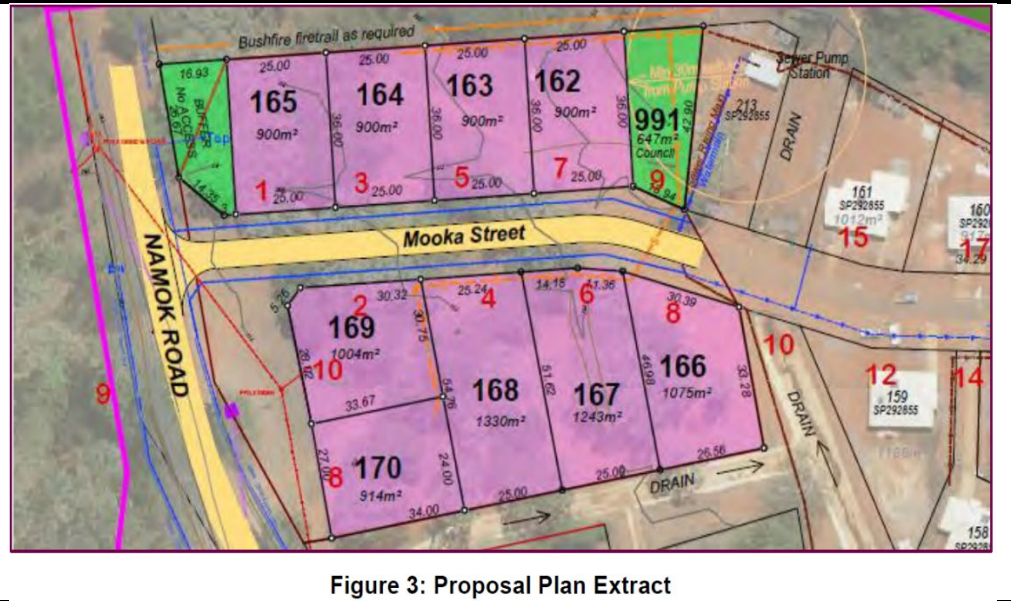
Application	
Applicant:	Northern Peninsula Area Regional Council Development application prepared by RPS AAP Consulting Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Proposed Development:	Reconfiguring a Lot (Subdivision) of Lot 58 on SP323446 (1 Lot Into 9 Lots). Enabling a Residential Development at Namok Road, Umagico
Type of Approval sought:	Development Permit

Site Details Summary	
Street Address:	Namok Road, Umagico, Northern Peninsula Area
RP Description:	Lot 58 SP323446
Land Area:	4.688 ha
Lease Area:	n/a
Existing Use of Land:	The portion of the site which is the subject of this application is vacant land with some vegetation scattered throughout the site. The location of the proposed development area is within a previously disturbed portion and is located at Namok Road within a predominantly residential development.
Locality Plan:	 <p>Figure 1: Site Location</p>

Development Summary	
Number of Lots:	9
Lot sizes:	A range of lot sizes between 1,000m ² and 1,283m ²
Stages:	n/a

Development Plans

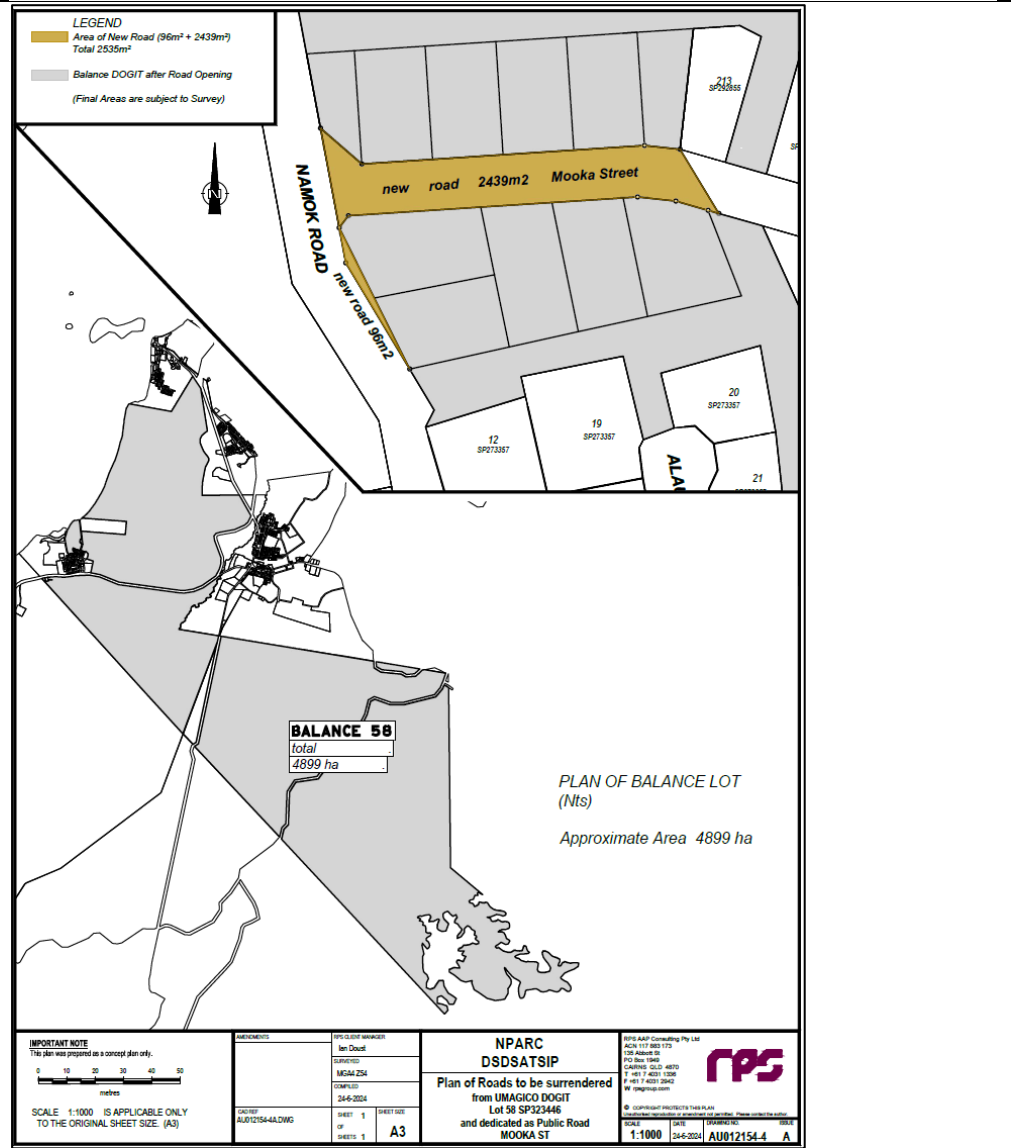
Proposed Development Plan:


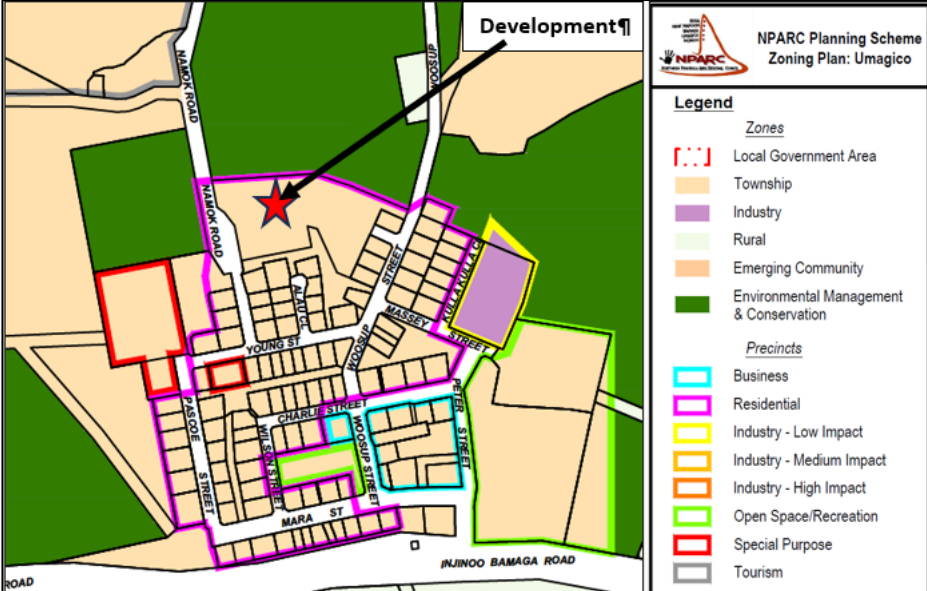



LEGEND

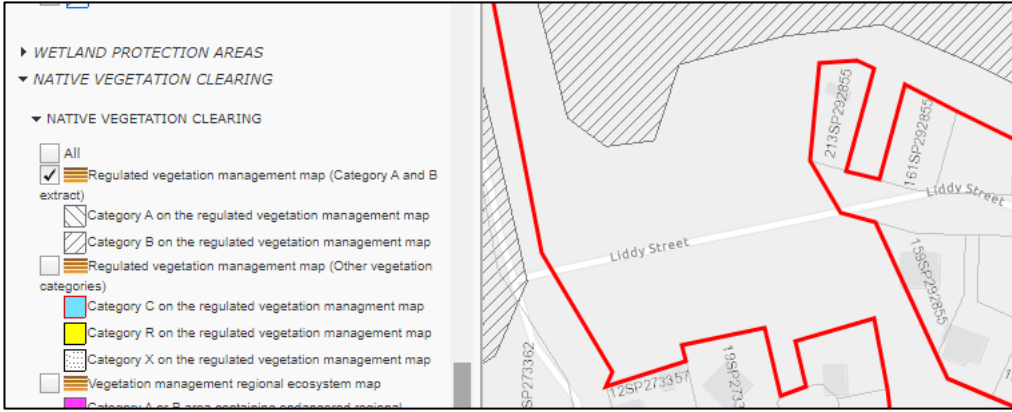
Area of New Deal (26 mi² x 2,400 mi²)

New Road Plan:



Local Plan Summary	
Local Plan:	Northern Peninsula Area Regional Council Planning Scheme, 2018
Strategic Framework:	<p>Urban Development</p> 
Zoning:	<p>Township zone, Residential Precinct</p> 
Codes	<ul style="list-style-type: none"> • Township Zone Code • Reconfiguring a Lot Code
Overlays:	<ul style="list-style-type: none"> • Biodiversity Overlay Code • Airport Overlay Code • Natural Hazards Overlay Codes <ul style="list-style-type: none"> ▪ Bushfire
Level of Assessment:	Code Assessable

Master Plan Summary	
Master Plan:	<p>NPARC Master Plan 2020</p> 
Land Use:	The Master Plan indicate the area to be developed for residential purposes
Assessment:	The proposed development is compliant with the visions and aspirations of the community as reflected in the Master Plan.

State Requirements Summary	
Regional Plan:	The Cape York Regional Plan (August 2014) indicate the development area as - Priority Living Area
State Planning Policy (SPP) & DAMS Mapping:	<p>The development is not located in a biodiversity area.</p> 
Pre-lodgement:	n/a
Referral:	n/a
State Development Assessment Provisions (SDAP):	n/a

IMPACT ASSESSMENT CONSULTATION	
Consultation Period:	n/a, Code assessment application
Submissions:	n/a
Assessment:	n/a

The proposal seeks to obtain a Development Permit as reflected in the table below.

Proposal
Reconfiguring a Lot (Subdivision) <p>The proposed development is for the Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over part of Lot 58 SP323446 for the development of a residential development referred to as the 'Namok Road residential development'.</p> <p>It is proposed to subdivide a portion of the subject site for the purposes of creating:</p> <ul style="list-style-type: none"> • A subdivision of 1 lot into 9 lots. • The newly created allotment is between 1,000m² and 1,283m². The average lot size as required in the planning scheme is 800m².

The proposal can be considered to be generally in accordance with the following outcomes of the Northern Peninsula Area Regional Council Planning Scheme 2018, in particular the proposed development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

For Council Decision – Recommendation

That Council approve a Development Permit Enabling a Residential Development at Namok Road, Umagico:

- Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over part of Lot 58 SP323446.
- Creating a New Road

Subject to the below conditions:

CONDITIONS OF APPROVAL	TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.	At all times
2. Currency Period 2.1. The applicable currency periods are: 2.1.1. Reconfiguring a Lot - 6 Years	As per condition
3. Approved Site Drawings/Plans 3.1. The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:	At all times

CONDITIONS OF APPROVAL	TIMING
8. Infrastructure Services 8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice. 8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence. 8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence. 8.4. Electricity provision certificate must be provided to the Local Authority. 8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer. 8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority. 8.7. Operational Works application(s) is required for the construction of the development is to be undertaken.	Prior to the commencement of the use As per condition
9. Fire Hydrants, Fire Management and Emergency Access 9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer. 9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours. 9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes. 9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.	Prior to the commencement of the use At all times
10. Acid Sulfate Soils 10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
11. Bushfire Management 11.1. Structures must be designed to the required Bushfire Attack Level (BAL) requirements.	At all times

Reasons for Decision:

As discussed within this report, the proposed development is considered to be generally in accordance with the following relevant overall outcomes.

The development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

Summary

The proposed development is considered to be generally in accordance with the overall outcomes of the Northern Peninsula Area Regional Council Planning Scheme.

Historical Information

Nil

Policy Implications

Nil

Risk Management Implications

The only hazard that is triggered for the development area is a potential bushfire hazard impact area. Bushfire mitigation plans and bushfire clearances will be applicable when the development occurs.

Statutory Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules – version 1.3 published 02 September 2020 and commenced 11 September 2020

State Planning Policy – July 2017

Northern Peninsula Area Regional Council Planning Scheme 2018.

NPARC Master Plan 2020.

Consultation

- Council
-

Attachments	
Attachment A:	Application Assessment
Attachment B	Locality Plan
Attachment C:	Development Plan
Attachment D:	Road Plan

Decision Making Period

Assessing and deciding on applications period as set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 & 61(3));

- 10 Business Days for a Confirmation Notice from date after receiving an application; and
- 40 Business Days for a Referral Response from date after referral of an application; and
- 35 Business Days from date of Referral Response received or impact consultation completed the application must be assessed and a decision made.
- 5 Business Days from date of a decision made the Decision Notice must be mailed out.

Note: Public Holidays and close down periods are excluded from Business Days.

PLEASE NOTE

If no decision has been made within the relevant Decision-Making period the application is Deemed Approved with Ministers Conditions applicable.

IDAS item	Date
Application lodged with Council	08/07/2024
Action Notice Issued	n/a
Confirmation Notice Issued	08/07/2024
Referrals Information Received	n/a
Impact Consultation period	n/a
<i>Planning Act 2016</i> - Decision Making Period Concludes	26/08/2024
Applicant agreed Decision Making Period Extension Concludes	13/09/2024
Council Meeting	29/08/2024
Decision Notice preparation and mail-out Period Concludes	5/09/2024

Assessment against relevant legislation.

The development proposal is determined to be Assessable Development.

Legislation / Policy	Assessment Trigger	Assessment
Northern Peninsula Area Regional Council Planning Scheme 2018	✓	The Assessment Manager is the Northern Peninsula Area Regional Council (NPARC) as determined by Schedule 8 of the Planning Regulation 2017. Under the Planning Act 2016.
• Code Assessment	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant codes making the decision pursuant to section 60 of the Planning Act 2016, are outlined in 45(3) and s26 to 28 of the Planning Regulations 2017.
• Impact Assessment	✗	n/a
• Public Notification	✗	n/a
NPARC Master Plan 2020	✓	Council as the Assessment Manager will undertake assessment of the application against the relevant projects listed in the master plan making the decision pursuant to the relevant council policy.
State Interests	Assessment Trigger	Assessment
• State Assessment and Referral Agency (SARA)	✗	n/a
• State Development Assessment Provisions (SDAP)	✗	n/a
• State Planning Policy (SPP)	✗	n/a

<ul style="list-style-type: none"> Regional Plan <ul style="list-style-type: none"> Cape York Regional Plan (CYRP), 2014 	✖	The development site at Umagico is within the “Priority Living Area” as identified in the CYRP. No further assessment of the application against the CYRP is required.
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Assessment against the Northern Peninsula Area Regional Council Planning Scheme 2018 provisions.

Detailed assessment of the proposed development against the *Specific Benchmarks* for applicable codes is reflected in the Development Application.

An assessment against the applicable *Purpose and Overall Outcomes* provisions has been undertaken as reflected hereunder:

Proposed Use	Zoning	Precinct	Zone Codes	Overlay Maps
Residential Development	Township	Residential	Township Zone Code Reconfiguring a Lot Code	Airport Overlay Code Natural Hazards Overlay Codes <ul style="list-style-type: none"> Bushfire

Northern Peninsula Area Regional Council Planning Scheme 2018

Township Zone Code

Purpose	Assessment
<p>The purpose of the township zone is to provide for:</p> <ul style="list-style-type: none"> (a) small to medium urban areas in a rural or coastal area; and (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential and retail uses and activities and (c) tourist attractions and short-term accommodation, if appropriate for the area. 	<p>The application seeks a variation request to change the intended land use of the site to residential purposes.</p> <p>The subdivision layout and design incorporates a mix of lot sizes allowing for the design and construction of a diverse range of dwelling types and provides sufficient room for pedestrian, vehicle and cyclist movements.</p>

Reconfiguring a Lot Code

Purpose	Assessment
<p>The purpose of the Reconfiguring a Lot code is to provide detailed standards for assessing reconfiguration, to ensure that development is appropriately located, considers constraints, is able to be efficiently serviced and promotes best practice standards.</p>	<p>The proposed development complies with the average lot size of 800m² in providing a range of lot sizes between 1,000m² and 1,283m².</p> <p>The proposed development complies with the liveability principles with existing social / community services available in Umagico.</p> <p>The proposed development complies with the convenience and comfortable walking provisions as:</p> <ul style="list-style-type: none"> The proposed road layout is consistent with the pattern of development within the existing township and provides an extension of the grid-like pattern, There is ample space with the road reserve to provide for footpaths. The provision of street trees can be provided in accordance with councils policy, where considered reasonable considering climatic conditions. The proposed road width is sufficient to accommodate footpaths either side of the road, should Council seek to provide such. However, Council have advised that most roads in the township are used as shared path for vehicles and pedestrians.

Operational Works Code	
Purpose	Assessment
<p>The purpose of the operational works code is to:</p> <ul style="list-style-type: none"> (a) Ensure that development is provided with adequate infrastructure and services; (b) Manage the impact of development on the environmental values identified in the Council area. 	<p>This application does not include subsequent operational works or buildings works applications that may be required under the Planning Act 2016 or Building Act 1975 to deliver the proposed subdivision.</p> <p>Operational Works application(s) is required when funding for the construction of the development become available.</p>

Airport Overlay Code	
Purpose	Assessment
<p>The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> (a) conflicts between the NPA Airport and surrounding uses are avoided unless, where practicable, adequate mitigation measures are incorporated into the development; (b) the safe and efficient airport operations are protected. 	<p>The site is within the 13km Wildlife Buffer Area of the NPA Airport</p> <p>The proposed development is for a residential subdivision at Umagico. It is not of a scale or type that will affect the airport operations.</p>

Natural Hazards Overlay Code (Bushfire)	
Purpose	Assessment
<p>The purpose of the Natural Hazards Overlay Code – Bushfire is to ensure that risk to life, property, and the environment as a result of bushfire is mitigated to an acceptable or tolerable level.</p>	<p>The development is located adjacent to a Bushfire risk area. The development is designed to mitigate bushfire risk. Structures will be designed to the required Bushfire Attack Level (BAL) requirements.</p>

Assessment against the Northern Peninsula Area Regional Council Master Plan 2020.

Detailed assessment of the proposed development against the *Visions and Aspiration* as reflected in the Master Plan is reflected in the Development Application.

An assessment against the applicable *Visions & Aspirations* provisions has been undertaken as reflected hereunder:

Vision	Aspiration	Assessment
Liveable communities & housing	Housing supply & diversity	The development area is earmarked in the Master Plan for Residential development. The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy.
	Liveable communities	The proposed development is an extension of the Umagico urban area with access to social / community services.
Economic Growth	Investment & employment	The development will create opportunities for short and longer term construction investment and employment.
Environment	Biodiversity	The proposal maximises the use of existing cleared and non-remnant vegetation.
Cultural Heritage	Cultural	Cultural protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander places of significance.
	Heritage	Heritage protocols will be applicable during the construction phase of the development to ensure the protection of Aboriginal & Torres Strait Islander artifacts.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of Umagico.
Resilient development	Natural hazards, risk & resilience	The development is located adjacent to a Bushfire risk area. The development is designed to mitigate bushfire risk. Structures will be designed to the required Bushfire Attack Level (BAL) requirements.

Assessment against the State Planning Policy 2017 provisions.

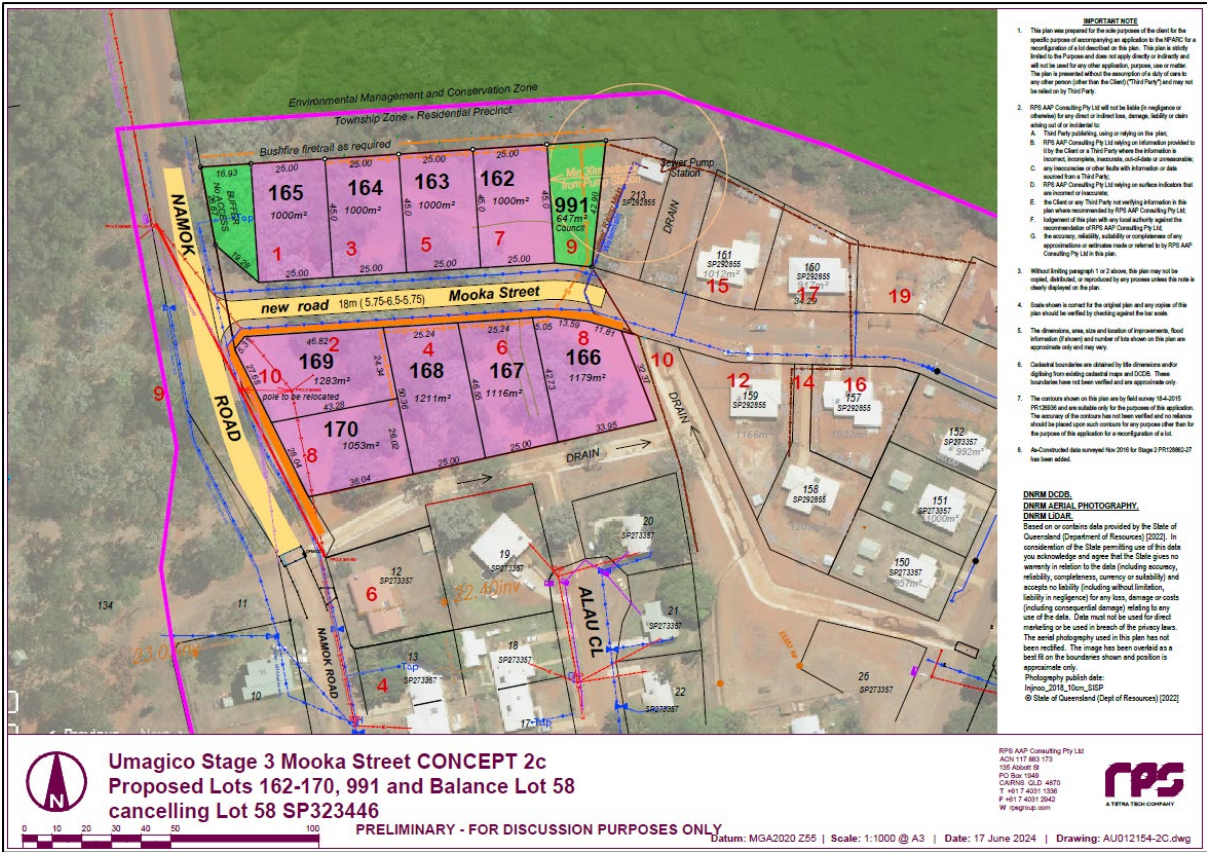
Assessment of the proposed development against the **SPP Policies** as reflected in the Development Application.

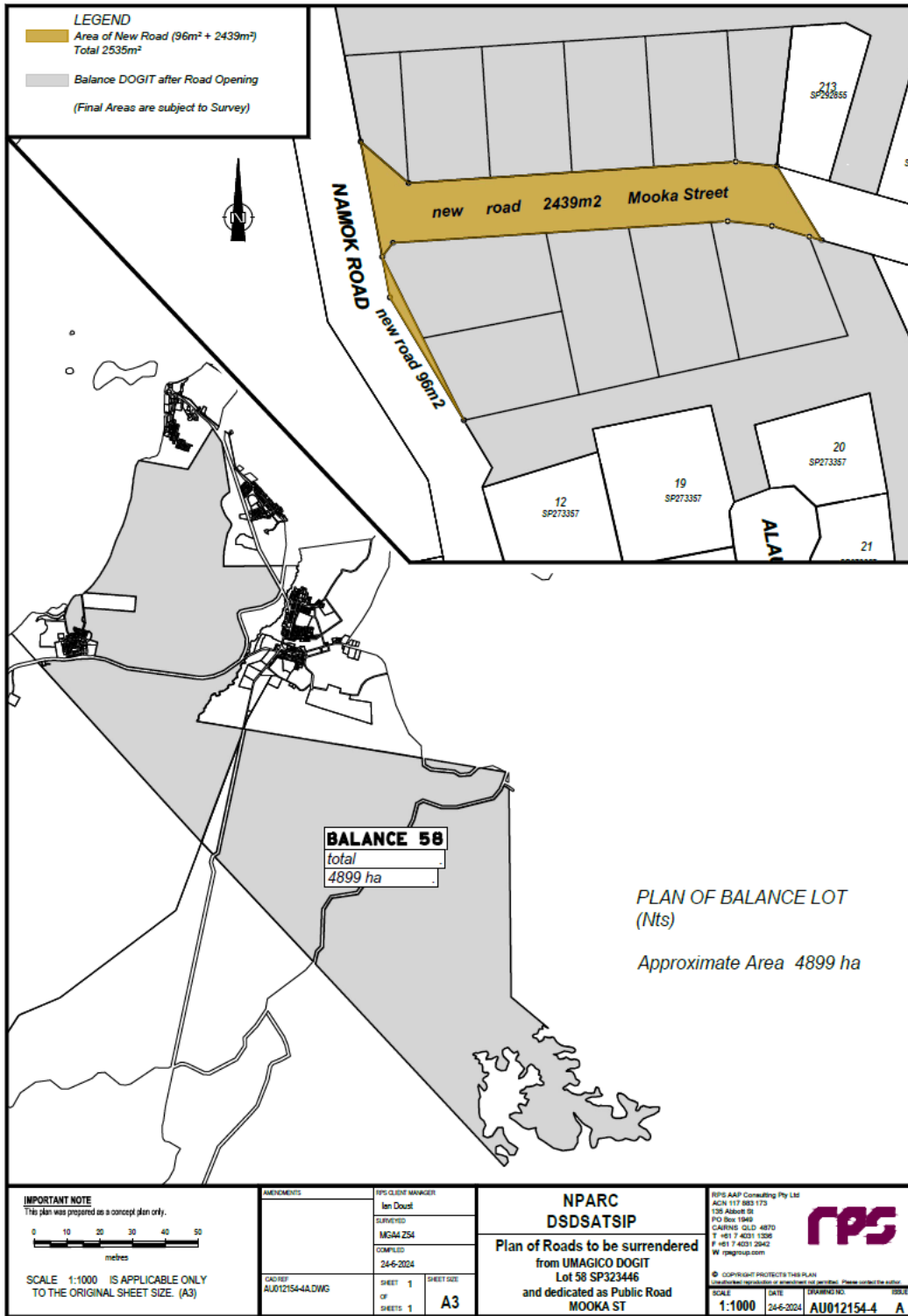
An assessment against the applicable **State Interest** provisions has been undertaken as reflected hereunder:

Policy	State Interests	Assessment
Liveable communities & housing	Housing supply & diversity	The proposed development provides for a mix of lot sizes and dwelling types, including Dwelling Houses and Dual Occupancy, for the purposes of social housing.
	Liveable communities	The proposed development is an extension of the Umagico urban area with access to social / community services.
Economic Growth	Agriculture	The land is currently vacant, vegetated and has not been used for agricultural purposes or intended to be used for agricultural purposes in the NPARC Master Plan 2020.
	Development & construction	The development will create opportunities for short and longer term construction work that could have a positive impact on the economy of the region.
Environment & Heritage	Biodiversity	The proposal maximises the use of existing cleared non-remnant vegetation.
	Water quality	Stormwater management design objectives including erosion and sediment control at construction and post-construction phase is included in conditions of approval.
Infrastructure	Infrastructure integration	The proposed development is located in proximity to existing infrastructure adjacent to the township of Umagico. The proposed development has access to reticulated water services. Water for Umagico is sourced from the Jardine River. Water is pumped 15 kilometres to the treatment plant in Bamaga where it is filtered and disinfected (chlorinated) thereafter pumped to reservoirs at each community.
	Transport infrastructure	The proposed development is located in close proximity to the township of Umagico, which is provided with appropriate transport infrastructure.
Safety & resilience to hazards	Natural hazards, risk & resilience	The development is located adjacent to a Bushfire risk area. The development is designed to mitigate bushfire risk. Structures will be designed to the required Bushfire Attack Level (BAL) requirements. Whilst the site is not mapped, adjoining land has the potential to be hazards from a bushfire perspective, Bushfire mitigation measures, including asset protection zones (i.e. separation from vegetation) were considered as part of the development layout to assist with mitigating the risk to people and property from bushfire.



Figure 1: Site Location





Our Ref: DA2023_023
Your Ref: R82594

Xx August 2024

Commented [GV1]: Signature date to be inserted.

Northern Peninsula Area Regional Council C/- RPS AAP Consulting Pty Ltd

Delivery via email: ian.doust@rpsgroup.com.au & gerhard.visser@dssdatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 of the Planning act 2016, Development Permit for Reconfiguring a Lot (Subdivision) on lot 58 on SP323446 for a residential development at Namok Road, Umagico, Northern Peninsula Area.

The application dated 11 July 2024 seeking approval for the following is noted:

- (i) A development permit for
- (ii) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over Lot 58 on SP323446.
- (iii) Creating a New Road

Please be advised that your application was assessed and considered at Council's schedule meetings held on 22 August 2024.

Commented [GV2]: Council meeting date to be inserted.

Council resolved to:

Approve (subject to conditions) the Development Application lodged with Council for:

- (i) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over Lot 58 on SP323446.
- (ii) Creating a New Road

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely

Kate Gallaway
CHIEF EXECUTIVE OFFICER
Northern Peninsula Area Regional Council
Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2023_023
Applicant Details	RPS AAP Consulting Pty Ltd on behalf of The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), Remote Indigenous Land and Infrastructure Program Office (RILIPO) acting for the Northern Peninsula Area Regional Council.
Property Description	Lot 58 on SP323446
Proposal	(i) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over Lot 58 on SP323446. (ii) Creating a New Road For a Residential Development at Namok Road, Umagico
Level of Assessment	Code

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has Not been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	22 August 2024
Decision Type	Development Permit
Planning Instrument	Northern Peninsula Area Regional Council Planning Scheme, 2018
Submissions	Nil
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
SARA response and conditions reference 2403-39444 SRA dated 16 April 2024	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
<i>Building Act 1975</i> <i>Plumbing & Drainage Act 2018</i> <i>Planning Act, 2016</i> Operational Works permit	
RIGHTS OF APPEAL	
The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).	
<u><i>Appeal by an applicant</i></u>	
An applicant for a development application may appeal to the Planning and Environment Court against the following:	
<ul style="list-style-type: none">The refusal of all or part of the development application;A provision of the development approval;The decision to give a preliminary approval when a development permit was applied for; andA deemed refusal of the development application.	
An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the <i>Planning Act 2016</i> .	

Commented [GV3]: Council meeting date to be inserted

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- Any part of the development application that required impact assessment; and
- A variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

APPROVAL CURRENCY PERIOD

Pursuant to s46(8) of the *Planning Act 2016*, the development approval will lapse as reflected in the conditions of approval.

APPROVED PLANS & SPECIFICATIONS

Copies of the approved plans, specifications and/or drawings are attached.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63 (5) and s83 (7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:

- The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given then in the Planning Act 2016.

REASONS FOR THE DECISION

The proposed development:

- Is located generally in accordance with the urban footprint.
- Is located outside the Hazard impact areas.
- Is of a size that is adhering to the planning scheme.
- Existing urban infrastructure is available near the site, thus allowing development to proceed in an efficient, sustainable and cost-effective manner.
- Will assist in the reducing overcrowding, providing alternative dwelling types and increase the availability of residential land.

SCHEDULE OF CONDITIONS

Applicable to the following Section 63 of the *Planning Act 2016*, approvals:

- i) Reconfiguring a Lot (Subdivision) (1 Lot Into 9 Lots) over Lot 58 on SP323446.
- ii) Creating a New Road

Subject to the below conditions:

CONDITIONS OF APPROVAL	TIMING
1. Administration 1.1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1.1. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; 1.1.2. The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual; 1.1.3. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.	At all times

CONDITIONS OF APPROVAL	TIMING
7.1. Access provision to the development (lots) must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.	Prior to the commencement of the use.
8. Infrastructure Services 8.1. Road and shared paths are to be provided in accordance with FNQROC Development Manual standards and sound engineering practice. 8.2. Water Supply connection or suitable alternative adequate water supply must be provided to site/s in accordance with FNQROC Development Manual standards or demonstrate that such is already in existence. 8.3. Sewer connection or suitable alternative on-site treatment in accordance with FNQROC Development Manual standards must be provided to sites or demonstrate that such is already in existence. 8.4. Electricity provision certificate must be provided to the Local Authority. 8.5. Lighting is to be provided in accordance with FNQROC Development Manual standards and sound engineering practice and to the satisfaction of the Chief Executive Officer. 8.6. Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority. 8.7. Operational Works application(s) is required for the construction of the development is to be undertaken.	Prior to the commencement of the use As per condition
9. Fire Hydrants, Fire Management and Emergency Access 9.1. Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently or demonstrate that such is already in existence, or an alternative provided to FNQROC Design Standards or Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer. 9.2. Fire Hydrants are to be suitably identified so that fire services can locate them at all hours. 9.3. Fire Services are to be provided in accordance with FNQROC Development Manual standards and the water supply must be reliable and have sufficient flow and pressure requirements for fire-fighting purposes. 9.4. Water supply to ensure adequate and accessible water supply for firefighting purposes must be provided to the Local Authority or demonstrate that such is already in existence.	Prior to the commencement of the use At all times
10. Acid Sulfate Soils 10.1. Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 10.2. Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
11. Bushfire Management 11.1. Structures must be designed to the required Bushfire Attack Level (BAL) requirements.	At all times



AGENDA ITEM 7
SPECIAL COUNCIL MEETING
Thursday 29th August 2024
Bamaga Boardroom

7. Close of Meeting