

**DELEGATED REPORT**

**SUBJECT:** URBAN ABODE BUILDING DESIGN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 22 ON SP153917 - 8-10 BARRON FALLS ROAD, KURANDA - RAL/20/0005

**DATE:** 31 August 2020

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Urban Abode Building Design	<b>ADDRESS</b>	8-10 Barron Falls Road, Kuranda
<b>DATE LODGED</b>	13 July 2020	<b>RPD</b>	Lot 22 on SP153917
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

<b>FILE NO</b>	RAL/20/0005	<b>AREA</b>	4459m2
<b>LODGED BY</b>	Urban Abode Building Design	<b>OWNER</b>	R Girling
<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		

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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.*

*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	Urban Abode Building Design	ADDRESS	8-10 Barron Falls Road, Kuranda
DATE LODGED	13 July 2020	RPD	Lot 22 on SP153917
TYPE OF APPROVAL	Development Permit		
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
Girling/03	Proposed Reconfiguration of a lot (1 lot into 2 lots)	Urban Abode	July 2020

(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, and subject to any alterations:
  - found necessary by the 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 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.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 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.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to 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 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 (as amended) and to the satisfaction of Council's delegated officer.
- 3.7 Environmental Covenant

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation, protection and maintenance of native vegetation.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to all areas mapped as Wildlife Habitat within proposed Lot 222. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer. To reduce surveying costs, the covenant boundary a single or multiple straight survey lines, provided that all remnant vegetation is contained within the covenant area.

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Natural Resources, Mines and Energy.

The covenant shall require the registered owners of the site to obtain approval of the Council prior to undertaking any earthworks, clearing of vegetation,

fencing or placement of water pumps and pipelines within or across the area of the Covenant. The building of structures shall be specifically excluded from within the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

The Covenant must stipulate:-

- that it is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lot; and
- that no building, fixtures, infrastructure or improvements over the Covenant Area shall be permitted.

Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.

The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.

### 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

Access to each proposed allotment must be constructed (from the edge of the road pavement to the property boundary of each proposed allotment) in accordance with FNQROC Development Manual, to the satisfaction of Council's delegated officer.

A reinforced concrete driveway shall be provided within any battleaxe lot access handle. The driveway will:-

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- Conduits within access strip - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

### 4.2 Stormwater Drainage

The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of Council's delegated officer.

#### 4.3 Frontage Works

4.3.1 The developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer:-

- (i) Roll over kerbing for the full frontage of Lot 22 on SP153917;
- (ii) Signage and line marking as per the Department of Main Roads Manual of Uniform Traffic control Devices (MUTCD);
- (iii) Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas;
- (iv) Adjustments and relocations necessary to public utility services resulting from these works;
- (v) The applicant must widen the bitumen seal by 1.15 metres on the development side of Barron Falls Road for the full frontage of Lot 22 on SP153917, from the existing bitumen seal to the roll over kerbing required under (i) above;
- (vi) Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

4.3.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition 4.3.1. A written itemised quote from a civil contractor to determine the cost of the works must be provided and accepted by Council's delegated officer.

#### 4.4 Water Supply

4.4.1 The developer must connect each proposed lot to the Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer

4.4.2 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend the reticulated water supply infrastructure (including additional fire hydrants where required) to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.4.3 Each lot is required to be separately metered.

#### 4.5 Sewerage Connection/On site effluent disposal

- 4.5.1 Prior to the occupation of any dwelling house erected on proposed Lot 222, the land owner shall construct a domestic sewer pump station and an internal 40mm diameter sewer rising main from that pump station to the point of connection provided by Council adjacent to the Barron Falls Road frontage. The pump station and rising main will be designed in accordance with the Queensland Plumbing Code and constructed to the satisfaction of Council's delegated officer. This will require a pump and pump well to be installed within proposed Lot 222 with future maintenance of the pump and pump well remaining the responsibility of the land owner.
- 4.5.2 The existing on-site effluent disposal system on proposed Lot 221 must be evaluated by a registered site and soil evaluator, and a report lodged with Council outlining compliance with the On-Site Domestic-Wastewater Management Standard (AS/NZS1547:2000) to the satisfaction of Council's delegated officer.

#### 4.6 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.

#### 4.7 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) 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 covenant

(h) 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).

(i) 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

- Development Permit for Operational Works

## (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
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$19,280.00	2 Lots	\$38,560.00	\$19,280.00	\$19,280.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$19,280.00</b>

## THE SITE

The subject land is described as Lot 22 on SP153917, Parish of Cairns, County of Nares, situated at 8-10 Barron Falls Road, Kuranda.

The land has an area of 4,459 square metres with a frontage of 60.58 metres to Barron Falls Road. Barron Falls Road is constructed to 5.2 metre wide bitumen sealed standard for the entire frontage of the subject land. Rollover kerbing is established along the opposite side of Barron Falls Road.

A single storey dwelling house and shed are established in the north-eastern corner of the subject land. Access is obtained via a single driveway connecting to Barron Falls Road in the vicinity of the common boundary of the subject land and Jumrum Creek Conservation Park.

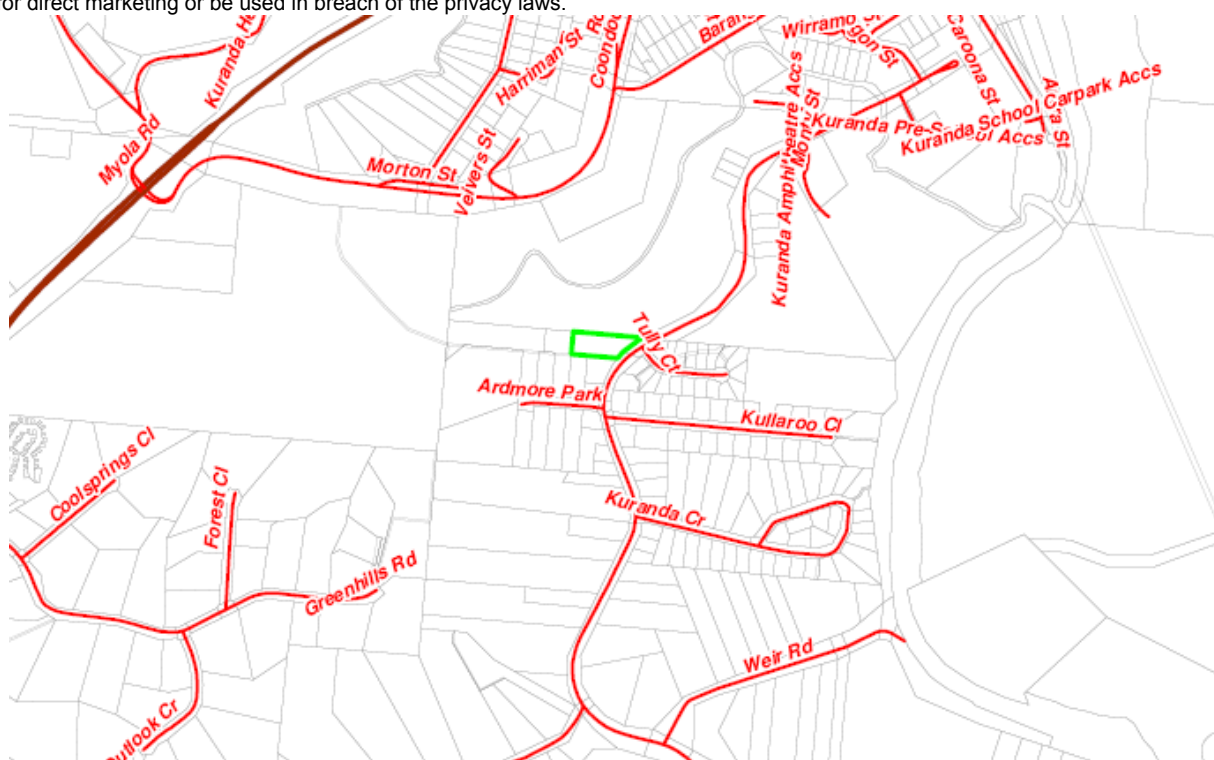
The land is serviced with connections to the Kuranda town water and sewerage networks. The sewerage connection is via a rising main connecting to a manhole near the intersection of Kullaroo Close and Barron Falls Road.

The land is moderately sloping, falling from a high point along the Barron Falls Road frontage, down to the rear boundary. A narrow strip of remnant vegetation remains within the subject land adjacent to the northern boundary. The Jumrum Creek Conservation Park adjoins the northern boundary of the subject land and is included in the Conservation zone. All other allotments adjoining the subject land are zoned Low Density Residential and have been developed, or are likely to be developed, with single storey dwelling houses.



**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

A similar reconfiguring a lot - subdivision (1 into 2 lots) was approved by Council in March 2010. This approval (REC/09/0031) lapsed without being finalised.

## 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 proposed allotments are as follows:

- Lot 221 Area of 1,759 square metres, approximate frontage of 53.281 metres to Barron Falls Road.
- Lot 222 Area of 2,700 square metres, approximate frontage of 7.295 metres to Barron Falls Road.

Access to proposed Lot 221 will continue via the existing access off Barron Falls Road. Access to Lot 222 is proposed via a 6 metre wide access way connecting to Barron Falls Road.

Both allotments are capable of being serviced by all urban 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. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *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> <ul style="list-style-type: none"><li>• Residential Area</li></ul>
Strategic Framework:	<b>Natural Environment Elements</b> <ul style="list-style-type: none"><li>• Biodiversity Areas</li></ul>
Zone:	Low Density Residential zone <ul style="list-style-type: none"><li>• Airport Environs Overlay</li><li>• Environmental Significance Overlay</li><li>• Hill and Slope Overlay</li><li>• Scenic Amenity 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
- 7.2.1 Kuranda local plan code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity 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
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
Kuranda local plan 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
Airport environs 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
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
Scenic amenity 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) 2020, a charge of \$19,280.00 will apply to each additional residential allotment created.

The application proposes the creation of 1 additional residential lot.

\$19,280.00 x 1 (lot) = **\$19,280.00**

#### REFERRALS

This application did not trigger referral to a Referral Agency.

#### Internal Consultation

Technical Services

#### PLANNING DISCUSSION

Nil

**Date Prepared:** 31 August 2020

## DECISION BY DELEGATE

## DECISION

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

Dated the 31<sup>ST</sup> day of AUGUST 2020



**BRIAN MILLARD**  
SENIOR PLANNER



**ANTHONY ARCHIE**  
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

