

8.6 I WALLACE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP730887 - 155 HASTIE ROAD, MAREEBA - RAL/21/0007

Date Prepared: 2 June 2021

Author: Planning Officer

Attachments: 1. Proposal Plan
2. Submission

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	I Wallace	ADDRESS	155 Hastie Road, Mareeba
DATE LODGED	13 April 2021	RPD	Lot 2 on RP730887
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		
FILE NO	RAL/21/0007	AREA	13.182 hectares
LODGED BY	Kelly Reaston Development & Property Services	OWNER	RY Wallace
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact assessment		
SUBMISSIONS	One (1)		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. One (1) submission was received during public notification of the application.

The application proposes the subdivision of the site to create one (1) residential-sized allotment at the eastern end of the property fronting Hastie Road. This additional residential lot will be situated adjacent to established residential lots and the balance of the site will remain undeveloped. The Planning Scheme makes this application impact assessable because it proposes the creation of an additional allotment within the Emerging community zone. The intent of the Emerging community zone is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme. As such, any interim development should only be approved where it does not compromise this intent.

The residential allotment proposed is logical in terms of both location and size and will not compromise the future ongoing development of the balance land or surrounding residential area. The allotment will be required to be provided with all standard urban services.

No conflicts with the Planning Scheme have been identified. It is recommended that the application be approved, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	I Wallace	ADDRESS	155 Hastie Road, Mareeba
DATE LODGED	13 April 2021	RPD	Lot 2 on RP730887
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARO0062-SK01	Proposal Plan	ARO Industries Pty Ltd	6/04/2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:

- found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.7 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

The existing access crossover servicing balance Lot 2 must be upgraded/constructed (from the edge of Hastie Road to the property boundary) in accordance with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.

4.2 Roadworks - External

Hastie Road must be upgraded for the full frontage of Lot 2A to match the existing Hastie Road cross-sectional geometry to the south-east of the site. These works should generally include the following:

- The widening of the development side of Hastie Road to achieve a total road width of 10 metres;
- the installation of kerb and channel (of similar profile to the existing kerb and channel) on the development side of Hastie Road for the full frontage of Lot 2A; and

- Any stormwater inlet pit/s required to be installed to connect to the existing underground stormwater network on the opposite side of Hastie Road.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

4.3 Stormwater Drainage

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

4.4 Water Supply

4.4.1 Lot 2A must be provided with a water service connection in accordance with FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.4.2 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend 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).

4.5 Sewerage Connection

4.5.1 Lot 2A must be provided with a connection to Council's reticulated sewerage network in accordance with FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.5.2 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).

4.6 Electricity provision/supply

Lot 2A must be provided with an electricity supply in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Lot 2A 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) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

- (f) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (g) 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

(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

(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

- Access crossover approval as required by Condition 4.1 (can be done as part of Operation Works application)

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>	
Additional Lot	\$19,280.00	2	\$38,560.00	1 (\$19,280.00)	\$19,280.00
TOTAL CURRENT AMOUNT OF CHARGE					\$19,280.00

THE SITE

The subject site is situated at 155 Hastie Road, Mareeba and is described as Lot 2 on RP730887. The site is generally regular in shape with a total area of 13.182 hectares and is zoned *Emerging community* under the *Mareeba Shire Council Planning Scheme 2016*. The site contains approximately 216 metres of frontage to Hastie Road which is constructed to a bitumen sealed standard for the most part, with some sections of asphalt. Some sections of Hastie Road include kerb and channel, however the frontage to this site remains without. Access to the site is currently gained from Hastie Road via an unsealed crossover in the north-east corner of the allotment.

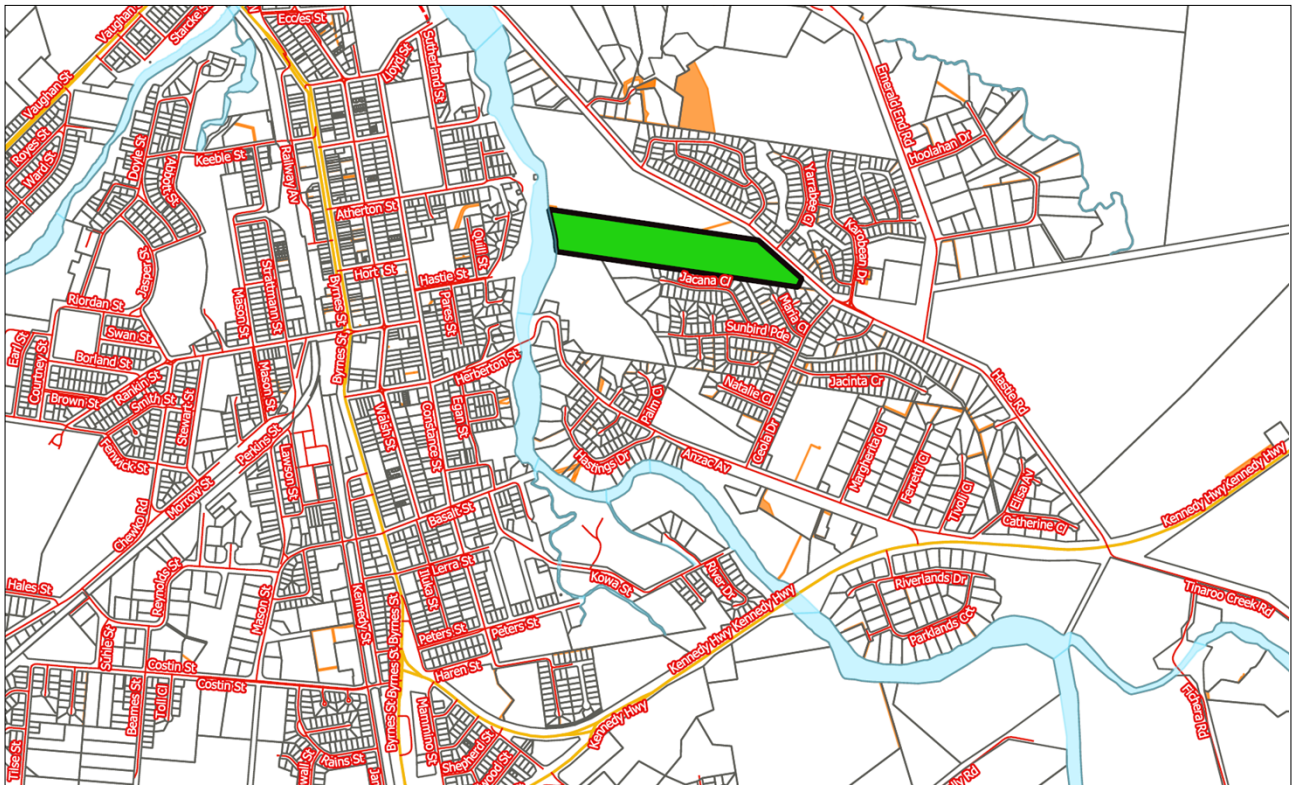
The site is improved by a dwelling and multiple outbuildings (sheds) situated at the western end of the property. A seasonal watercourse traverses the eastern end of the site and is a continuation of the large drain that runs through adjoining Sunbird Estate. This watercourse continues on through the northern adjoining lot and eventually drains to the Barron River. The site also backs onto the Barron River at its western end.

Surrounding lots are zoned a mix of Emerging community and Low density residential. Sunbird Estate is situated to the south of the site and spans the majority of the southern boundary, while Amaroo Estate is situated to the north and east of the site.



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

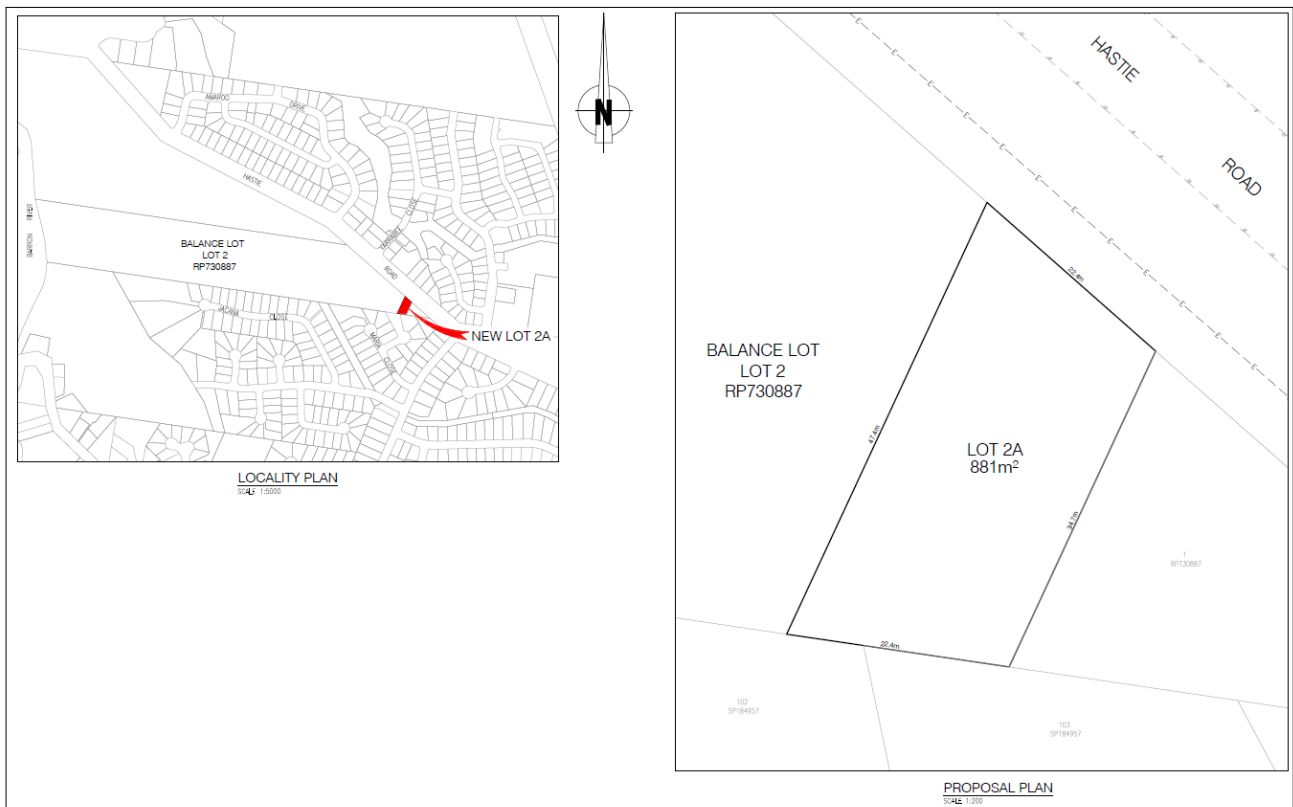
Nil

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** and shown below:



Proposed Lot 2A will be provided with all urban services.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. 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 as containing:

- *Local Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Urban Expansion Area Natural Environmental Elements <ul style="list-style-type: none"> • Biodiversity Area • Habitat Linkage Infrastructure Elements <ul style="list-style-type: none"> • Major Electrical Infrastructure Transport Elements <ul style="list-style-type: none"> • Local Collector Road Other Elements <ul style="list-style-type: none"> • Major Watercourse (Barron River)
Zone:	Emerging Community Zone
Local Plan:	Mareeba Local Plan
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Regional Infrastructure & Substations 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

Strategic Framework

The aspects of the Planning Scheme's Strategic Framework relevant to the application are as follows:

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (3) *Residential areas and urban expansion areas support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and activity centres while protecting the character of the shire.*

Housing for aged persons, both for independent and assisted living, is provided to support the ageing population of the shire. Aged care development is provided in suitable locations in the residential areas and urban expansion areas of the shire.

Comment

The application proposed the subdivision of an 881m² residential allotment from the eastern end of the property which will be situated immediately adjacent existing residential lots. This residential lot will be provided with all urban services.

The residential allotment proposed is logical in terms of both location and size and will not compromise the future ongoing development of the balance land or surrounding residential area. The proposed development complies with Strategic Outcome 3.

3.3.8 Element - Urban expansion and investigation areas

3.3.8.1 Specific outcomes

- (1) *Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.*

Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The intent of Specific Outcome 1 is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme. As such, any interim development should only be approved where it does not compromise this intent.

The application proposed the subdivision of an 881m² residential allotment from the eastern end of the property which will be situated immediately adjacent existing residential lots. This residential lot will be provided with all urban services.

The residential allotment proposed is logical in terms of both location and size and will not compromise the future ongoing development of the balance land or surrounding residential area. The proposed development complies with Specific Outcome 1.

Relevant Developments Codes

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

- 6.2.4 Emerging community 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
- 8.2.9 Regional infrastructure corridors and substations 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
Emerging community 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. Performance Outcome PO7 requires that a Structure Plan be prepared for development within the Emerging community zone. In this instance, a structure plan is not considered necessary. Refer to Planning discussion section of report for further commentary.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
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.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	<p>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 apart from the following:</p> <ul style="list-style-type: none"> • Acceptable Outcome AO1.1 <p>Refer to planning discussion section of report for further commentary.</p>
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.

(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. 01) of 2020, a levied charge of \$19,280.00 will apply to each additional residential allotment created.

The \$19,280.00 charge was derived from a \$4,820.00 infrastructure charge for each of the following four (4) trunk infrastructure networks:

- Water supply;
- Wastewater (sewer);
- Transport (roads); and
- Public parks and land for community facilities

The application proposes the creation of one (1) additional residential lot.

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

REFERRAL AGENCY

This application did not trigger referral to any Referral Agencies.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 27 April 2021 to 20 May 2021. The applicant submitted the notice of compliance on 21 May 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received. This submission did not object to the proposed development, but simply listed some town planning consideration for Council to consider.

The submission content is summarised and commented on below:

Grounds for objection /support	Comment
<i>"Firstly, BTM & S Stankovich Pty Ltd wants to expressly note that they do not oppose the Development of the site. They considered that Development along Hastie Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided development is appropriately designed and Conditioned to an acceptable standard of Development."</i>	Noted - The development is recommended for approval subject to conditions relating to the servicing of proposed residential Lot 2A. It is not considered necessary to require the servicing of balance Lot 2 outside of an access crossover upgrade.
A structure plan should have been submitted to demonstrate that the proposed subdivision would not compromise the future development of the entire site and to demonstrate the appropriate provision of urban services.	A structure plan is not considered necessary in this instance (refer to planning discussion section of report for PO7). Conditions will be attached to any approval ensuring that proposed residential Lot 2A is provided with all urban services. It is not considered necessary to require the servicing of balance Lot 2 outside of an access crossover upgrade.
Proposed residential Lot 2A should be provided with all urban services and Hastie Road should be upgraded accordingly.	Noted - The development has been appropriately conditioned to ensure necessary service standards.
The access crossover servicing Balance Lot 2 is not constructed to standard and upgrades should be required as part of any approval.	A condition has been attached to any approval requiring the upgrade of the existing unsealed access crossover that will continue to service proposed balance Lot 2.
"The current driveway that services the two (2) existing dwellings, associated Rural Structures and Rural Activities is of gravel construction. This access is at a minimum approximately 520 metres in length and is provided with no dust control. As aforementioned, the Development Application initiates the Emerging Communities Development resulting in the provision of a Residential Use allotment similar to the surrounding Low Density Residential Allotments. Due to the proposal to further develop the site, it is considered acceptable that give the initiation of the site, dust suppression requirements are Conditioned to be implemented. The provision of sealing or specific dust suppressions measures are requested to e Conditioned partly of the existing	The residential lot proposed (Lot 2A) is at the eastern end of the property adjacent to existing residential lots. The balance of the allotment will remain unchanged and already contains a dwelling house, so will not accommodate any additional residential use. The driveway in contention is situated adjacent the northern boundary of the site and to date, the assessing officer is not aware of any substantiated dust complaints received as a result of this unsealed gravel driveway. It is considered premature and unreasonable to require the upgrade of this driveway at this time.

internal driveway. It is accepted that mitigation measure be conditioned of the first approximate 175 metres of the internal driveway starting at the frontage of the site and finishing on the western side of the naturally vegetated watercourse that intersects the site.	
Old salvaged/unused mining equipment is being stored at the eastern end of the site generally where proposed Lot 2A is situated. The storage of this equipment on-site is not acceptable and detracts from the residential amenity, nature, character and streetscape of the immediate area.	This is not a consideration relevant to the development application.

Submitters

Name of Principal submitter	Address
1. Freshwater Planning Pty Ltd on behalf of BTM & S Stankovich Pty Ltd	17 Barron View Drive, Freshwater QLD 4870

PLANNING DISCUSSION

Non-compliance with the acceptable outcomes/performance outcomes contained within the Emerging community zone code and Reconfiguring a lot code are summarised as follows:

Emerging Community Zone Code

Structure Planning

PO7

Development occurs as outlined in a Structure Plan that:

- (a) is prepared in accordance with Planning Scheme Policy 8 Structure Planning;*
- (b) takes into consideration land use need and the type, scale, density of proposed urban development;*
- (c) includes a road network that:*
 - (i) is logically designed;*
 - (ii) can be delivered sequentially;*
 - (iii) includes an urban morphology that is consistent with the surrounding area;*
 - (iv) provides pedestrian links to centres and open space;*
- (d) locates any non-residential development:*
 - (i) on major roads;*
 - (ii) where not introducing non-residential traffic to residential streets; and*
 - (iii) to provide the day to day needs of the immediate residential community;*
- (e) scales any non-residential development to:*
 - (i) be consistent with the scale of surrounding residential development;*
 - (ii) not undermine the viability of nearby centres or the centres network; and*
 - (iii) not unduly detract from the amenity of nearby residences.*

AO7

No acceptable outcome provided.

Comment

No structure plan was submitted with the application. Proposed Lot 2A adjoins established Low density residential zoned lots along its southern and eastern sides. Proposed Lot 2A represents a logical extension to these established low density residential areas.

The creation of Lot 2A will not compromise the further redevelopment of the balance area (proposed Lot 2). A structure plan is not considered necessary for the scale of development proposed and considering the location of proposed Lot 2A. It is acknowledged that a structure plan will be necessary prior to the development of balance lot 2.

The applicant has provided the following response to PO7:

"This development proposal is to create a single residential dwelling lot to allow the relocation of the landowner to an adjacent dwelling to enable the future development of the balance site.

A structure plan is not required to facilitate this particular development.

The newly created residential lot is positioned in a location that is consistent with the immediately adjacent residential development. It is also consistent with the existing residential development on Hastie Road.

Importantly, it does not compromise any future structure planning in the area."

Council officers are satisfied that the proposed development does not have a significant conflict with PO7.

Reconfiguring a Lot Code

Area and frontage of lots

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**.*

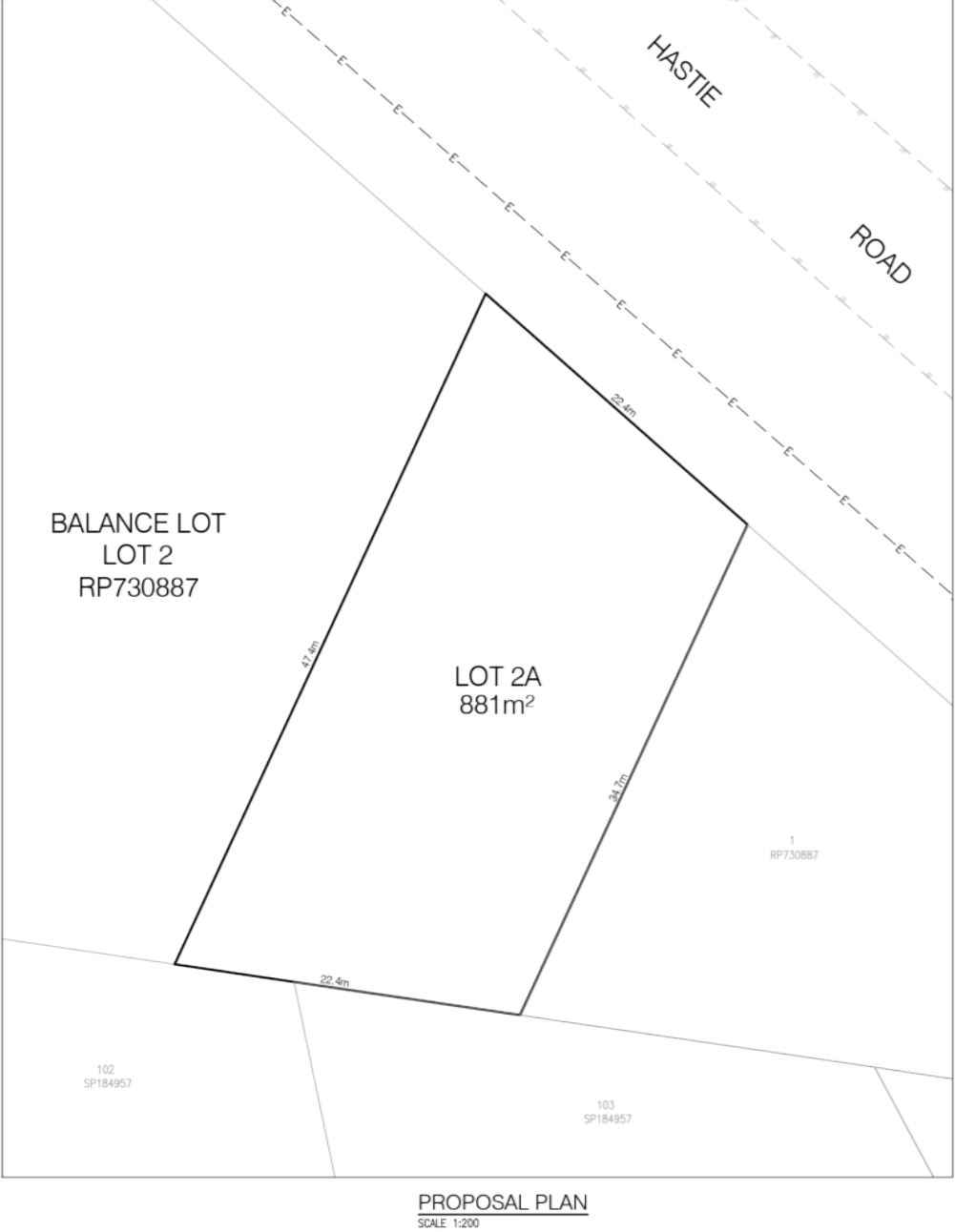
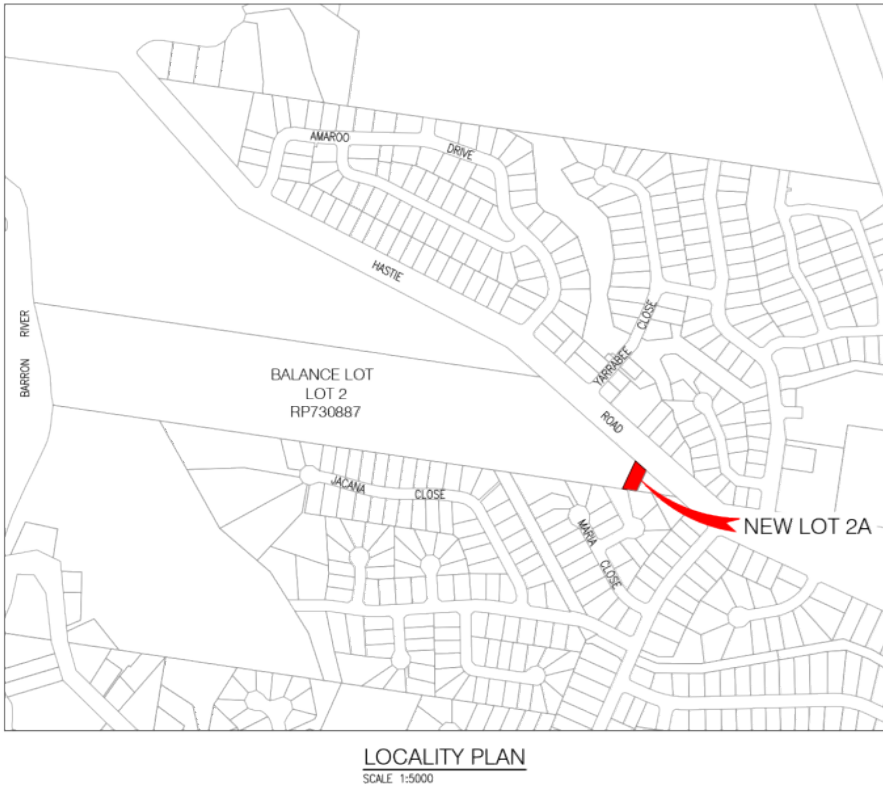
Comment

Table 9.4.4.3.B dictates that land within the Emerging community zone achieve a minimum lot size of 10 hectares and a minimum frontage of 100m. The proposed reconfiguration is therefore non-compliant with AO1.1.

These minimum lot and frontage requirements are intended to advance and help achieve the overarching intent of the Emerging Communities Zone which is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme.

Ordinarily, allowing the creation of an additional small lot within this zone is not considered good town planning practice as it can hinder the future planning and development of residential estates. However, the application proposes the creation of an 881m² residential allotment (proposed Lot 2A) from the eastern end of the property which will be situated immediately adjacent existing residential lots. Proposed Lot 2A is logical in terms of both its location and size and will not compromise the future development of the balance land or surrounding residential area.

The proposed development will allow the desired amenity of the zone to be achieved and proposed Lot 2A will be provided with all urban services. The proposed development complies with PO1.



- LEGEND
- E — — — EXISTING ELECTRICITY
 - — — — — EDGE OF EXISTING ROAD



44 McLeod Street
Cairns Qld 4870
T: (07) 4281 6867
E: admin@arindustries.com.au
W: www.arindustries.com.au
ABN: 49 641 461 298

RECONFIGURATION OF
LOT 2 ON RP730887, MAREEBA

PROPOSAL PLAN

ARO0062-SK01 AS SHOWN
A1 Full Size

Acad No. ARO0062-SK01(1) 6th APRIL 2021

Your Ref: RAL/21/0007
Our Ref: F21/12

18 May, 2021

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880



Attention: Regional Land Use Planning Group

Dear Sir,

**RE: PUBLIC NOTIFICATION SUBMISSION
APPLICATION FOR A RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 2 LOTS)
LOT 2 ON RP730887, 155 HASTIE ROAD, MAREEBA.
DEVELOPMENT APPLICATION RAL/21/0007.**

The following Submission is provided in relation to the Reconfiguration that is currently under Public Notification for the Development Application RAL/21/0007 located at 155 Hastie Road, Mareeba. This Submission is submitted on behalf of BTM & S Stankovich Pty Ltd.

Firstly, BTM & S Stankovich Pty Ltd wants to expressly note that they do not oppose the Development of this site. They considered that Development along Hastie Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development.

The Site and Development Application

The Development Application is for a Reconfiguration of 1 Lot into 2 Lots with the site noted as being *improved by two (2) Dwelling Houses and a number of other structures related to the rural use*. The proposal is to create an additional Residential Allotment of 881 m² within the Emerging Community Zone of the Mareeba Shire Planning Scheme. The proposed Reconfiguration is understood from the Development Application to create a Residential Allotment considered to be a Low Density Residential Allotment with the balance of the site currently under Rural Uses and Activities.

The Development Application notes that *'the Applicant is proposing to prepare a structure plan to guide the logical and sequential development of this site. To enable this to occur, the Applicant is seeking to create a single residential lot (881m²) immediately adjacent the existing Low Density Residential lot. The balance land (12.30ha) will be retained for future development'*. Freshwater Planning Pty Ltd is unsure as to why the provision of a 'Structure Plan to guide the logical and sequential development of the site' is dependant on the first excision of a single Residential Allotment.

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The site, whilst designated within the Urban Footprint, is located outside the outside of the PIA Boundary and proposes a Residential Purpose (Low Density Residential) Allotment. While the Development Application notes that the Development will be connected to the reticulated Water and Sewerage System and the Council's Stormwater Network, no Engineering Report nor appropriate comments were provided.

The site is improved by two (2) Dwelling Houses and a number of other structures associated with the Rural Use over the site, however, the site does not appear to be provided any approved access. Freshwater Planning Pty Ltd has been informed that the access to the existing Dwellings and sheds, as provided in the image below (Image 1), was constructed approximately less than five (5) years ago. As per the image below, the access is not considered to meet any FNQROC Standards (e.g., no pipe, no gravel and no bitumen).

Image 1 – Access from Hastie Road



The site is designated within the Emerging Communities Zone and contains two (2) Dwelling Houses and Rural Structures associated with the Rural Use. As the proposal is requesting that a single Residential Allotment be created for the purpose of constructing a new Residential Dwelling House for the current landowner, in addition to the two existing Dwelling Houses provided over the site, the Development proposes to activate the Emerging Community Zone's Future Residential Land's ability of the site. Whilst BTM & S Stankovich are not against this, the proposal brings forward the future Residential Uses of the site without appropriately mitigating the existing Rural amenity, nature and character of the site. If the proponent wishes to initiate the any Residential Development of site, then it is requested that the Development ensures to enhance the Residential amenity, nature and character of the immediate vicinity. The site is in clear view of the adjacent Amaroo Park Residential

Estate and its Residents. The site contains and stores existing rejected/salvaged Mining and Farming Equipment as per demonstrated in the image below (Image 2), with this storage of salvaged equipment within a Residential Area not appropriate nor acceptable detracting from the Residential amenity, nature, character and streetscape of the immediate area.

Image 2 – Salvaged Equipment



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Submitter's Submission

As the site is located within the Emerging Communities Zone and proposes to create an additional Allotment for Residential Purposes over a site used for Rural Uses, it is considered that the provision of a Structure Plan is appropriate within this instance. The Emerging Communities Zone Code's Purpose as provided within the Development Application is *'to provide for the sequenced release of land to meet community need and market demand for new urban development in designated urban growth areas. Urban development may occur in the zone in accordance with an approved structure plan but the primary purpose of the zone and the code is to reserve land for future urban development, the majority of which is likely to occur beyond the life of the planning scheme'*. Again, BTM & S Stankovich do not oppose this Development, however, believe that Conditions should be imposed to hold the property and Development to an acceptable standard of a development site. This includes the appropriate Master Planning/Structure Planning not only demonstrating how the current Reconfiguration *'does not compromise the Purpose of the Emerging Community Zone'* but also to aid in demonstrating how the provision of Urban Services will be provided to the site given the lack of any Engineering Report or comments for a property located outside of the PIA Boundary. Any servicing of the site should take into consideration the Master Planning of the whole site and any future development to ensure that the appropriate provision of sequential

infrastructure is provided. As aforementioned, Freshwater Planning Pty Ltd is unsure as to why the provision of a *'Structure Plan to guide the logical and sequential development of the site'* has not been provided and is apparently dependant on the first excision of a single Residential Allotment.

As the proposal is for the creation of a Residential Allotment that will be provided with all Urban Services (Reticulated Electricity, Telecommunications, Water and Sewerage) and connected to Council's Stormwater Network, it is assumed that given that no Engineering Report nor comments were provided with the Development Application that the Development is accepting to provide Kerb and Channelling to the frontage of Hastie Road as to appropriately connect to the Council's Stormwater Network. Further, as the proposal provides for a Residential Use Allotment, all Residential Standards will be provided including the requirements for Road Widenings, installation of Footpaths and Kerb and Channelling (as abovementioned) and the provision of appropriate Urban Servicing.

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The Development Application states that *'the new residential lot will be accessed by a standard residential crossover to Hastie Road and the existing access will be retained unchanged for the balance lot'*. Freshwater Planning Pty Ltd has been informed that the access to the existing Dwellings and sheds, as provided in Image 1 above, was constructed approximately less than five (5) years ago. As per the image, the access is not considered to meet any FNQROC Standards (e.g. no pipe, no gravel and no bitumen). A representative from BTM & S Stankovich Pty Ltd enquired with the Mareeba Shire Council's appropriate Officer in relation to this access not meeting the FNQROC's Development Standards nor similar Standards to what has been Conditioned and required within the immediate and surrounding vicinity. The representative was informed by Council's Officer that at the time an Access Application was lodged with Council but to date no reasonable attempt by the applicant has been made to construct nor Council to enforce the construction of the access. This existing and understood not be approved/finalised access is located directly adjacent to Amaroo Residential Park Estate and is considered to be an eyesore with mud and dirt constantly being traversed onto Hastie Road during weather events. As the proposal is to provide a Residential Allotment, of similar size and shape to those adjoining and surrounding Low Density Residential Zoned Allotments activating the Emerging Communities future Uses, it is expected that appropriate Crossovers be Conditioned in accordance with similar Approvals within the immediate area and in accordance with the FNQROC Development Manual.

The current driveway that services the two (2) existing Dwellings, associated Rural Structures and Rural Activities inclusive of the not approved/finalised crossover is of gravel construction. This access is at a minimum approximately 520 metres in length and is provided with no dust control. Whilst the site is currently used for Rural Activities, the proposal is for a Reconfiguring a Lot activating development of the Emerging Communities Zone over the site and proposing a Residential Allotment and Use. As the proposal is activating this Zoning and providing Residential Uses, it is considered that some form of dust suppression is provided over the site to mitigate and adverse impacts of the site to the surrounding Residential Land Uses. If required photographs of the Dust can be provided.

Conclusion

Whilst the proposed Development Application for Reconfiguration of a Lot is lacking in considered important information and lodged with an incomplete DA Form1, BTM & S Stankovich is not oppose to Development within the Shire nor over this allotment. However, they do believe that Development needs to be appropriate, limiting any additional impacts that may arise from the Development or increase in population and Conditioned appropriately and similar to that of Developments within the immediate vicinity. BTM & S Stankovich do not believe that the proposal provides for appropriate mitigation measures to protect the existing nature and character of the area and requests that Council impose appropriate Conditions within any Approval. The Submitters believe that the following needs to be addressed and appropriately Conditioned:

- Council should require the provision of a Master Plan/Structure Plan to demonstrate that the proposal does not affect the Balance Allotment with the proposed Reconfiguration ensuring acceptable sequencing of the site and any future Development. Freshwater Planning Pty Ltd is unsure as to why the provision of a 'Structure Plan to guide the logical and sequential development of the site' is dependent on the first excision of a single Residential Allotment and should be provided as a part of this Development Application.

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- As the site is located outside of the PIA Boundary and given the lack of any Engineering Report or comments within the Development Application, it is requested that Council ensure that the Reconfiguration is Conditioned to be connected up to Council's Reticulated Water and Sewerage Systems along with the Council's Stormwater Network. The necessary Reports and Investigations should be undertaken and provided, and any servicing should be appropriately designed to ensure to take into account and consideration of any future Development over the site. The provision of a Structure Plan and Engineering Report should have been provided to ensure that appropriate sequencing, in particular for servicing, is provided to the proposed out of the PIA Boundary Development.
- The Development Application initiates the Emerging Communities Development resulting in the provision of a Residential Use Allotment similar to the surrounding Low Density Residential Allotments. As the proposal is for the creation of a Residential Allotment of similar design and Uses to that immediately adjoining, are adjacent to and surround the site, the proposal is expected to be Conditioned to a Residential Use Allotment Standards. This includes the requirements for Road Widening, installation of Footpaths and Kerb and Channelling (as abovementioned) and the provision of appropriate Urban Servicing.
- The site contains an existing crossover that is not considered to be approved/finalised with the proposal only noting that a new crossover is required for the Residential Purposes Allotment. As the existing crossover is currently not up to the appropriate standard, the crossover is requested to be Conditioned to the appropriate Standard incorporating the FNQROC Development Manual.
- The current driveway that services the two (2) existing Dwellings, associated Rural Structures and Rural Activities is of gravel construction. This access is at a minimum approximately 520 metres in length and is provided with no dust control. As aforementioned, the Development Application initiates the Emerging Communities Development resulting in the provision of a Residential Use Allotment similar to the surrounding Low Density Residential Allotments. Due to the proposal to further develop the site, it is considered acceptable that given the initiation of the site, dust suppression requirements are Conditioned to be implemented. The provision of sealing or specific dust suppressions measures are requested to be Conditioned partly over the existing internal driveway. It is accepted that mitigation measures be Conditioned over the first approximate 175 metres of the internal driveway starting at the frontage of the site and finishing on the western side of the naturally vegetated watercourse that intersects the site. As the proposal is activating this Zoning and providing Residential Uses, it is considered that some form of dust suppression is provided over the site to mitigate and adverse impacts of the site to the surrounding Residential Land Uses.

Yours faithfully,



MATTHEW ANDREJIC ON BEHALF OF BTM & S STANKOVICH PTY LTD
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18 May, 2021

Chief Executive Officer
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Dear Sir,

**RE: PUBLIC NOTIFICATION SUBMISSION FOR THE APPLICATION FOR A RECONFIGURING
A LOT – SUBDIVISION (1 LOT INTO 2 LOTS). LOT 2 ON RP730887, 155 HASTIE ROAD,
MAREEBA. DEVELOPMENT APPLICATION RAL/21/0007.**

We, BTM & S Stankovich Pty Ltd of Hastie and Emerald End Roads Mareeba, P O Box 1124 Mareeba Qld 4880 authorise Freshwater Planning Pty Ltd to lodge a Submission in relation to the Development Application for a Reconfiguring a Lot – Subdivision (1 Lot into 2 Lots) over land described as Lot 2 on RP730887 and situated at 155 Hastie Road, Mareeba, on our behalf.



BTM & S STANKOVICH PTY LTD