

**DELEGATED REPORT**

**SUBJECT:** P MERAVIGLIA - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 1 ON RP744866 - 27 MIDDLEMISS STREET, MAREEBA - RAL/20/0011

**DATE:** 15 October 2020

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	P Meraviglia	<b>ADDRESS</b>	27 Middlemiss Street, Mareeba
<b>DATE LODGED</b>	17 September 2020	<b>RPD</b>	Lot 1 on RP744866
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

<b>FILE NO</b>	RAL/20/0011	<b>AREA</b>	1,315m2
<b>LODGED BY</b>	P Meraviglia	<b>OWNER</b>	P Meraviglia
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Medium 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.*

*The key issue of the proposed development is that the subject land is mapped as Low Flood Hazard by the Planning Scheme's Flood Hazard Overlay. The development has been conditioned to appropriately respond to the Flood Hazard Overlay Code.*

*Draft conditions were provided to the Applicant 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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	P Meraviglia	<b>ADDRESS</b>	27 Middlemiss Street, Mareeba
<b>DATE LODGED</b>	17 September 2020	<b>RPD</b>	Lot 1 on RP744866
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	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:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
-	Lot Layout	P Meraviglia	30/09/2020
-	Floor Plan	P Meraviglia	30/09/2020
-	Perspective	P Meraviglia	30/09/2020

(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, 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 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 otherwise by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.

Where necessary, part of the existing dwelling house on proposed Lot 1 is to be demolished to ensure a 1.5 metre setback is provided to the common boundary with proposed Lot 2.

- 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 All future buildings on proposed Lot 2 must achieve a minimum habitable room floor height of 396m AHD.
- 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

Prior to the occupation of a dwelling house on proposed Lot 2, an access crossover must be constructed to proposed Lot 2 (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 4.2 Stormwater Drainage

4.2.1 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.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

#### 4.3 Water Supply

4.3.1 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).

4.3.2 A water service connection is not required to be provided to each lot.

#### 4.4 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).

#### 4.5 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 enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment 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) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request. The Property Connection Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

- (e) 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.

- (f) 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.

- (g) 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.

- (h) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- flood immunity - minimum building floor height of 396m AHD for all new habitable rooms

(i) 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).

(j) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

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 1 on RP744866, situated at 27 Middlemiss Street, Mareeba.

The land is irregular in shape, having an area of 1,315 square metres with a frontage of approximately 40 metres to Middlemiss Street. The relevant section of Middlemiss Street is formed to bitumen sealed standard with kerbing on the development side.

The land is improved by a dwelling house and shed, all of which are sited in eastern half of the lot.

A drainage gully generally follows the north-western boundary. Vegetation remains along the edges of this gully. The majority of the subject site is mapped as Low Flood Hazard by the Planning Scheme's Flood Hazard Overlay mapping

Reticulated electricity and telecommunication infrastructure is connected to the existing dwelling house.

All land adjoining the site is zoned Medium Density Residential and is developed with single 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

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 proposed allotments are as follows:

- Lot 1 Area of approximately 515 square metres, approximate frontage of 20.5 metres to Middlemiss Street.
- Lot 2 Area of approximately 800 square metres, approximate frontage of 19.5 metres to Middlemiss Street.

Access to proposed Lot 1 will continue via the existing dwelling house access off Middlemiss Street. A new access for proposed Lot 2 will be constructed off Middlemiss Street in conjunction with a future dwelling house.

Both allotments are capable of being serviced by all urban services.

A minimum floor height has been proposed for Lot 2 in response to the modelled Low Flood Hazard over this land.



## 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' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Category</b>
	<ul style="list-style-type: none"> <li>Residential Area</li> </ul>
Zone:	Medium Density Residential zone
	Airport Environs Overlay
	Bushfire Hazard Overlay
Overlays:	Environmental Significance Overlay
	Flood Hazard Overlay
	Transport Infrastructure 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

#### Relevant Development Codes

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

- 6.2.7 Medium density residential zone 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
- 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 did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions

(or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Medium 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.
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.
Bushfire hazard 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.
Flood hazard 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.  Specific commentary relating to compliance with Performance Outcomes PO10 and PO13 is provided that the end of this report.
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

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

The application did not trigger referral under the *Planning Regulation 2017*.

## Internal Consultation

Technical Services

## PLANNING DISCUSSION

Compliance with Performance Outcomes PO10 and PO13 of the Flood Hazard Overlay Code is discussed below:

### Flood Hazard Overlay Code

#### **PO10**

*Development, where involving a Material change of use or Building work, is located and designed to:*

- (a) *maintain hydrological function of the premises;*
- (b) *not increase the number of people calculated to be at risk from flooding;*
- (c) *minimises the flood impact on adjoining premises;*
- (d) *ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;*
- (e) *reduce the carriage of debris in flood waters;*
- (f) *reduce property damage; and*
- (g) *provide flood immune access to buildings.*

#### **AO10.1**

*Buildings, including extensions to existing buildings are:*

- (a) *elevated above the defined flood level; and*
- (b) *the defined flood event does not exceed a depth of 600mm; and*
- (c) *elevated above the defined flood level plus 0.3 metres freeboard where for habitable rooms within a dwelling.*

### Comment

The future dwelling house will be highset and above the defined flood event. The highset design of the future dwelling maintains hydrological function of the premises.

The modelled flood water velocity is less than 0.2 metres per second.

The Middlemiss Street footpath and roadway directly in front of both proposed allotments is outside of the modelled flood hazard, allowing for flood immune access.

The development complies with PO10.

#### **PO13**

*Development, where involving Reconfiguring a lot, is located and designed to:*

- (a) *maintain hydrological function of the premises;*
- (b) *not increase the number of people calculated to be at risk from flooding;*
- (c) *minimises the flood impact on adjoining premises;*

- (d) *ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;*
- (e) *reduce the carriage of debris in flood waters;*
- (f) *reduce property damage; and*
- (g) *provide flood immune access to buildings.*

**AO13**

*No acceptable outcome is provided.*

Comment

The future dwelling house will be highset and above the defined flood event. The highset design of the future dwelling maintains hydrological function of the premises.

The modelled flood water velocity is less than 0.2 metres per second.

The Middlemiss Street footpath and roadway directly in front of both proposed allotments is outside of the modelled flood hazard, allowing for flood immune access.

The development complies with PO13.

**Date Prepared:** 15 October 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 19<sup>TH</sup> day of OCTOBER 2020



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



**ANTHONY ARCHIE**  
**MANAGER DEVELOPMENT & GOVERNANCE**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS







