

APPENDIX E

State Planning Assessment

Prepared by:

Property Projects Australia

Table 8 – Response to State Assessment Benchmarks / Matters

Matter / Benchmark	Response
Prohibited Development:	The development is not prohibited development, as established giving consideration to all relevant instruments which can provide prohibitions under the Planning Act 2016 and Planning Regulation 2017. Therefore, the applicant has the right to make a development application under Section 50 of the Planning Act 2016.
Schedule 9 and Schedule 10 of the Planning Regulation 2017:	<p>The referral requirements under the Planning Regulation 2017 have been reviewed. Based on this review, the development application requires referral based on the following:</p> <ul style="list-style-type: none"> ■ Material Change of Use within 100m of a substation site (Schedule 10, Part 9, Division 2, Table 2).
Referral Agency:	Energex
Regional Plan:	The subject site is located within the priority living area (PLA) of the Cape York Regional Plan. The development is consistent with the intent of the Cape York Regional Council as it purposes a use consistent with the land use intent for the priority living area and causes no potential impacts to regional interests, given its location within a predominantly urbanised area.
State Planning Policy (“SPP”):	<p>The subject site is mapped as being affected by the following interests under the State Planning Policy:</p> <ul style="list-style-type: none"> ■ Agriculture <ul style="list-style-type: none"> ○ Important Agricultural Areas ■ Biodiversity <ul style="list-style-type: none"> ○ MSES – Wildlife Habitat (Endangered Or Vulnerable) ○ MSES – Wildlife Habitat (Special Least Concern Animal) ○ MSES – Regulated Vegetation (Essential Habitat) ■ Natural Hazards Risk and Resilience <ul style="list-style-type: none"> ○ Flood Hazard Area - Local Government Flood Mapping Area ○ Bushfire Prone Area <p>As identified at s2.1 of the planning scheme, the interests under the State Planning Policy are not appropriately integrated into the planning scheme and, therefore, a detailed assessment is provided below:</p> <ul style="list-style-type: none"> ■ The sites inclusion within an Agricultural Land Classification is an error where the area is an urban locality within no agricultural potential. To this end, the proposed development will not impact on the productive capacity of agricultural assets.

Matter / Benchmark	Response
	<ul style="list-style-type: none"> ■ The site is located within the Biodiversity Overlay and a response to the corresponding code has been undertaken at Appendix G. ■ The site is located within the Bushfire Hazard Overlay and a response to the corresponding code has been undertaken at Appendix G. ■ The site is not located within the Flood and Other Coastal Hazards Overlay Code under the planning scheme.
Temporary State Planning Policy:	The development application is not currently affected by a Temporary State Planning Policy.
The Designation for a Designated Premises:	The premises are not the subject of an infrastructure designation.
Lawful Use of Premises or Adjacent Premises:	The proposed development will not impact on the lawful use of adjoining premises or the site.
Common Material:	<p>With respect to the definition of common material provided in the Planning Regulation 2017, the material provided as part of this development application is considered to be sufficient to allow the assessment manager to assess and decide the development application.</p> <p>The development application involves assessable development subject to impact assessment and, therefore, a properly made submission may be made to the assessment manager during the public notification period. Any submissions will be considered at the end of the public notification period.</p> <p>We note that no infrastructure agreement applies to the premises.</p>