

**DELEGATED REPORT**

**SUBJECT:** T FALVO - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) AND ACCESS EASEMENTS - LOT 1 ON RP733629 - 1 ARDMORE PARK, KURANDA - RAL/18/0036

**DATE:** 9 January 2019

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

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	T Falvo	<b>ADDRESS</b>	1 Ardmore Park, Kuranda
<b>DATE LODGED</b>	11 December 2018	<b>RPD</b>	Lot 1 on RP733629
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots) and Access Easements		

<b>FILE NO</b>	RAL/18/0036	<b>AREA</b>	1.755 hectares
<b>LODGED BY</b>	Planz Town Planning Pty Ltd	<b>OWNER</b>	C O'Brien
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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

**EXECUTIVE SUMMARY**

*Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.*

*The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme and does not conflict with any relevant aspect of the Planning Scheme.*

*It is recommended that the application be approved in full, subject to conditions.*

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	T Falvo	<b>ADDRESS</b>	1 Ardmore Park, Kuranda
<b>DATE LODGED</b>	11 December 2018	<b>RPD</b>	Lot 1 on RP733629
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots) and Access Easements		

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 easements

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
16/108 Sheet 1 of 1	Proposal Plan	G.T. Pozzi Cadastral Surveyor	June 2016

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

## 2. Timing of Effect

- 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 payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 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 utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code, unless approved otherwise by Council's delegated officer.

**A plan demonstrating compliance with the above must be submitted prior to the endorsement of a plan of survey.**

- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

### 3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the endorsement of plan of survey.

#### 4. Infrastructure Services and Standards

##### 4.1 Access/Services Easement

Easement documents for Easements A and B must be submitted, in the approved form, at the same time the applicant/developer seeks endorsement of the plan of survey for review by Council and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the plan of survey.

##### 4.2 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.

##### 4.3 Water Supply

A water service connection must be provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

##### 4.4 On-Site Wastewater Management

Any future on-site effluent disposal system on either lot 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.

##### 4.5 Electricity Provision/Supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation to each lot.

##### 4.6 Telecommunications

The applicant/developer must make available a telecommunications connection to each proposed lot or alternatively, demonstrate that a connection to the national broadband network is available for each allotment, to the satisfaction of Council's delegated officer.

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

- (c) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Connection Quotation Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

- (d) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- (e) 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.

- (f) 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.

- (g) 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 site

- (h) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

- (i) 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)

- (j) 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

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot	Lots		Lots	
Residential	\$14,845.00	2	\$29,690.00	1 lot (\$14,845.00)	\$14,845.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$14,845.00</b>

## THE SITE

The subject site is situated at the very end of Ardmore Park, Kuranda and is described as Lot 1 on RP733629. The site is irregular in shape with a total area of 1.755 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site gains access from the cul-de-sac head of Ardmore Park via an existing concrete crossover.

The site is improved by two dwellings and a number of outbuildings and farming equipment used in conjunction with a hydroponic strawberry farm previously established on the site. The front two thirds of the site is relatively flat and cleared and contains all the site's improvements while the rear third of the site remains vegetated and slopes quite steeply down to Jum Rum Creek which is situated to the west (rear) of the site.

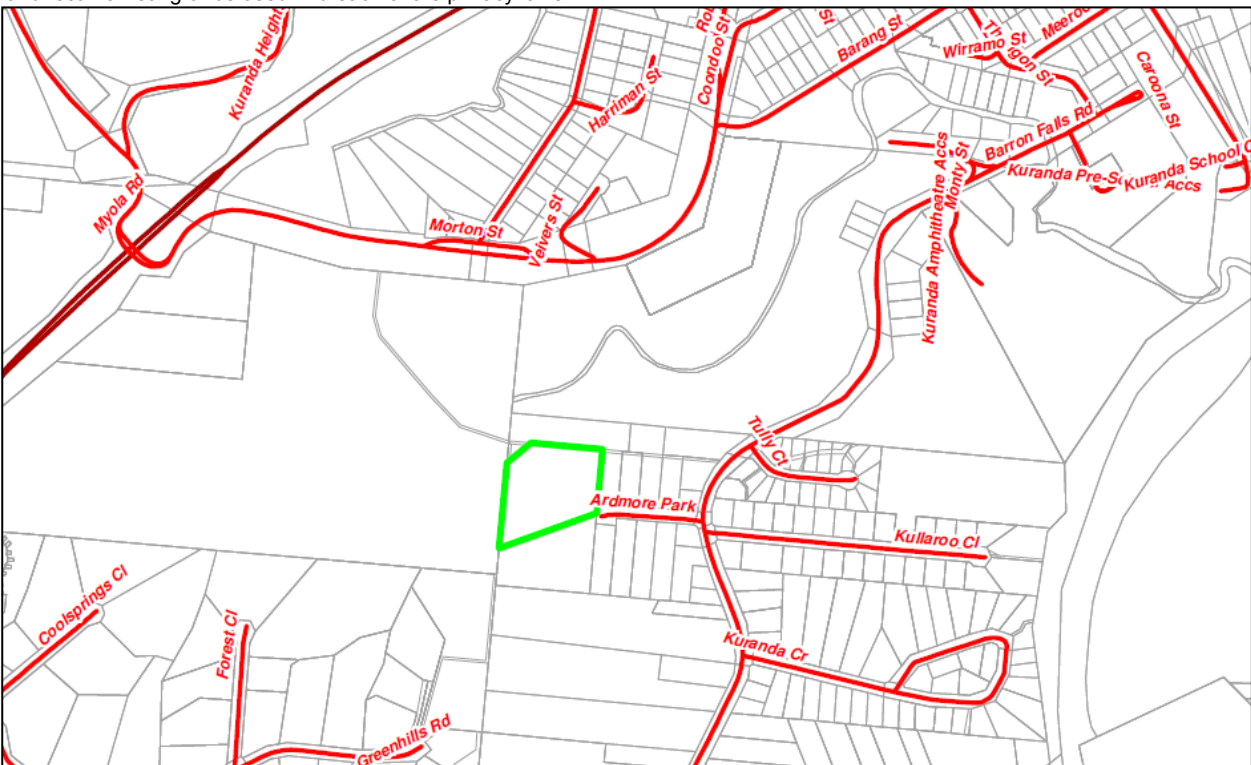
The site is currently connected to Council's reticulated water supply, as well as electricity and telecommunications. The existing dwellings are serviced by on-site wastewater disposal systems. A 4 metre wide easement covering a Council water main spans the full length of the sites northern property boundary. Adjoining lots to the north, south and east are zoned Low Density Residential and contain single dwellings while the allotment to the west of the site is zoned Rural Residential and contains a shed.





Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

### DA/16/0034

Council, under delegated authority, approved an application made by Planz Town Planning Pty Ltd on behalf of T Falvo for reconfiguring a lot - subdivision (1 into 2 lots) over land described as Lot 1 on RP733629, situated at 1 Ardmore Park, Kuranda.

Development Approval DA/16/0034 lapsed on 26 July 2018.

The current development application proposes the same development as what was authorised under lapsed development approval DA/16/0034.

## DESCRIPTION OF PROPOSED DEVELOPMENT

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

The applicant proposes the subdivision of the site into two allotments with reciprocal access easements at the commencement of each lot. The proposed lots are as follows:

- Proposed Lot 101, area of 10,500m<sup>2</sup>, 7.75 metres of frontage to Ardmore Park; and
- Proposed Lot 102, area of 7,060m<sup>2</sup>, 7.75 metres of frontage to Ardmore Park.

The proposed subdivisional boundary will run between the site's existing improvements whilst complying with QDC setback requirements.

Access and services will be situated within reciprocal easements A & B at the very front of each lot and will include town water, electricity and telecommunications services.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Kuranda is identified as a Village Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*



## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>▪ Residential Area</li> </ul> <p><b>Natural Environment Elements</b></p> <ul style="list-style-type: none"> <li>▪ Biodiversity Area</li> </ul>
Zone:	<p>Low Density Residential zone</p> <ul style="list-style-type: none"> <li>▪ Airport Environs Overlay</li> <li>▪ Environmental Significance Overlay</li> <li>▪ Hill and Slope Overlay</li> <li>▪ Transport Infrastructure Overlay</li> </ul>
Overlays:	

## 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:

- 6.2.6 Low density residential zone 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code.	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

#### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

#### (f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, a charge of \$14,845.00 will apply to each additional residential allotment created.

The \$14,845.00 charge was derived from the following four (3) trunk infrastructure networks:

- Transport network (roads) - \$4,585.00;
- Public parks and land for community facilities network - \$4,585.00
- Water supply network (Kuranda Low Level Zone) - \$5,675.00

The application proposes the creation of 25 additional residential lots (not including the balance lot).

\$14,845.00 x 1 additional lot = **\$14,845.00**

**REFERRALS**

This application did not trigger referral to any Referral Agencies.

**Internal Consultation**

Development Engineering

**PLANNING DISCUSSION**

Nil

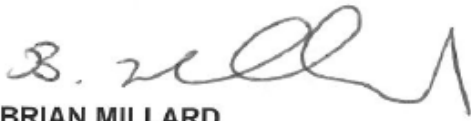
***Date Prepared:***            *9 January 2019*

## 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 JANUARY 2019

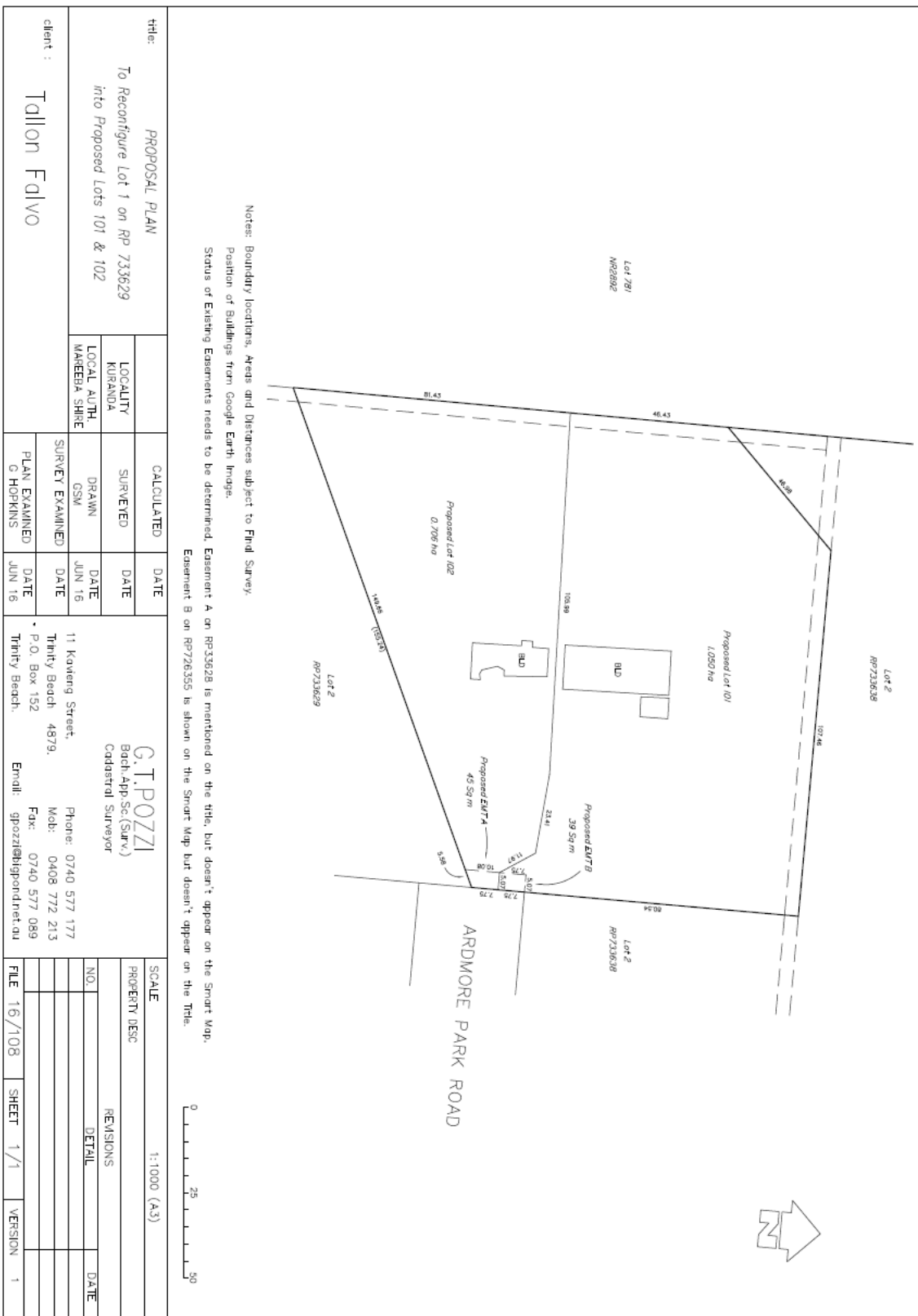


**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS (ECM Doc Set ID 3179154)



Notes: Boundary locations, Areas and Distances subject to Final Survey.  
 Position of Buildings from Google Earth Image.  
 Status of Existing Easements needs to be determined. Easement A on RP35528 is mentioned on the title, but doesn't appear on the Smart Map. Easement B on RP726355 is shown on the Smart Map but doesn't appear on the Title.

title:		PROPOSAL PLAN	
To Reconfigure Lot 1 on RP 733629 into Proposed Lots 101 & 102		LOCALITY	KURANDA
client : Tallon Filvo		LOCAL AUTH	MAJEREA SHIRE
CALCULATED	DATE	SURVEYED	DATE
DRAWN	DATE	DRAWN	DATE
GSM	JUN 16	GSM	JUN 16
SURVEY EXAMINED	DATE	SURVEY EXAMINED	DATE
G.HOPKINS	JUN 16	G.HOPKINS	JUN 16
11 Kaweng Street, Bach App Sec (Surv.) Coddasral Surveyor		G.T.POZZI Cadastral Surveyor	
Phone: 0740 577 177		Phone: 0740 577 177	
Mob: 0408 772 213		Mob: 0408 772 213	
P.O. Box 152		P.O. Box 152	
Fax: 0740 577 089		Fax: 0740 577 089	
Email: gpozzi@ghpondnet.au		Email: gpozzi@ghpondnet.au	
Tinity Beach, 4879.		Tinity Beach, 4879.	
Tinity Beach.		Tinity Beach.	
SCALE	1:1000 (A3)	PROPERTY DESC	
NO.	REVISIONS	NO.	REVISIONS
	DETAIL		DATE
FILE 16/108	SHEET 1/1	VERSION	1