

**DELEGATED REPORT**

**SUBJECT:** T SHORT - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) AND ACCESS EASEMENT - LOT 784 ON N157259 - SPEEWAH ROAD, KURANDA - RAL/18/0022

**DATE:** 9 April 2019

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	T Short	<b>ADDRESS</b>	Speewah Road, Kuranda
<b>DATE LODGED</b>	29 June 2018	<b>RPD</b>	Lot 784 on N157259
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots) and access easement		

<b>FILE NO</b>	RAL/18/0022	<b>AREA</b>	207.503 hectares
<b>LODGED BY</b>	N Beck	<b>OWNER</b>	T & E Short & T O'Neill
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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

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**EXECUTIVE SUMMARY**

*Council is in receipt of a development application described in the above application details.*

*The application is code assessable and was not required to undergo public notification.*

*It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.*

*Draft conditions were provided to the applicant and have been agreed.*

*It is recommended that the application be approved in full with conditions.*

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T Short	ADDRESS	Speewah Road, Kuranda
DATE LODGED	29 June 2018	RPD	Lot 784 on N157259
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots) and access easement		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots) and access easement

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1400-C01 Amdt A	Proposed Rural Subdivision	Jim Papas Civil Engineering Designer Pty Ltd	18.12.18

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

### 3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition within these conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.7 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

#### 3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

### 4. Infrastructure Services and Standards

#### 4.1 Access

- 4.1.1 A single sealed access crossover must be constructed to service both proposed lots (from the edge of Speewah Road for a distance of at least ten (10) metres) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

- 4.1.2 From the end of the sealed access crossover required under 4.1.1, an access driveway is to be constructed within road reserve to the boundary of proposed Lot 25. The access driveway must have a gradient generally compliant with AS2890 and be engineered with appropriate surface treatment/s to ensure the access is safe.
- 4.1.3 The access driveway and sealed access crossover must be designed and constructed to ensure:
- Stormwater does not adversely impact on Speewah Road with respect to discharge and velocities and sediment deposits;
  - Does not create scouring on the downslope side of the access driveway where stormwater is being concentrated and discharging across the driveway; and
  - The sealed access crossover accommodates the existing drainage regime. A floodway type access (Standard Drawing S1105) may be appropriate.
- 4.1.4 The access track to proposed Lot 27, within the proposed easement, must be constructed to a gravel all-weather standard, to the satisfaction of Council's delegated officer.
- 4.1.5 The sealed access crossover and access driveway must be designed and certified by an RPEQ to ensure they are safe and drainage matters have been appropriately addressed. A copy of the RPEQ design and certification must be provided to Council's delegated officer.

The driveway must be constructed in accordance with the RPEQ certified plan and the supervising RPEQ must provide certification that the driveway has been constructed in accordance with the certified plan.

#### 4.2 Access and Services Easement

An access and services easement must be established within proposed Lot 25 in favour of proposed Lot 27. Easement documents must be made available to Council for review prior to the endorsement of the plan of survey.

#### 4.3 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

#### 4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of \$4,585.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$4,585.00 per additional lot)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered easement over the subject land

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject land is described as Lot 784 on N157259 and is situated immediately south of the Cardinia Estate Subdivision at Speewah.

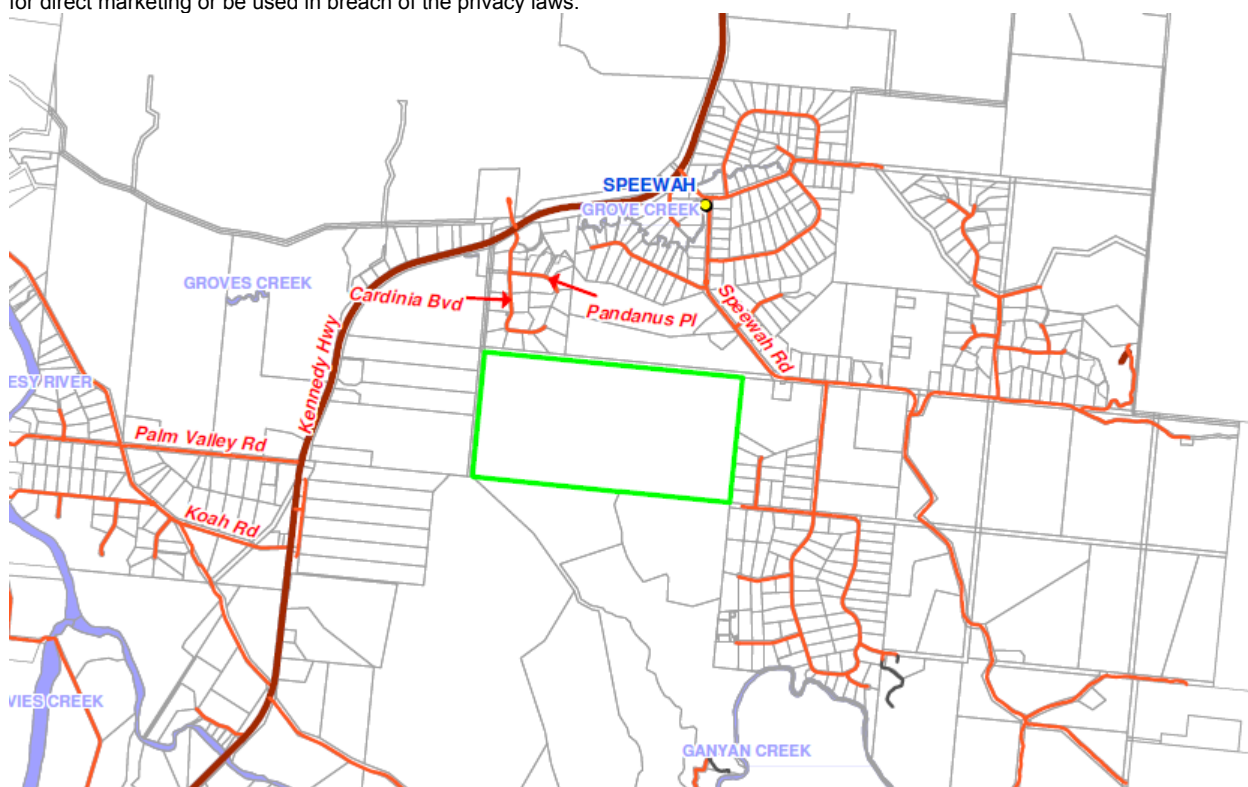
The land has an area of 207.5 hectares with approximately 3 kilometres of combined frontage to unconstructed road reserves along its northern and western boundaries. The land does not have any frontage to a constructed road.

A reasonable standard dirt track provides access to the north-western corner of the subject land via road reserve connecting back to Cardinia Boulevard. Access is also available to the north-eastern corner of the subject land via a steep track connecting to Speewah Road.



**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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The topography of the area is dominated by several major ridges and a central valley that traverse the site in a north-south direction. Numerous small hills and gullies provide the site with a very rugged terrain.

The relief of the subject land is approximately 215 metres, rising from 400 AHD metres at the north-western corner to 615 AHD at the south-western corner. The eastern part of the subject land experiences a lesser change in elevation rising from 480 AHD in the north-eastern corner to several peaks of approximately 560 AHD.

Practically all of the subject land remains covered by remnant vegetation. This vegetation is an approximately even split of *least concern regional ecosystem* and *of concern regional ecosystem*. Approximately two thirds of the subject land is mapped as *essential habitat*.

The land is currently used for rural living purposes and has previously been used for some grazing purposes. It is adjoined by rural residential development to the north and east and large rural living properties to the west and south.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

N/A

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots) and access easement in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 25 - approximately 104 hectares, 1,265.9 metres frontage to unconstructed road reserve;
- Lot 27 - approximately 104 hectares, 1,811.65 metres frontage to unconstructed road reserves.

Both allotments will be accessed from Speewah Road via a driveway located within the unconstructed road reserve. An access and services easement will be created within proposed Lot 25 in favour of proposed Lot 27.

Future access to proposed Lot 27 is intended via the road reserve extending northwards to Cardinia Boulevard. The utilisation of the Cardinia Boulevard access will be subject to the completion of appropriate works within the road reserve.

The proposed access and services easement contains an existing track that traverses over proposed Lot 25 to provide practical access to proposed Lot 27. A small section of the access track extends onto unconstructed road reserve, however this is considered of little or no consequence.

The gradient of the existing access driveway from Speewah Road is generally compliant with AS2890 except for the section between Chainage 135m – 170m where the gradient approximately 30%. The applicant proposes that further investigations be undertaken with regard to this section



to either investigate what opportunities exist to lower the grade or seek engineering advice and judgement as to what surface treatments need to be applied to ensure the access is safe.

The applicant also proposes the conditioning of the access driveway to ensure the following outcomes:

- Stormwater does not adversely impact on Speewah Road with respect to discharge and velocities and sediment deposits; or
- Does not create scouring on the downslope side of the driveway where stormwater is being concentrated and discharging across the driveway; and
- Suitable access from Speewah Road is provided which accommodates the existing drainage regime. It is suggested a floodway type access (Standard Drawing S1105) would be appropriate if the gradient of the driveway allowed.

Due to the rural nature of the proposed lots, no other urban services are required will be provided.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

	<b>Land Use Categories</b>
	▪ Rural Other
Strategic Framework:	<b>Natural Environment Elements</b>
	▪ Biodiversity Area
	▪ Habitat Linkage
Zone:	Rural zone
Overlays:	▪ Bushfire Hazard Overlay
	▪ Environmental Significance Overlay
	▪ Hill and Slope Overlay

## RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

### (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

**(b) State Planning Policy**

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

**(c) Mareeba Shire Council Planning Scheme 2016**

**Relevant Development Codes**

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Reconfiguring a lot code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

### (e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

### (f) Additional Trunk Infrastructure Condition

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

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

The subject land is not serviced by reticulated water and sewerage networks.

Based on Adopted Infrastructure Charges Resolution (No.1) 2019, the following contribution towards the transport network is considered appropriate:

- 1 additional allotment x \$4,585.00 = **\$4,585.00**

### REFERRALS

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

### Internal Consultation

Technical Services

### PLANNING DISCUSSION

Nil

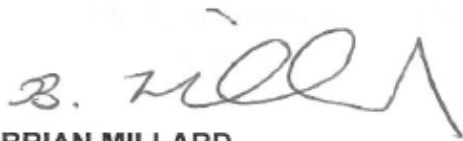
**Date Prepared:** 9 April 2019

## DECISION BY DELEGATE

## DECISION

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

Dated the 9<sup>TH</sup> day of APRIL 2019



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

