

8.2 R FANNA - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP727052 - 30 MCGRATH ROAD, MAREEBA - RAL/19/0020

Date Prepared: 5 November 2019

Author: Senior Planner

Attachments: 1. Proposal Plans [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	R Fanna	ADDRESS	30 McGrath Road, Mareeba
DATE LODGED	6 September 2019	RPD	Lot 2 on RP727052
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
FILE NO	RAL/19/0020	AREA	4.708 ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	R Fanna
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

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

OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
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PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 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 (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8373-LL1 Rev C	Proposed Reconfiguration of a Lot (1 lot into 2 lots)	Twine Surveys Pty Ltd	24.6.2019

(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.
 - 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 to 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 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 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.
- 3.9 Rural Addressing

The applicant must pay a contribution per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.
- 4. Infrastructure Services and Standards
 - 4.1 Access

An access crossover for each allotment, must be constructed from the edge of the road pavement, to the property boundary of each respective allotment, in accordance with the FNQROC Development Manual, 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 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

At the time of construction of a new dwelling on proposed Lot 21, 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.

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.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(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 Quotation, Connection, Disconnection 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) 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.

(e) 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.

(f) 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.

(g) 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.

(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).

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$15,040.00	2 Lots	\$30,080.00	1 Lot - \$15,040.00	\$15,040.00
TOTAL CURRENT AMOUNT OF CHARGE					\$15,040.00

THE SITE

The subject land is described as Lot 2 on RP727052, situated at 30 McGrath Road, Mareeba.

The land is regular in shape, having an area of 4.708 hectares with a frontage of approximately 94.38 metres to McGrath Road. McGrath Road is formed to bitumen sealed standard for the entire frontage with the subject land.

The land is improved by a dwelling house sited in the south-western corner. Ancillary structures include two (2) sheds which are located to the east of the dwelling house but within the western half of the subject land. All of the western half and some parts of the eastern half are mapped as being within a low flood hazard area.

The subject land is serviced by the Mareeba reticulated town water supply, reticulated electricity and telecommunication infrastructure.

All adjoining properties are zoned Emerging Community under the Planning Scheme and are rural residential in character.



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 (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 21 - 3.158 hectares, 15 metres frontage to McGrath Road;
- Lot 22 - 1.55 hectares, 79.38 metres frontage to McGrath Road.

Proposed Lot 22 will contain the established dwelling house, one shed and the associated onsite effluent disposal system. Proposed Lot 21 will contain a single large shed and will likely accommodate a new dwelling house at some time in the future.

Access to both proposed lots will be provided via FNQROC compliant property accesses off McGrath Road.

Both allotments will be serviced by reticulated town water, reticulated electricity and telecommunication services.

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:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> ▪ Investigation Area Natural Environment Elements <ul style="list-style-type: none"> ▪ Biodiversity Areas Other Elements <ul style="list-style-type: none"> ▪ Major Electrical Infrastructure
Zone:	Emerging Community zone
Mareeba Local Plan:	Precinct G Mareeba Northern Expansion
Overlays:	Airport Environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Regional Infrastructure Corridors and Substation 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**Strategic Framework****3.3.8 Element—Urban expansion and investigation areas****3.3.8.1 Specific outcomes**

- (1) *Urban expansion areas* and *investigation areas* are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.

Comment

The reconfiguration will excise the front (proposed Lot 22) largely flood hazard constrained area from proposed Lot 21. Proposed Lot 22 contains the established dwelling house, whereas proposed Lot 21 has adequate land outside the mapped flood hazard to contain a future dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

- (2) Well-serviced and designed greenfield residential development occurs in *urban expansion areas* of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.

Comment

The proposed development should be considered as interim development, rather than greenfield residential development. Infrastructure necessary to service this interim development is already in place and can efficiently service the one additional allotment.

- (3) *Urban expansion areas* in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

Comment

The reconfiguration will excise the front (proposed Lot 22) largely flood hazard constrained area from proposed Lot 21. Proposed Lot 22 contains the established dwelling house, whereas proposed Lot 21 has adequate land outside the mapped flood hazard to contain a future dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

3.3.8.2 Land use strategies

- (1) *Investigation areas* are to be investigated to accommodate future development beyond the life of the planning scheme. *Investigation areas* are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an *investigation area* should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of *activity centres*. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:
- (a) need for land for the proposed land use;
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;
 - (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and
 - (ii) the need for future development represents a public benefit.
 - (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance
 - (e) consistency with the Strategic Framework.
 - (f) consistency with State and Regional Planning requirements.

Comment

The reconfiguration will excise the front (proposed Lot 22) largely flood hazard constrained area from proposed Lot 21. Proposed Lot 22 contains the established dwelling house, whereas proposed Lot 21 has adequate land outside the mapped flood hazard to contain a future dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

The proposed development does not conflict with the strategic framework.

Relevant Developments Codes

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

- 6.2.4 Emerging community zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.9 Regional infrastructure corridors and substations 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
Emerging community 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).
Mareeba local plan code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs 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).
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).
Flood 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).
Regional infrastructure corridors and substations 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	<p>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 including the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO1.1 <p>Refer to Planning Discussion section of report.</p>

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).
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(D) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 2) 2019, a standard charge of \$18,800.00 generally applies to each additional residential allotment created.

As the subject land is not serviced by the reticulated sewerage network, a 20% discount is applied to the standard charge. The applicable charge for this development is \$15,040.00 per additional allotment.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 24 September 2019 to 17 October 2019. The applicant submitted the notice of compliance on 21 October 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with the Performance Outcomes and Acceptable Outcomes of the Reconfiguring a Lot Code is summarised as follows:

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;*

- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

The proposed development does not meet Table 9.4.4.3B minimum requirements for lot size and frontage.

Notwithstanding, the proposed development will comply with performance outcome PO1.

The proposed allotments are consistent with the design of lots in the local vicinity. The proposed lots will remain rural residential in nature.

The proposed development provides for residential amenity, has sufficient space for the development to be contained outside of the flood hazard area, has existing access, is within close proximity to Mareeba, does not involve clearing vegetation and has no other constraints



