

**8.1 BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (2 INTO 26 LOTS) AND MATERIAL CHANGE OF USE - MULTIPLE DWELLING (25 X DWELLING HOUSES) - LOT 2 ON SP298298 & LOT 48 ON SP320488 - MERINDAH CLOSE & KAROBEAN DRIVE, MAREEBA - MCU/21/0009**

**Date Prepared:** 6 September 2021

**Author:** Planning Officer

**Attachments:** 1. Proposal Plan

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich	<b>ADDRESS</b>	Merindah Close & Karobean Drive, Mareeba
<b>DATE LODGED</b>	13 May 2021	<b>RPD</b>	Lot 2 on SP298298 & Lot 48 on SP320488
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses)		
<b>FILE NO</b>	MCU/21/0009	<b>AREA</b>	Lot 2 - 8,299m <sup>2</sup> Lot 48 - 1.917 ha
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Lot 48 - BTM & S Stankovich Pty Ltd Lot 2 - BTM & S Holdings Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low density residential Lot 2 - Hastie Road business zone		
<b>LEVEL OF ASSESSMENT</b>	Impact assessment		
<b>SUBMISSIONS</b>	No submissions received		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Being impact assessable, the application was required to undergo public notification. No submissions were received during the notification period.

The proposed development will ultimately result in 25 new dwellings on 25 new residential allotments ranging in size from 576m<sup>2</sup> 761m<sup>2</sup>, accessed from the extension of Merindah Close. The application is not a straightforward subdivision in that the applicants have included a material change of use (multiple dwelling) component to allow the developer to construct multiple dwellings on single titles in preparation of sale. Once pre-sold, the lots will be reconfigured to separate the dwellings onto individual titles before final sale. This is a similar approach to large scale subdivisions undertaken in larger towns such as Cairns and allows the developer to provide a "house and land

package" option to prospective purchasers. Merindah Close will be extended to service the development.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

It is recommended that the application be approved in full, subject to conditions.

**OFFICER’S RECOMMENDATION**

(A) That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich	<b>ADDRESS</b>	Merindah Close & Karobean Drive, Mareeba
<b>DATE LODGED</b>	13 May 2011	<b>RPD</b>	Lot 2 on SP298298 & Lot 48 on SP320488
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses)		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Plan Ref: 8673	Development Plan	Twine Surveys Pty Ltd	20/04/2021

(D) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

**Reconfiguring a Lot Component**

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 "reconfiguring a Lot Component" conditions contained within this development permit must be complied with (where relevant) to the satisfaction of Council's delegated officer prior to the endorsement of a plan of survey of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.
  - 2.2 Where an allotment is proposed on a plan of survey and contains a dwelling house, the "Material Change of Use Component" conditions contained within this development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
  - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
  - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.6 Charges

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

4 Infrastructure Services and Standards (not applicable for Lot 2)

4.1 Access

- (a) Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

- (b) A driveway crossover application must be submitted, the relevant fee paid, and the final works inspected and approved prior to the endorsement of any plan of survey creating any lot/s that incorporates a dwelling/s and associated driveway/s. The applicant/developer may construct multiple driveway/access crossovers at one time which can be considered under the one driveway crossover application.

4.2 Stormwater Drainage

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

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

- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.4 Civil Works - Internal

- (a) Merindah Close must be constructed to an Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer. Either a cul-de-sac or three-point turn "T-Head" treatment is permitted at the termination of Merindah Close (Stage 2 civil works). Roadworks are permitted to extend into the Emerald End Road reserve, however, any works constructed over Council's underground infrastructure will require additional protection works to that underground infrastructure (to be determined at operational works stage).
- (b) At the completion of stage 1 civil works, a temporary turnaround area, with a bitumen and/or gravel surface, must be provided at the end of the constructed section of Merindah Close.
- (c) Concrete, steel or timber bollards must be installed around the final Merindah Close turn-around treatment (stage 2 civil works) at appropriate intervals to ensure vehicle traffic does not travel directly between Emerald End Road and Merindah Close (and vice-versa), to the satisfaction of Council's delegated officer.
- (d) A two (2) metre wide concrete footpath must be installed on at least one (1) side of Merindah Close (stage 1 and 2 civil works) and connect with the existing footpath on Karobean Drive. The horizontal alignment of the footpath is to be determined at operational works stage.

The footpath may be constructed after the driveway crossover/s to any dwelling/s is installed (to avoid having to remove sections of footpath to install driveways), provided the footpath is installed along the entire frontage of the relevant lot/s prior to the endorsement of any survey plan creating the allotment/s.

#### 4.5 Street Trees

One (1) street tree must be planted along each side of the road at 15 metre intervals (at minimum). Where street trees are likely to interfere with dwelling driveways, the street tree may be moved to either side of the driveway.

#### 4.6 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to

service the development in accordance with FNQROC Development Manual standards (as amended).

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

#### 4.6 Sewerage Connection

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

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

#### 4.7 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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

#### 4.8 Telecommunications

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

#### 4.9 Lighting

Street lighting must be provided along Merindah Close in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

### **Material Change of Use Component**

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 This development permit authorises the construction of a maximum of 25 dwelling houses on the subject land, however, prior to the occupation of any

dwelling house (other than for display house purposes), the allotment on which the dwelling house is situated must be created on a plan of survey as a separate allotment and registered with the Department of Resources (Titles), unless otherwise approved by Council's delegated officer.

### 3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 Each dwelling must comply with the requirements of the *Residential dwelling house and outbuilding overlay code* of the Mareeba Shire Council Planning Scheme 2016, to the satisfaction of Council's delegated officer.
- 3.5 The setbacks for each dwelling from any existing or future property boundary must comply with the requirements of the Queensland Development Code, specifically A1 and A2 of MP 1.2.

Any alternate siting must comply with the requirement of P1 and P2 of MP 1.2 and must be approved by Council's delegated officer prior to the issue of a development permit for building works.

- 3.6 Each dwelling must be provided with a letterbox.
- 3.7 Each dwelling must be provided with a clothes drying area.

### 4. Infrastructure Services and Standards

#### 4.1 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be discharged to an approved legal point of discharge.
- (c) The dwellings situated on Lots 6 - 18 may utilise the drainage feature (drain) to the north as a legal point of discharge provided an open concrete drain is installed between the point of discharge and the concrete invert of the

drainage feature (drain) to stop erosion and is clearly visible and able to be driven over or around by parks and gardens workforce to ensure convenient upkeep and maintenance, to the satisfaction of Council's delegated officer.

(E) 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) 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) 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)

(f) 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)

(F) RELEVANT PERIOD

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



- Material Change of Use – six (6) years (starting the day the approval takes effect);
- Reconfiguring a Lot – six (6) years (starting the day the approval takes effect).

## (G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Works
- Development Permit for Operational Works

## (H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

(I) That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
<b><i>Payable at time of subdivision of each lot</i></b>					
	<b><i>\$ per Lot</i></b>	<b><i>Lots</i></b>		<b><i>Lots</i></b>	
Residential	\$19,764.00	25 Lots	\$494,100.00	Nil	\$494,100.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$494,100.00</b>

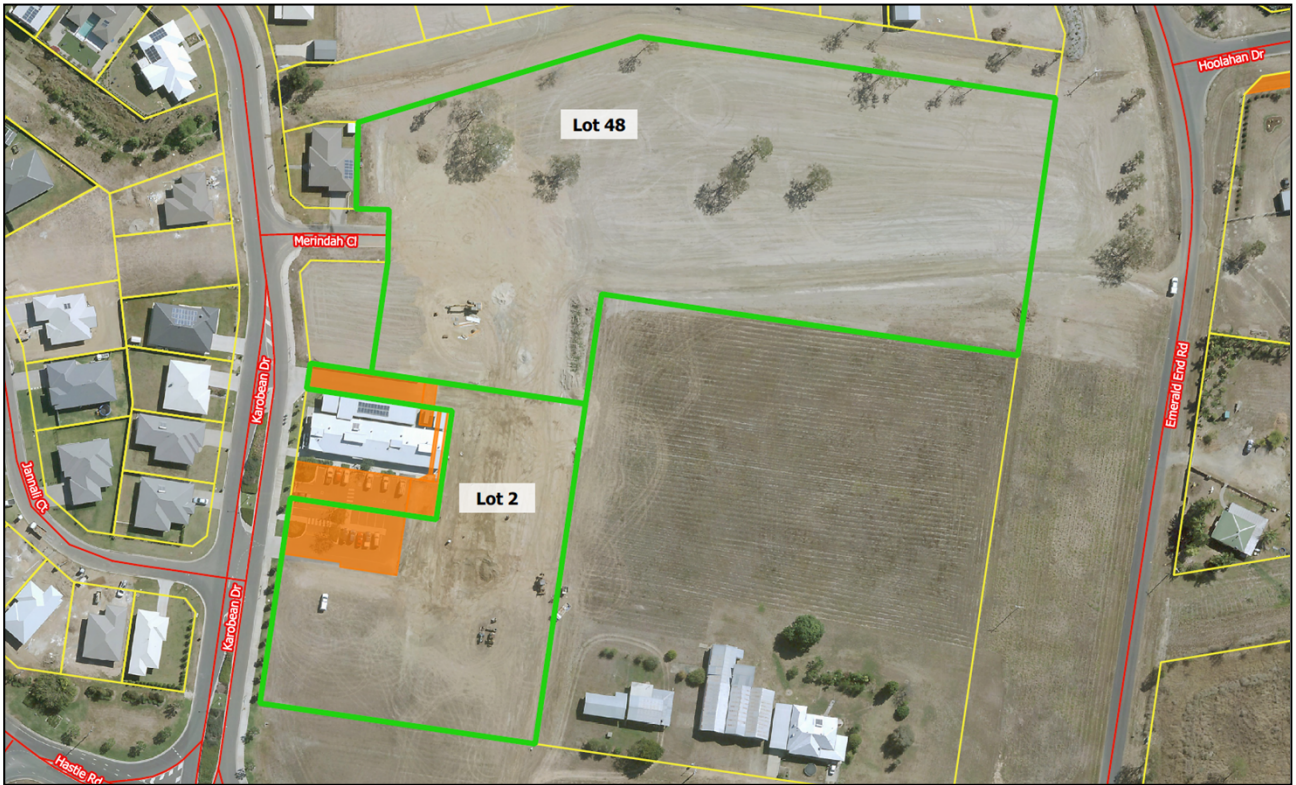
**THE SITE**

The subject site is described as Lot 48 on SP320488 and Lot 2 on SP298298, situated at Merindah Close and 2-8 Karobean Drive, Mareeba.

Lot 48 on SP320488 in its entirety is the balance area allotment of Merindah Close, with an area of 1.917 hectares and frontages to Merindah Close and Emerald End Road. Lot 48 is zoned Low density residential and remains unimproved.

Lot 2 on SP298298 in its entirety contains existing shops (pharmacy, pathology and Amaroo sales office) and carparking which complement the adjoining Amaroo Medical Centre (situated on a separate allotment). Lot 2 has a total area of 8,299m<sup>2</sup>, with frontages to Karobean Drive and Hastie Road. Lot 2 has continuing development approval rights established under the Hastie Road Business Zone. Future development permitted under the Hastie Road Business Zone includes a neighbourhood scale convenience shop and café. Reciprocal access and services easements are established over Lot 2 and are shown in orange on the below map.

Both lots are flat, cleared of vegetation and serviced by all available urban infrastructure services. All adjoining lots are also zoned Low Density Residential.



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**

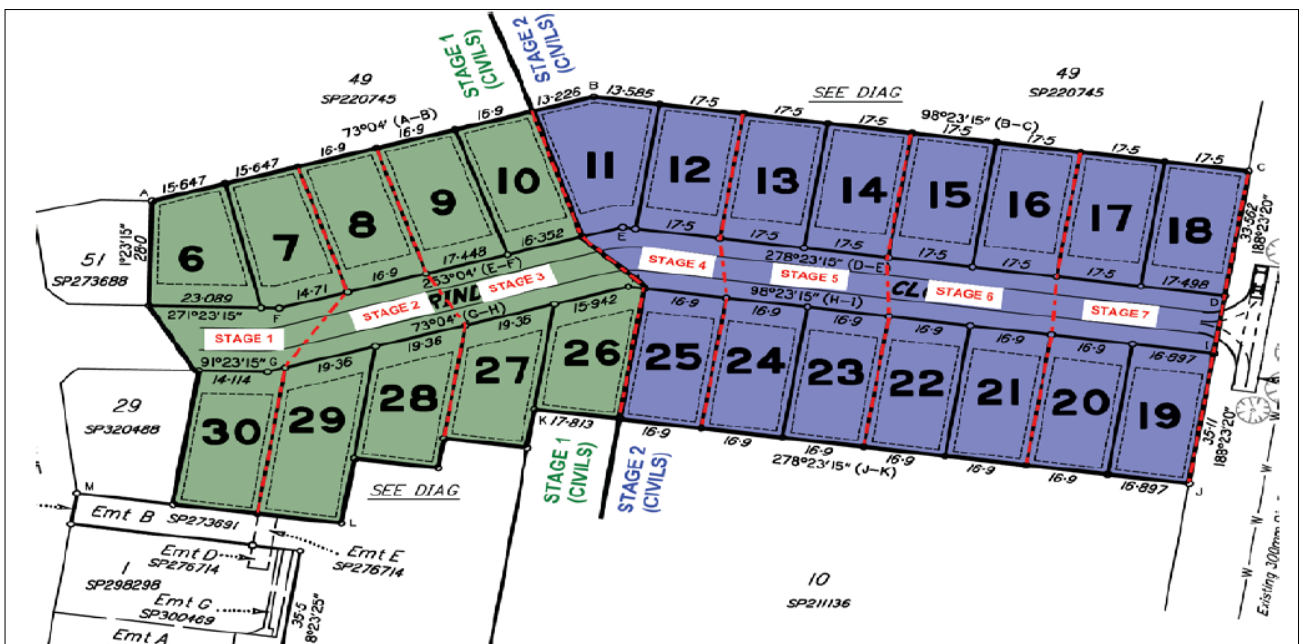
MCU/21/0006 - Office and Warehouse

Council, at its Ordinary Meeting on 21 July 2021, approved an application made by Freshwater Planning on behalf of BTM & S Stankovich Pty Ltd for Material change of use - Office and Warehouse over part of Lot 2 on SP298298 and Lot 48 on SP320488, situated at 2-8 Karobean Drive and Merindah Close, Mareeba.

As part of this development, that part of Lot 48 on SP320488 approved for the office and warehouse development will be amalgamated with Lot 2 on SP298298, which contains the balance land for the Amaroo Estate business area.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses) in accordance with the plans shown in **Attachment 1** and below:



The proposed development will ultimately result in 25 new dwellings on 25 new residential allotments ranging in size from 576m<sup>2</sup> 761m<sup>2</sup>, accessed from the extension of Merindah Close. The application is not a straightforward subdivision. The applicants have included a material change of use (multiple dwelling) component to allow the developer to construct multiple dwellings on single titles in preparation for sale. Once pre-sold, the lots will be reconfigured to separate the dwellings onto individual titles before final sale. This is a similar approach to large scale subdivisions undertaken in larger urban centres such as Cairns and allows the developer to provide a "house and land package" option to prospective purchasers. Merindah Close will be extended to service the development and will be constructed to an asphalt sealed standard including kerb and channel.

Part of Lot 48 will be merged with Lot 2 to the south, which is the balance land for the Amaroo Estate business area. This portion of land to be merged is the approved location of the office and

warehouse development authorised under development permit MCU/21/0006, approved by Council on 21 July 2021.

**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 Categories</b> • Residential Area
Zone:	Low density residential zone Lot 2 - Hastie Road business zone
Overlays:	• Airport environs overlay • Transport infrastructure overlay

**Planning Scheme Definitions**

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Multiple dwelling	Premises containing three or more dwellings for separate households.	Apartments, flats, units, townhouses, row housing, triplex	Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility

**RELEVANT PLANNING INSTRUMENTS**

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

**(A) Planning Regulation 2017**

**Schedule 12A - Assessment benchmarks for particular reconfiguring a lot**

**Note:** Only assessment benchmarks that are not already specifically included within the relevant development codes of the Mareeba Shire Council Planning Scheme 2016 have been listed in this section.

**Street Trees**

The reconfiguration provides shade for comfortable walking by—

- (a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark;
- or



(b) *otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.*

#### Comment

The development has been conditioned to comply.

#### **Footpaths**

*The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring—*

- (a) *for a new road used mainly for providing direct access to a created lot—a footpath is constructed—*
  - (i) *if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or*
  - (ii) *otherwise—on at least 1 side of the new road; or*
- (b) *for another new road—a footpath is constructed on both sides of the road.*

#### Comment

A condition of approval has been included requiring the construction of a footpath on one side of Merindah Close for its full length.

#### **Parks and other areas of open space**

- (1) *The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.*
- (2) *In this section—*
  - park*** *includes—*
    - (a) *an existing park; and*
    - (b) *a park, to be provided under a development approval, if development of the park has started; and*
    - (c) *land identified as a park in a local planning instrument; and*
    - (d) *land identified in an LGIP for public park infrastructure.*

#### Comment

Each allotment created by the proposed development will be within 400m walking distance from an area of open space on the corner of Karobean Drive and Hastie Road, which Amaroo Park residents use for recreational activities. A footpath link is provided to this area of open space. The existing pedestrian footpath network through Amaroo Park Estate also provides opportunities for leisure and exercise. The development complies.

#### **(B) 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.

**(C) 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.

**(D) Mareeba Shire Council Planning Scheme 2016****Strategic Framework**

The proposed development involves the continued expansion of the Amaroo Park Estate. The land proposed for development is mapped as a Residential Area by the Strategic Framework mapping and is zoned Low density residential. The development represents the logical and orderly expansion of a large residential area and is considered to comply with all relevant specific outcomes and overall outcomes contained within the relevant Strategic Framework elements.

**Relevant Developments Codes**

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.10 Residential dwelling house and outbuilding overlay code
- 9.3.1 Accommodation activities 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
Low density residential zone code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Mareeba local plan code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Airport environs overlay code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.

Residential dwelling house and outbuilding overlay code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Accommodation activities code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Landscaping code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Parking and access code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Reconfiguring a lot code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Works, services and infrastructure code	The application complies or has be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.  Further commentary is provided in the Planning Discussion section of this report with regards to Acceptable Outcome AO8.1.

### **(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

Conditions have been attached to the approval to ensure the development is designed and constructed in accordance with the FNQROC Development Manual.

### **(F) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2021, a charge of \$19,764.00 will apply to each residential allotment created. No credit exists for Lot 48 on SP320488.

The application proposes the creation of 25 new residential lots.

\$19,764.00 x 25 (lots) = **\$494,100.00**

No charge applies to that portion of Lot 48 on SP320488 to be merged with Lot 2 on SP298298 (Proposed Lot 2) which is proposed to contain the office and warehouse development authorised under development permit MCU/21/0006.

**REFERRAL AGENCY**

This application did not trigger referral to any Referral Agencies.

**Internal Consultation**

Technical Services/Development Engineering

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 16 June 2021 to 9 July 2021. The applicant submitted the notice of compliance on 12 July 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

9.4.5 Works, services and infrastructure code

***Transport network******PO8***

*The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.*

***AO8.1***

*Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 - FNQROC Regional Development Manual.*

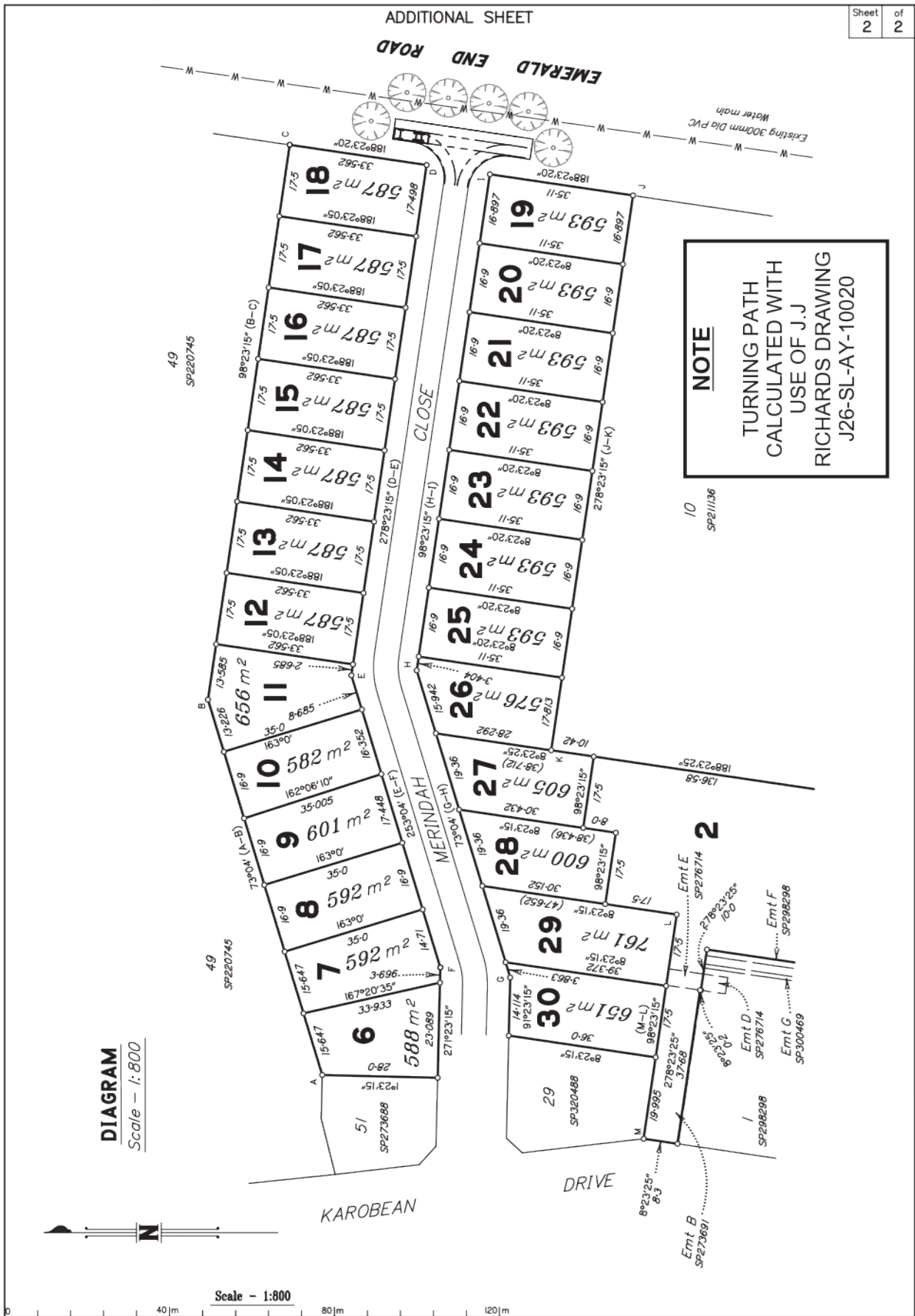
Comment

The plan of development includes a three-point "T-head" style turn around treatment at the end of Merindah Close instead of a conventional cul-de-sac. Although it is preferable that a cul-de-sac be installed as a turnaround feature at the termination point of a road, Council assessing officers consider it reasonable to allow a T-head in this situation for the following reasons:

- Merindah Close is a lower order street that is not likely to see large amounts of non-local traffic once fully developed;
- The largest vehicle likely to be utilising the t-head is the weekly garbage truck, with the t-head designed to ensure manoeuvrability for this type of vehicle;
- A cul-de-sac will be significantly more expensive in this situation, considering the works are extending into the Emerald End Road reserve and the additional work required to the 300mm underground water main running along Emerald End Road if a cul-de-sac is used.
- The use of t-head is not likely to have a detrimental impact on pedestrian and cyclist safety.
- All things considered, a t-head is a practical and functional outcome in this situation.

The proposed development complies with PO8.





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