

**8.1 BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 39 LOTS IN 2 STAGES) - LOT 114 ON SP265014 - EMERALD END ROAD, MAREEBA - RAL/20/0006**

**Date Prepared:** 28 July 2020  
**Author:** Senior Planner  
**Attachments:** 1. Proposal Plans

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Mareeba
<b>DATE LODGED</b>	16 July 2020	<b>RPD</b>	Lot 114 on SP265014
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 39 lots in 2 stages)		
<b>FILE NO</b>	RAL/20/0006	<b>AREA</b>	25.9 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	BTM & S Stankovich Pty Ltd
<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		

**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.

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.

Draft conditions were provided to the Applicant/ care of their consultant and have been agreed.

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Mareeba
<b>DATE LODGED</b>	16 July 2020	<b>RPD</b>	Lot 114 on SP265014
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 39 lots in 2 stages)		

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 39 lots in 2 stages)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8186 - Sheets 1 to 5	Development Plan - Plan of Lots 114, 213-216, 247-253, 332-359	Twine Surveys Pty Ltd	16.07.2020

(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 of the development, or alternative documentation as approved by the Land Title Act, 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, or alternative documentation as approved by the Land Title Act 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 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.
  - 3.6 The existing easement in favour of Lot 26 on SP265014 must be amended and reduced in size to that shown as Easement R on the approved plan.  
  
The developer must relocate (in accordance with FNQROC standards) any services for Lot 26 on SP265014, such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the proposed Easement R or Lot 26, where required by the relevant authority, unless approved otherwise by Council's delegated officer.
  - 3.7 Proposed Lots 251, 252, 354 and 355 must each contain a building area of at least 400m<sup>2</sup> at a height of at least RL396. Each building area must be usable land that is less than 15% slope.
  - 3.8 The following road names are approved:
    - Dural Close - new cul-de-sac off Pontos Place; and
    - Wandara Court - new cul-de-sac off Karobean Drive.
  - 3.9 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
    - (a) Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the

FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

- (b) An asphalt sealed, or concrete driveway shall be provided within the access handle of proposed Lot 213 to the satisfaction of Council's delegated officer. 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 handle
  - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

#### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All

documentation leading to the registration of the easement must be completed at no cost to Council.

- (h) The easement covering the watercourse within proposed Lots 251, 252, 354 and 355 is to be defined by Survey to include:
  - a minimum of 10 metres in width;
  - a minimum offset of 5 metres from the IL; and
  - include all areas of Extreme Flood Hazard and High Flood Hazard as identified by the Flood Hazard Overlay mapping of the Mareeba Shire Council Planning Scheme 2016.
- (i) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (j) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the easement/s required under Condition 4.2(h) and all road reserves.

Any earthworks within the waterway must be supported by appropriate modelling which demonstrates that there will be no adverse impact on the upstream drainage network and properties.

#### 4.4 Roadworks - Internal

- (a) Karobean Drive is to be extended to service Lots 253 and 332 and is to be constructed to Collector Road standard (of the same width as the existing section of Karobean Drive) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Pontos Place, Dural Close and Wandara Court are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (c) Temporary turnaround areas, with a bitumen and/or gravel surface, must be provided at the northern end of Pontos Place and Karobean Drive to allow traffic manoeuvring.
- (d) The existing concrete footpath is to be extended along the eastern and northern sides of the proposed Karobean Drive extension in accordance with the FNQROC Development Manual.
- (e) A new concrete footpath is to be built linking the cul de sac heads of Dural Close and Wandara Court in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

- (a) 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 or upgrade the reticulated water supply infrastructure 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).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure 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).

#### 4.7 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 **underground** power reticulation.

#### 4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

#### 4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and 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) 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.

(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) 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 access and services easement over Lot 114
- a registered drainage easement over Lots 251, 252, 355 and 354

(g) 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).

(h) 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:

<b>Development Type</b>	<b>Rate</b>	<b>Measure</b>	<b>Charge</b>	<b>Credit Detail</b>	<b>Balance</b>
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 11 - Residential	\$19,280.00	<b>14 Lots</b>	<b>\$269,920.00</b>	Nil	<b>\$269,920.00</b>
Stage 12 - Residential	\$19,280.00	<b>25 Lots</b>	<b>\$482,000.00</b>	Nil	<b>\$482,000.00</b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$751,920.00</b>

**THE SITE**

The subject land is the balance area of the incomplete Amaroo Park Estate situated off Karoeban Drive and Amaroo Drive, Mareeba, being described as Lot 114 on SP265014.

The land has an area of 25.9 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains an extensive frontage to Emerald End Road which is formed to a rural road bitumen sealed standard. Frontages also exist to Amaroo Drive, Moondani Avenue and Karoeban Drive. Access to the proposed development will be via Amaroo Drive and Karoeban Drive.

Being a balance lot for an incomplete estate, the site is unimproved with the land being mostly cleared and grassed. Some vegetation remains along an internal waterway and also adjacent to the western boundary.

The site is able to be connected to town water, sewer, telecommunications and underground electricity supply.

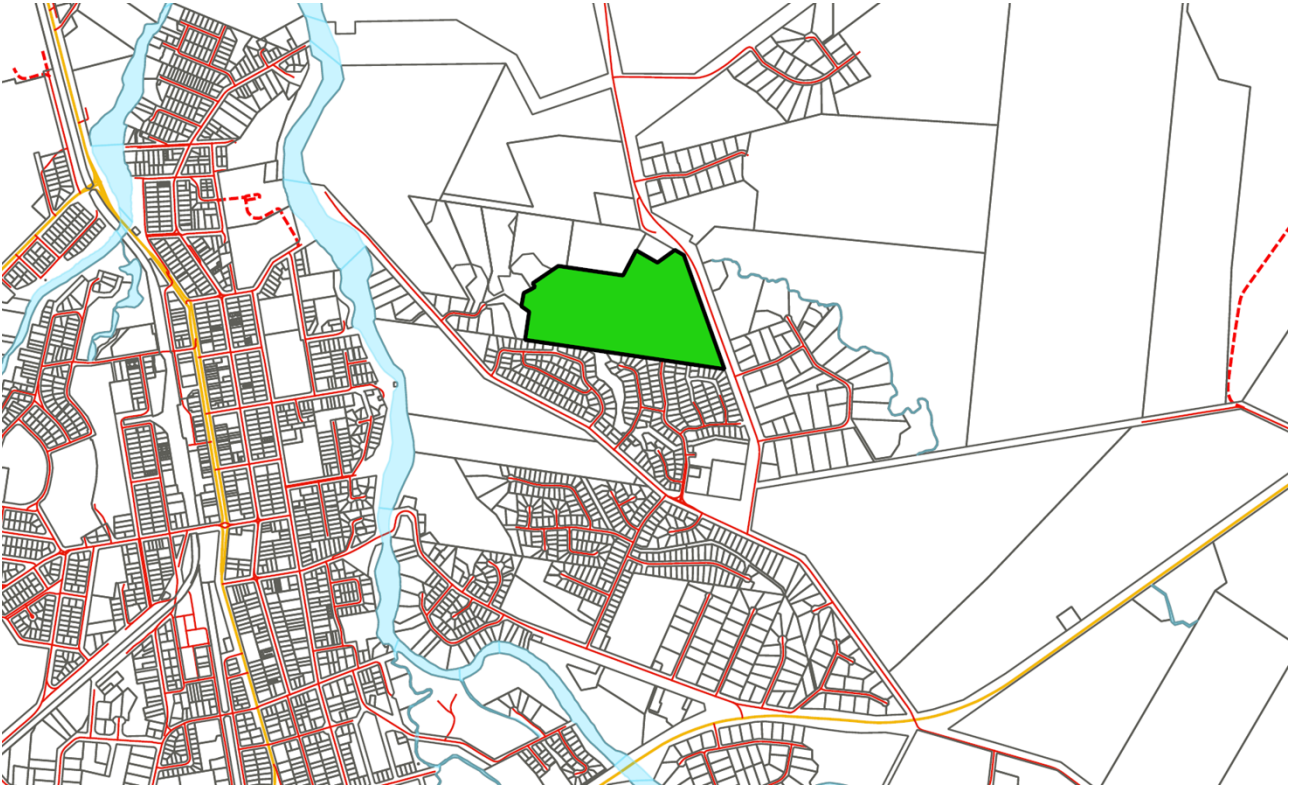
Surrounding allotments are zoned *Low Density Residential* and have / and or will be developed for residential purposes.





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**

The application represents the continued development of Amaroo Park Estate, being Stages 11 and 12, comprising 14 and 25 new residential lots respectively.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 39 lots in 2 stages) in accordance with the plans shown in **Attachment 1**.

All proposed residential lots will exceed 800 square metres in area and will have a generally regular shape. Proposed Lot 213 is the only rear access lot proposed.

Each lot will have generous frontage to a bitumen sealed road.

The residential lots will be connected to all urban services, with the balance area allotment (Lot 114) being serviced during future stages of Amaroo Park Estate.

Whilst Stages 11 and 12 will be linked by new road reserve, the developer has proposed a pedestrian connection across the internal waterway, instead of the previously proposed vehicle bridge. Promoting pedestrian movements/walkability is consistent with the draft State Government initiative for neighbourhood design. Removal of the vehicle bridge does not significantly alter travel distances.

Two (2) new road names are proposed. The names are Dural Close and Wandara Court.

**REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. 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:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Residential Area</li> </ul>
Zone:	Low Density Residential zone
Overlays:	<ul style="list-style-type: none"> <li>• Airport Environs Overlay</li> <li>• Bushfire Hazard Overlay</li> <li>• Environmental Significance Overlay</li> <li>• Flood Hazard Overlay</li> <li>• Hill and Slope Overlay</li> </ul>

**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 Developments Codes**

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

- 6.2.6 Low density residential zone code
- 7.2.2 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
- 8.2.8 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 outcome (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 code's 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 code's 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 code's 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 code's 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 code's 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 code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the code's 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 code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

#### **(D) 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.

#### **(E) 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 39 additional residential lots and one balance lot.

\$19,280.00 x 39 (lots) = **\$751,920.00**

#### **REFERRAL AGENCY**

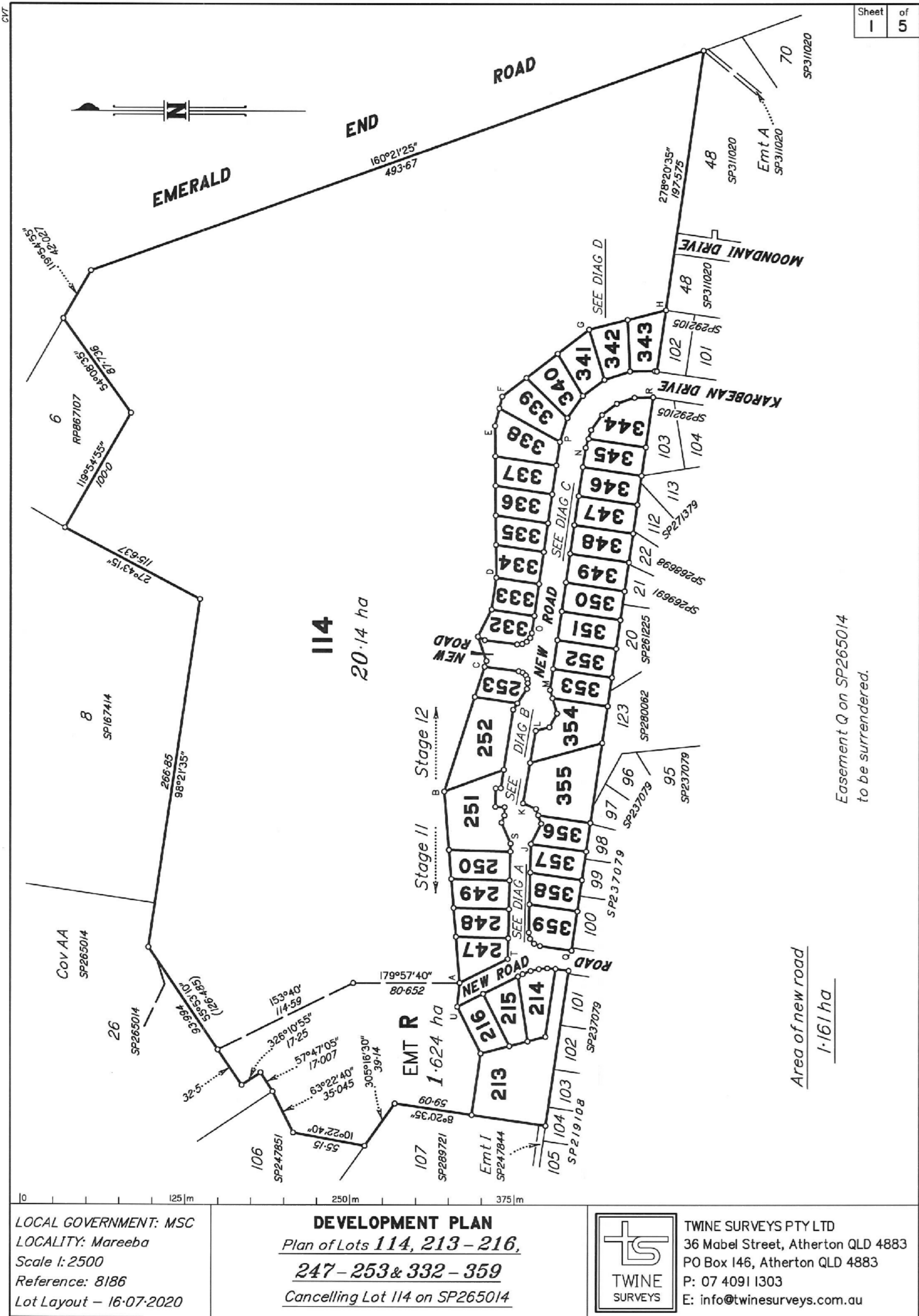
This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services.

**PLANNING DISCUSSION**

Nil



Easement Q on SP265014 to be surrendered.

Area of new road  
1.161 ha

LOCAL GOVERNMENT: MSC  
 LOCALITY: Mareeba  
 Scale 1: 2500  
 Reference: 8186  
 Lot Layout – 16-07-2020

**DEVELOPMENT PLAN**  
 Plan of Lots 114, 213 – 216,  
 247 – 253 & 332 – 359  
 Cancelling Lot 114 on SP265014



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**DIAGRAM A**  
Scale - 1:600

SEE SHEET 1

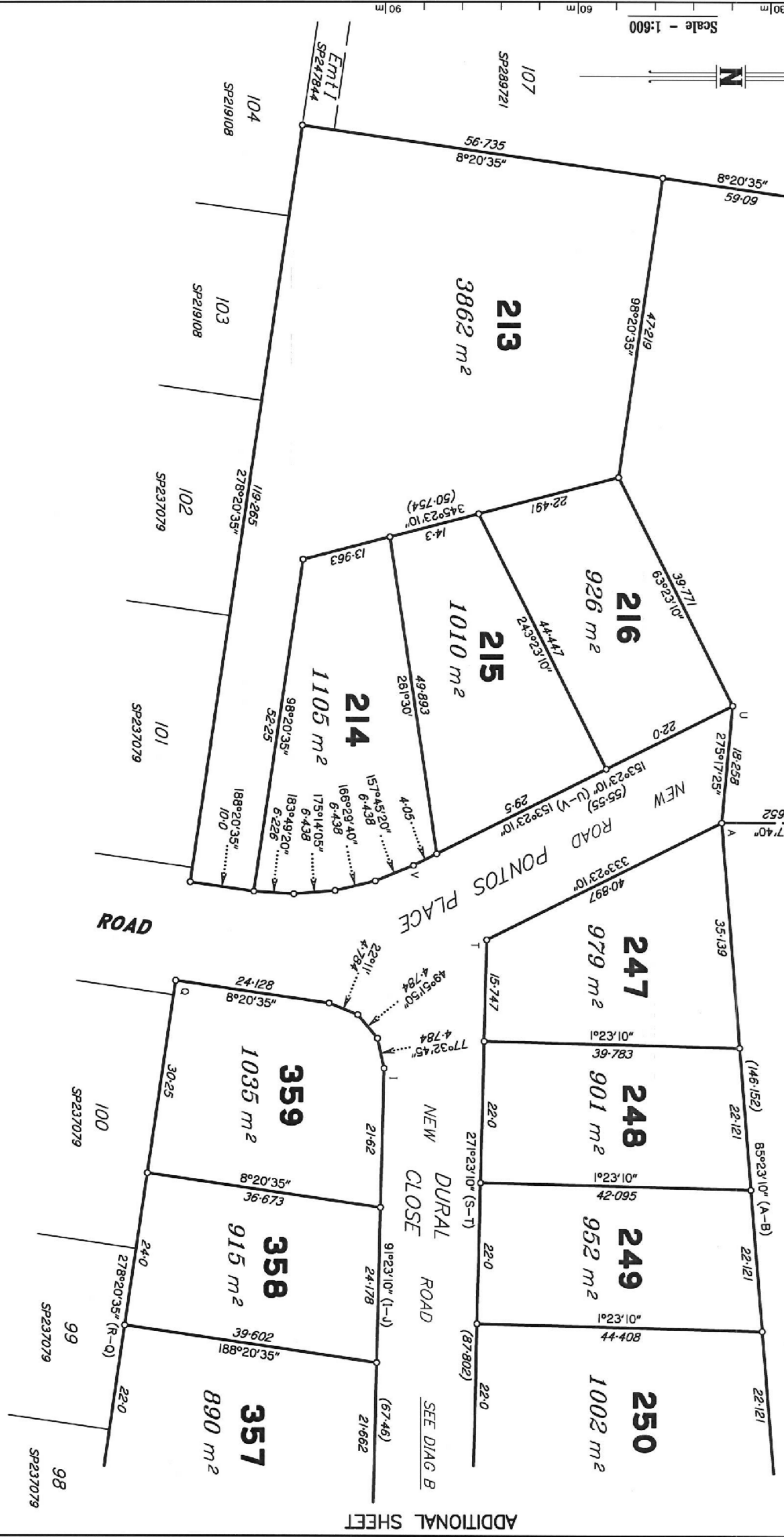
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114

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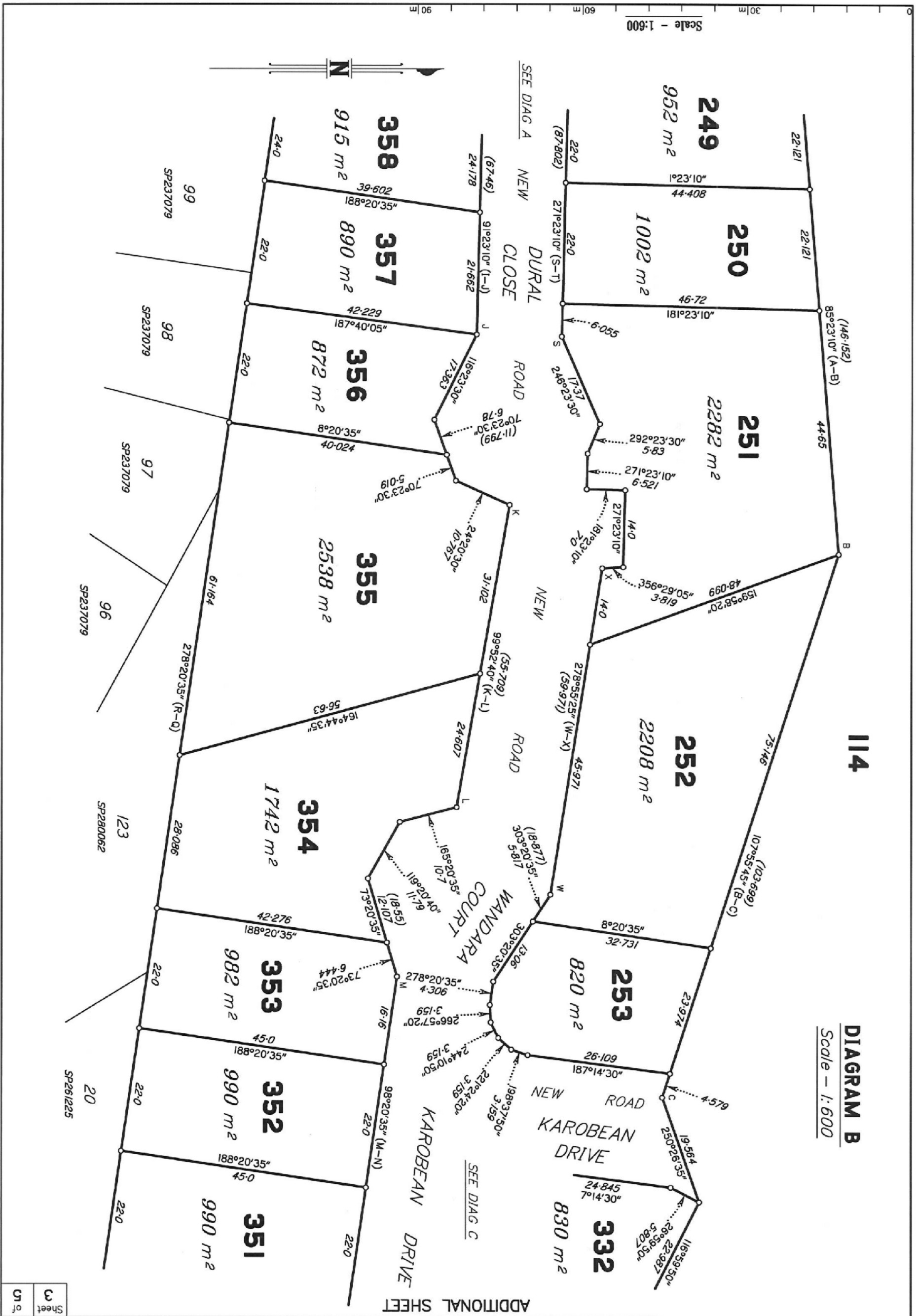


30m  
60m  
90m



ADDITIONAL SHEET

Sheet	2
of	5



Sheet	3
of	5



