

**DELEGATED REPORT**

**SUBJECT:** L MURRAY & S GOLDFINCH - RECONFIGURING A LOT - BOUNDARY REALIGNMENT AND SURRENDER OF ACCESS EASEMENT - LOT 39 & 40 ON SP124051 - SALISBURY DRIVE, JULATTEN - RAL/20/0007

**DATE:** 10 August 2020

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

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	L Murray & S Goldfinch	<b>ADDRESS</b>	Salisbury Drive, Julatten
<b>DATE LODGED</b>	31 July 2020	<b>RPD</b>	Lot 39 & 40 on SP124051
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment and Surrender of Access Easement		

<b>FILE NO</b>	RAL/20/0007	<b>AREA</b>	Lot 39 - 3.326 ha Lot 40 - 3.254 ha
<b>LODGED BY</b>	RPS Australia East Pty Ltd	<b>OWNER</b>	Lot 39 - A Lennox & J Bloomfield Lot 40 - L Murray & S Goldfinch
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Residential Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	N/A - Code Assessment Only		

**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 therefore 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 aspect of the Planning Scheme. It is recommended that the application be approved in full, subject to some minor conditions.*

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	L Murray & S Goldfinch	<b>ADDRESS</b>	Salisbury Drive, Julatten
<b>DATE LODGED</b>	31 July 2020	<b>RPD</b>	Lot 39 & 40 on SP124051
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<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment and Surrender of Access Easement		

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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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 - Boundary Realignment and Surrender of Access Easement

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
PR140636-1	Reconfiguration of a Lot Plan of Lots 39 & 40 Cancelling Lots 39 and 40	RPS Australia East Pty Ltd	18/06/2020

(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 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 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

## (D) ASSESSMENT MANAGER'S ADVICE

### (a) 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.

### (b) 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.

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject land is situated on Salisbury Drive, Julatten and is described as Lots 39 and 40 on SP124051. Lots 39 and 40 have areas of 3.326 ha and 3.254 hectares respectively and are both zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. Both lots are accessed from Salisbury Drive which is constructed to a bitumen sealed standard.

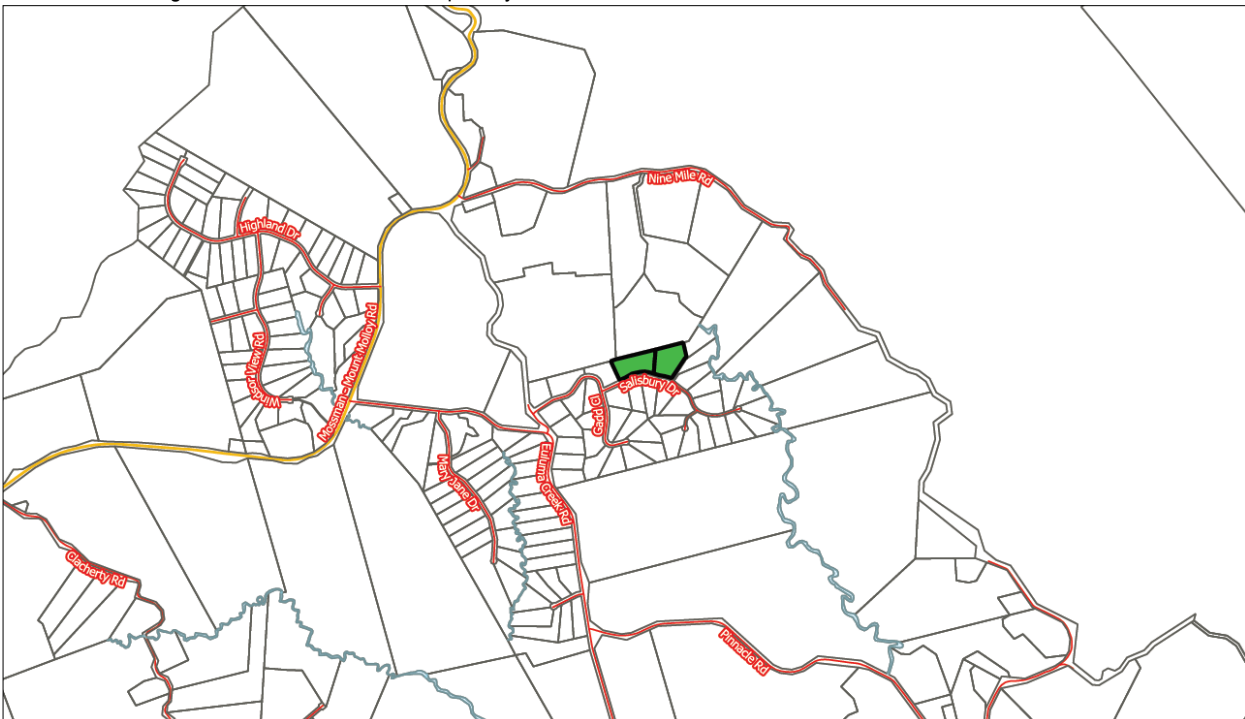
Lot 39 is accessed via an existing driveway within Lot 40 that runs adjacent the eastern boundary. This driveway is covered by an access easement. The purpose of this reconfiguration application is to unburden Lot 40 of the easement by merging that section of Lot 40 which contains the access driveway with Lot 39, then surrendering the easement which will no longer be required.

Lot 39 is improved by a dwelling and outbuildings while Lot 40 is improved by a dwelling only. Both lots will continue to share the existing access crossover.



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 - Boundary Realignment and Surrender of Access Easement in accordance with the plans shown in **Attachment 1**.

Lot 39 is accessed via an existing driveway within Lot 40 that runs adjacent the eastern boundary. This driveway is covered by an access easement. The purpose of this reconfiguration application is to unburden Lot 40 of the easement by merging that section of Lot 40 which contains the access driveway with Lot 39, then surrendering the easement which will no longer be required.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies that Lot 40 contains the following:

- *Terrestrial Area of High Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul> <p><b>Natural Environment Elements</b></p> <ul style="list-style-type: none"> <li>• Biodiversity Area</li> </ul>
Zone:	Rural Residential zone
Precinct:	No Precinct
Overlays:	<ul style="list-style-type: none"> <li>• Agricultural Land Overlay</li> <li>• Environmental Significance Overlay</li> <li>• Hill and Slope Overlay</li> <li>• Transport Infrastructure 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 Development Codes**

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

6.2.10	Rural residential zone code
8.2.1	Agricultural land overlay code
8.2.4	Environmental significance overlay code
8.2.8	Hill and slope overlay code
9.4.2	Landscaping code
9.4.3	Parking and access code
9.4.4	Reconfiguring a lot code
9.4.5	Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

<b>Relevant Codes</b>	<b>Comments</b>
Rural residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (and performance outcomes where no acceptable outcome is provided) contained within the code.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (and 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 (and 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 (and 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 (and 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 (and 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 (and 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 (and performance outcomes where no acceptable outcome is provided) contained within the code.
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**(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 that all development works be designed and constructed in accordance with FNQROC Development Manual standards.

**REFERRALS**

This application did not trigger referral to any referral agencies.

**Internal Consultation**

Nil

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 10 August 2020

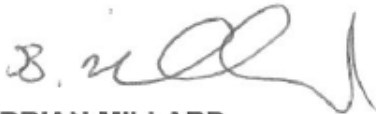


## DECISION BY DELEGATE

## DECISION

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

Dated the 10TH day of AUGUST 2020

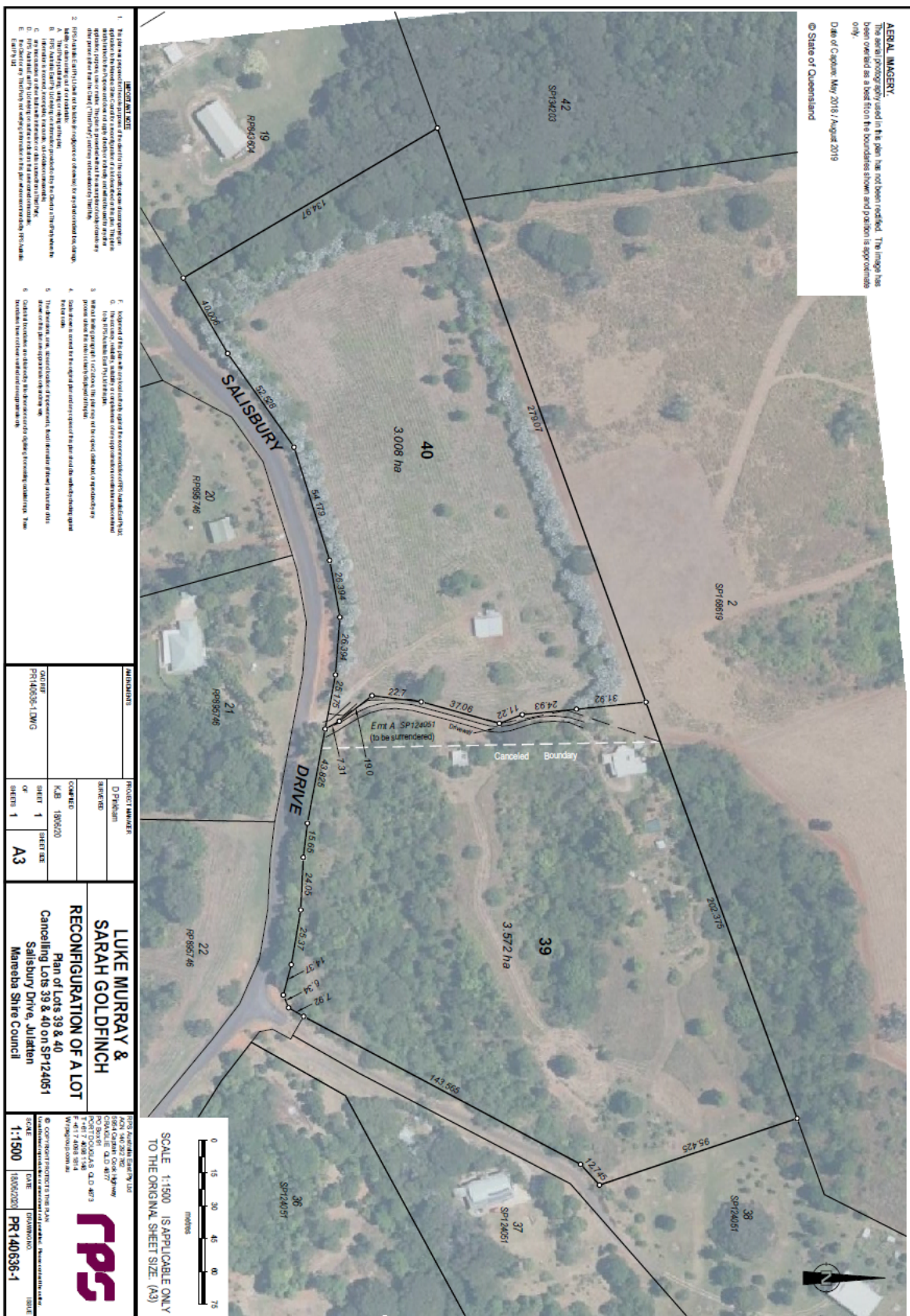


**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3843455)



**AERIAL IMAGERY:**  
 This aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.  
 Date of Capture: May 2018 / August 2019  
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1. The plan was prepared in accordance with the provisions of the Planning and Environment Act 2016 and the Planning and Environment Regulation 2017. The plan is subject to the provisions of the Planning and Environment Act 2016 and the Planning and Environment Regulation 2017.
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<b>APPROVED</b>	<b>PROJECT NUMBER</b>
DATE: PR140636-1/DWG	D/PR/18/01
SCALE: A3	DATE: 18/05/20

**LUKE MURRAY & SARAH GOLDFINCH**  
**RECONFIGURATION OF A LOT**  
 Plan of Lots 39 & 40 on SP124051  
 Salisbary Drive, Julialan  
 Mareeba Shire Council

Scale: 1:1500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3)

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 DATE: 18/05/2020  
 DRAWING: PR140636-1