

DELEGATED REPORT

**SUBJECT:** G & R SIMMONDS - RECONFIGURING A LOT - SUBDIVISION (2 INTO 4 LOTS) - LOTS 1 & 2 ON RP734860 - 89 HUME ROAD & 99 COYLE ROAD, BIBOOHRA - RAL/17/0004

**DATE:** 18 October 2017

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

**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	G & R Simmonds	<b>ADDRESS</b>	89 Hume Road & 99 Coyle Road, Biboohra
<b>DATE LODGED</b>	27 September 2017	<b>RPD</b>	Lots 1 & 2 on RP734860
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (2 into 4 lots)		

<b>FILE NO</b>	RAL/17/0004	<b>AREA</b>	Lot 1 - 62.99 ha Lot 2 - 63.009 ha
<b>LODGED BY</b>	G & R Simmonds	<b>OWNER</b>	G & R Simmonds
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural 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 development application described in the above application details.*

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

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

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	G & R Simmonds	<b>ADDRESS</b>	89 Hume Road & 99 Coyle Road, Bibohra
<b>DATE LODGED</b>	27 September 2017	<b>RPD</b>	Lots 1 & 2 on RP734860
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (2 into 4 lots)		

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 (2 into 4 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Attachment 1	-	-

(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/contributions contained within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Flood Immunity  

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

### 3.10 Rural Addressing

The applicant must pay the relevant fee for three (3) allotments for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

### 3.11 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

An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

### 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 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

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 \$9,000.00 (\$4,500.00 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 (\$4,500.00 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:

- flood immunity
- At the time of dwelling construction a 22,500L rainwater tank is to be provided in accordance with the Dwelling House Code to the satisfaction of Council's delegated officer
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(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

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

## THE SITE

The subject site is comprised of the following allotments:

- Lot 1 on RP734860, area of 62.99 hectares, frontages of approximately 780 metres to Coyle Road and 860 metres to Hume Road;
- Lot 2 on RP734860, area of 63.009 hectares, frontages of approximately 900 metres to Hume Road and 500 metres to unnamed road reserve.

Lot 1 is generally regular in shape and remains mostly vegetated. A single storey dwelling house and a grouping of cattle yards are established in the north-eastern corner of the land.

Lot 2 is rectangular in shape and has been entirely cleared for cattle grazing purposes. An unformed road reserve transects the south-western corner of Lot 2. An unnamed waterway traverses the extreme south-western corner.

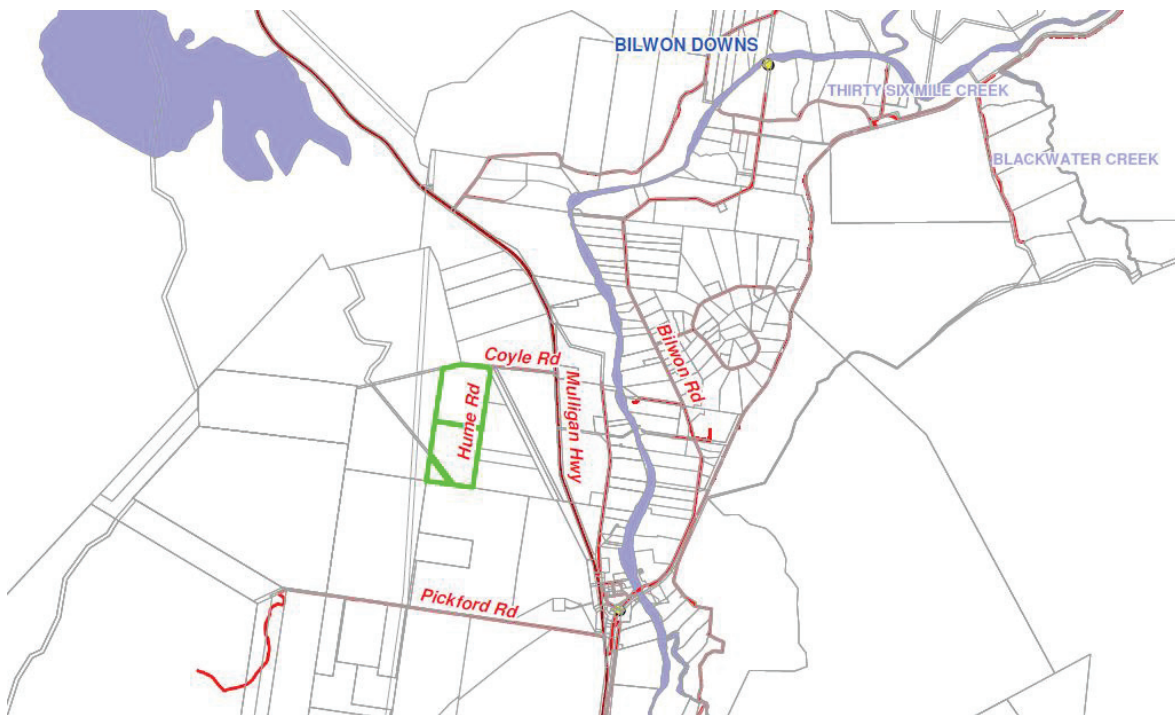
Access to both lots is obtained directly off Hume Road. Hume Road is formed to rural road gravel standard.

Surrounding properties are developed for rural agriculture/grazing purposes.



**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

NIL

## PREVIOUS APPLICATIONS & APPROVALS

NIL

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (2 into 4 lots) in accordance with the plans shown in **Attachment 1**.

The reconfiguration would create four (4) lots of equal area, each exceeding thirty (30) hectares and being generally regular in shape.

Each lot would have in excess of 150 metres of road frontage and would be access via Hume Road.

The existing dwelling house would be contained within the northern-most allotment, with the three (3) other allotments being vacant at the time of their creation.



## REGIONAL PLAN DESIGNATION

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

- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Zone:	Rural zone
Overlays:	Natural Disaster - Bushfire Hazard 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

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 2.6 Rural Subdivision		
Land Use Policy	Complies	Comments
2.6.1 <i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	✓	The subject land is not identified as good quality agricultural land under the Mareeba Shire Council Planning Scheme 2016 and the proposed allotment s would comply with the Planning Scheme.

### (b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

Queensland State Planning Policy		
State Interest	Complies	Assessment Requirements & Comments
<p><b>Natural hazards</b></p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	N/A/✓/x	<p><b>For all natural hazards:</b></p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</p> <p>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p> <p><b>Comment</b></p> <p>The subject land includes a limited area of flood hazard (MSCPS - July 2016 overlay mapping).</p> <p>Future development can be conditioned to be located outside of the identified hazard area.</p> <p>The land is not mapped as bushfire or landslide hazard by the MSCPS - July 2016.</p>

**(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)**

**Relevant Development Codes**

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

- |                     |  |
|---------------------|--|
| Part 4, Division 14 | Rural Zone Code                          |
| Part 5, Division 8  | Natural Disaster - Bushfire Overlay Code |
| Part 6, Division 12 | Reconfiguring a Lot Code                 |

The application did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Natural Disaster - Bushfire Overlay Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a Lot Code	The application complies with applicable acceptable/probable solutions/performance criteria.

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

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

**(f) Additional Trunk Infrastructure Condition**

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

The development, creating an additional two (2) allotments, is predicted to place additional demand on Council's trunk transport infrastructure (roads).

The developer must pay a one-off payment of \$4,500.00 (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.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,500.00 per additional lot)

The developer may elect to provide part of the trunk infrastructure instead of making the payment.

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

**REFERRALS****Concurrence**

This application did not trigger a referral to a Concurrence Agency.

**Advice**

This application did not trigger a referral to an Advice Agency.

**PLANNING DISCUSSION**

NIL

***Date Prepared:***            *18 October 2017*

## DECISION BY DELEGATE

## DECISION

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

Dated the 24<sup>TH</sup> day of OCTOBER 2017



**BRIAN MILLARD**  
SENIOR PLANNER



**ANTHONY ARCHIE**  
MANAGER DEVELOPMENT & GOVERNANCE

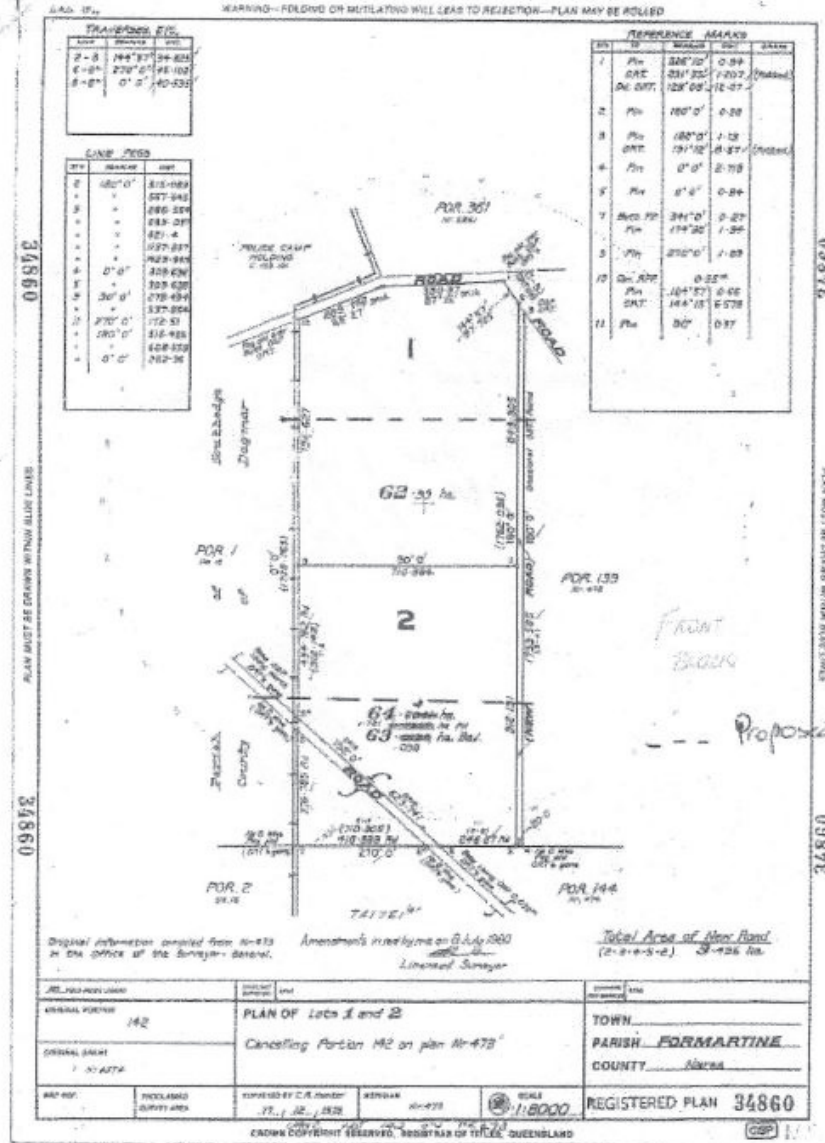
MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS

ATTACHMENT 1

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