PLANNING REPORT

SUBJECT: **N & N MORRIS - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 3 ON RP733075 - 215 MALONE ROAD, MAREEBA - RAL/17/0006 N & N MORRIS**

MEETING: Ordinary

MEETING DATE: 15 November 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	N & N Morris	**ADDRESS**	215 Malone Road, Mareeba
DATE LODGED	24 October 2017	**RPD**	Lot 3 on RP733075
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	RAL/17/0006	**AREA**	3.893 hectares
LODGED BY	N & N Morris	**OWNER**	N & N Morris
PLANNING SCHEME	Mareeba Shire Council Planning Scheme - July 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application is not required to be publicly notified.

The application proposes the subdivision of the site into two (2) rural residential sized lots with areas of two (2) hectares and 1.893 hectares.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme - July 2016 and is considered to conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code and Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code.

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Both proposed allotments are significantly smaller than the minimum desired lot size of 60 hectares for land within the Rural zone. A key intent of the Planning Scheme is to protect the Shire's agricultural sector by discouraging the creation of small rural lots. The proposed development, which will create yet another out-of-sequence small rural lot is in conflict with this intent.

It is therefore recommended that the application be refused.

Council at its Ordinary Meeting held on 16 August 2017 refused a similar reconfiguring a lot application over the same land. Since that time, the applicant has provided further information to Council, including highlighting the existence of a drainage gully which traverses the subject land.

This new application has been submitted to allow Council to reconsider the reconfiguration based on the additional information provided by the applicant. If Council is prepared to approve the development, a set of potential conditions is provided at the end of this report.

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	N & N Morris	**ADDRESS**	215 Malone Road, Mareeba
DATE LODGED	24 October 2017	**RPD**	Lot 3 on RP733075
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Sustainable Planning Act 2009, the applicant be notified that the application for a development permit for the development specified in (A) is:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code:

PO1
The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the ***Agricultural land overlay maps (OM-001a-n)*** *is avoided unless:*

(a) an overriding need exists for the development in terms of public benefit;
(b) no suitable alternative site exists; and
(c) loss or fragmentation is minimised to the extent possible.

PO2

Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the ***Agricultural land overlay maps (OM-001a-n)*** *are designed and located to:*

(a) avoid land use conflict;
(b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;
(c) avoid reducing primary production potential; and
(d) not adversely affect public health, safety and amenity.

PO3
Development in the 'Class A' area or 'Class B' area identified on the ***Agricultural land overlay maps (OM-001a-n):***

(a) ensures that agricultural land is not permanently alienated;
(b) ensures that agricultural land is preserved for agricultural purposes; and
(c) does not constrain the viability or use of agricultural land.

PO6
Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the ***Agricultural land overlay maps (OM-001a-n)****, including boundary realignments, only occurs where it:*

(a) improves agricultural efficiency;
(b) facilitates agricultural activity; or
(d) facilitates conservation outcomes; or
(d) resolves boundary issues where a structure is built over the boundary line of two lots.

2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the 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****.*

3. That there are not sufficient grounds to justify approval, despite the identified conflicts."

THE SITE

The subject site is situated at 215 Malone Road, Mareeba, and is described as Lot 3 on RP733075. The site is generally regular in shape with a total area of 3.893 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme - July 2016. The site contains 124.4 metres of frontage to Malone Road which is constructed to bitumen sealed standard.

A dwelling and three (3) outbuildings are sited at the rear of the property while a mature fruit tree orchard, including overhead bird and bat netting is established over the bulk of the front of the property. Levison Creek which is supplemented from Tinaroo Dam runs behind the property.

Lots surrounding the property are zoned Rural and are used for rural lifestyle purposes and small scale agriculture.

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 application over Lot 3 on RP733075 was refused by Council at its Ordinary Meeting held on 16 August 2017. The grounds of refusal were those outlines in the Officers Recommendation section of this report.

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 lots are as follows:

- Proposed Lot 8 - total area of two (2) hectares, eight (8) metres of frontage to Malone Road (rear access lot); and
- Proposed Lot 9 - total area of 1.893 hectares, 116.4 metres of frontage to Malone Road.

A three (3) metre wide water supply easement is proposed along the eastern boundary of Lot 8 giving Lot 9 access to Levison Creek. It is proposed to transfer some of the sites existing water allocation to Lot 9.

Lot 8 will contain the sites existing improvements (not including the bird and bat netting which will be removed as part of the development) leaving Lot 9 vacant. Lot 9 is of a size that could accommodate future on-site wastewater disposal and can be connected to the electricity and telecommunications infrastructure.

Access to each proposed lot will be gained via Malone Road with Lot 8 utilising the sites existing access. Both accesses will be upgraded to FNQROC standards.

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' does not identify the site as containing any areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	**Land Use Categories** • *Rural Agricultural Area* • *Rural other* **Natural Environment Elements** *Biodiversity Areas (Wildlife Habitat)*
Zone:	Rural Zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance 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 - July 2016

Relevant Development Codes

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

6.2.9 Rural zone code
8.2.1 Agricultural land overlay code
8.2.2 Airport environs overlay code
8.2.3 Bushfire hazard overlay code
8.2.4 Environmental significance overlay code
8.2.11 Transport infrastructure 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
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Agricultural land overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: ▪ PO1 ▪ PO2 ▪ PO3 ▪ PO6 Refer to planning discussion section of this report.
Airport environs overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: ▪ PO1 and AO1 Refer to planning discussion section of this report.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.

(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

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

(f) Additional Trunk Infrastructure Condition - Road Infrastructure (Section 650 of SPA)

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA if the development is deemed to create additional demand on trunk infrastructure which therefore results in additional trunk infrastructure costs for Council.

The development, creating an additional allotment, is predicted to place additional demand on Council's trunk transport infrastructure (roads).

the developer must pay a one off payment of $4,500 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land ($4,500)

The developer may elect to provide part of the trunk infrastructure instead of making the payment.

If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of $20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision

REFERRALS

Concurrence

This application did not trigger referral to a Concurrence Agency.

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Noncompliance with the Performance Outcomes and Acceptable Outcomes of the Agricultural Land Overlay Code and the Reconfiguring a Lot Code are summarised as follows:

Conflicts with the Agricultural Land Overlay Code

PO1
The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) is avoided unless:

(a) an overriding need exists for the development in terms of public benefit;
(b) no suitable alternative site exists; and
(c) loss or fragmentation is minimised to the extent possible.

Comment

The majority of the subject land is mapped as Class A area.

Proposed Lot 8 will contain the established dwelling house and sheds.

Proposed Lot 9 will be vacant at the time of its creation, and a future dwelling house would be accepted development. Any future dwelling house on proposed Lot 9 would be within the Class A area and would lead to a loss of agricultural land.

Furthermore, the fact that the subject land is already smaller than the desired minimum resultant lot size of 60 hectares does not justify further fragmentation into even smaller less viable rural allotments.

There is not an overriding need for this proposed reconfiguration, and there are numerous alternative sites to meet Mareeba's future urban growth demand.

PO2
Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:

(a) avoid land use conflict;
(b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;
(c) avoid reducing primary production potential; and
(d) not adversely affect public health, safety and amenity.

Comment

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established on proposed Lot 9 as a consequence of the reconfiguration.

The subject land is adjoined to the north-west by an established orchard with the 8 metre wide access handle of proposed Lot 8 being the only separation between this orchard and proposed Lot 9.

Siting an additional rural living allotment, with resultant additional dwelling house, adjacent to Class A area is likely to increase the potential for land use conflict.

Having an additional sensitive land use (dwelling house) in this area will make it harder to manage impacts from lawful farming activities and can only negatively impact on future farming opportunities.

PO3
Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):

(a) ensures that agricultural land is not permanently alienated;
(b) ensures that agricultural land is preserved for agricultural purposes; and
(c) does not constrain the viability or use of agricultural land.

Comment

The majority of the subject land is mapped as Class A area.

The excision of proposed Lot 8 will result in an additional rural living allotment. A dwelling house will be built on this allotment and this land will be alienated from agricultural production/rural use.

Furthermore, the fact that the subject land is already smaller than the desired minimum resultant lot size of 60 hectares does not justify further fragmentation into even smaller less viable rural allotments.

The subject land is adjoined to the north-west by an established orchard with the eight (8) metre wide access handle of proposed Lot 8 being the only separation between this orchard and proposed Lot 9.

Siting an additional rural living allotment, with resultant additional dwelling house, adjacent to Class A area is likely to increase the potential for land use conflict.

The proposed development is in conflict with P03.

PO6
Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the ***Agricultural land overlay maps (OM-001a-n)****, including boundary realignments, only occurs where it:*
(a) improves agricultural efficiency;
(b) facilitates agricultural activity; or
(d) facilitates conservation outcomes; or
(d) resolves boundary issues where a structure is built over the boundary line of two lots.

AO6
No acceptable outcome is provided.

Comment

The proposed development is in conflict with PO6.

The reconfiguration does not improve agricultural efficiency; does not facilitate agricultural activity; does not facilitate a conservation outcome; and does not resolve a boundary issue.

Conflicts with the 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

Existing Lot 3 on RP733075 has an area of 3.893 hectares which is already well below the 60 hectares minimum area nominated in Table 9.4.4.3B.

Proposed Lots 8 and 9 would have areas of two (2) hectares and 1.893 hectares respectively.

The areas of proposed Lots 8 and 9 are not consistent with the intent of maintaining larger allotment areas within the Rural zone. The fact that the subject land is already smaller than the desired minimum resultant lot size of 60 hectares does not justify further fragmentation into even smaller less viable rural allotments.

It is acknowledged that multiple small rural allotments already exist in the immediate locality, however the majority of the small allotments were created prior to the 2004 planning scheme.

The proposed reconfiguration conflicts with PO1.

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of an additional small rural lifestyle allotment, is in conflict with this intent. Furthermore, there are not sufficient grounds to justify approval despite the identified conflicts. It is recommended the application be refused.

Draft conditions of approval

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	N & N Morris	**ADDRESS**	215 Malone Road, Mareeba
DATE LODGED	24 October 2017	**RPD**	Lot 3 on RP733075
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Sustainable Planning Act 2009, 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 consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
1. The proposed development is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code: ***PO1*** *The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:* *(a) an overriding need exists for the development in terms of public benefit;* *(b) no suitable alternative site exists; and* *(c) loss or fragmentation is minimised to the extent possible.* ***PO2*** *Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:* *(a) avoid land use conflict;* *(b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;* *(c) avoid reducing primary production potential; and* *(d) not adversely affect public health, safety and amenity.* ***PO3*** *Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:* *(a) ensures that agricultural land is not permanently alienated;* *(b) ensures that agricultural land is preserved for agricultural purposes; and* *(c) does not constrain the viability or use of agricultural land.* ***PO6*** *Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:* *(a) improves agricultural efficiency;* *(b) facilitates agricultural activity; or* *(d) facilitates conservation outcomes; or* *(d) resolves boundary issues where a structure is built over the boundary line of two lots.* 2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the 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**.*	The subject site and immediately surrounding allotments are already developed for rural residential living, notwithstanding the underlying agricultural land classification. Proposed Lot 9, the vacant lot, is considerably buffered from nearby intensive rural uses by distance and established vegetation along the banks of Levison Creek. The proposed subdivision does not result in a lessoning of future rural opportunities or any further alienation of quality agricultural land. The proposed development is considered to represent the highest and best use of the subject land.

(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
421_01	Proposed Reconfiguration Lot 3 on RP733075	Robin Trotter Cadastral Surveyor	12/7/17

(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.

A bitumen sealed or 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
- 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 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

Proposed Lot 8 must be provided with a water supply via:

(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

(b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or

(c) on-site water storage tank/s:

(i) with a minimum capacity of 90,000L;
(ii) fitted with a 50mm ball valve with a camlock fitting;

(iii) which are installed and connected prior to the occupation or use of the development.

At the time of construction of a dwelling on proposed Lot 9, a water supply must be provided via:

(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

(b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or

(c) on-site water storage tank/s:

(i) with a minimum capacity of 90,000L;
(ii) fitted with a 50mm ball valve with a camlock fitting;
(iii) which are installed and connected prior to the occupation or use of the development.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 9, 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.

5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay $4,500.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period

starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land ($4,425.00 per additional allotment)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of $20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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.

(d) 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) Notation on Rates Record

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

- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse

(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

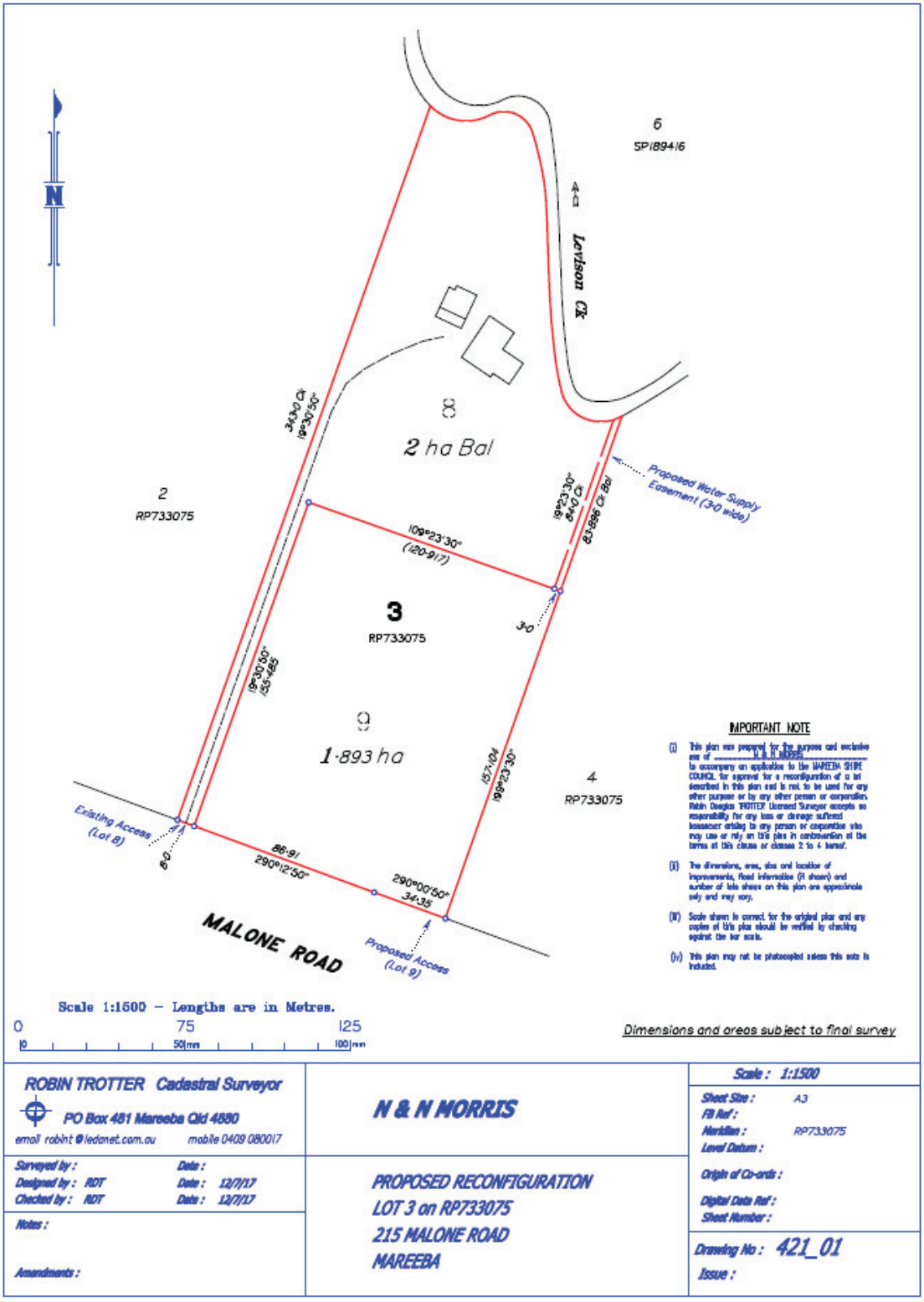
(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

Date Prepared: *1 November 2017*

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3268100)



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