**DELEGATED REPORT**

**SUBJECT:** **METACI PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 1 ON SP270090 - 6 COSTIN STREET, MAREEBA - RAL/21/0013**

**DATE:** 19 July 2021

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

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

| APPLICATION | | PREMISES | |
|---|---|---|---|
| **APPLICANT** | Metaci Pty Ltd | **ADDRESS** | 6 Costin Street, Mareeba |
| **DATE LODGED** | 24 June 2021 | **RPD** | Lot 1 on SP270090 |
| **TYPE OF APPROVAL** | Development Permit | | |
| **PROPOSED DEVELOPMENT** | Reconfiguring a Lot - Subdivision (1 into 3 lots) | | |

| | | | |
|---|---|---|---|
| **FILE NO** | RAL/21/0013 | **AREA** | 2.445 hectares |
| **LODGED BY** | U&i Town Plan | **OWNER** | Metaci Pty Ltd |
| **PLANNING SCHEME** | Mareeba Shire Council Planning Scheme 2016 | | |
| **ZONE** | Industry zone | | |
| **LEVEL OF ASSESSMENT** | Code Assessment | | |
| **SUBMISSIONS** | n/a | | |

**ATTACHMENTS:** 1. Proposal Plan/s

## EXECUTIVE SUMMARY

*Council is in receipt of a development application described in the above application details.*

*The application is code assessable and was not required to undergo public notification.*

*It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.*

*It is recommended that the application be approved in full with conditions.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:



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| APPLICATION | | PREMISES | |
|---|---|---|---|
| **APPLICANT** | Metaci Pty Ltd | **ADDRESS** | 6 Costin Street, Mareeba |
| **DATE LODGED** | 24 June 2021 | **RPD** | Lot 1 on SP270090 |
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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 (F);

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 3 lots)

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|---|---|---|---|
| n/a | Subdivision Layout Plan - 1 into 3 Lots | n/a | 18/6/2021 |

(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, 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 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. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

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

A **Commercial** access crossover must be constructed to proposed Lot 2 (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

4.2.1 The applicant/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.

4.2.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Frontage Works - James Street

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

(a) The developer is to construct kerb and channel on the development side of James Street for the full frontage of the subject land;

(b) The applicant is to widen the existing bitumen seal on James Street to the kerb and channel required by Condition 4.3(a);

(c) Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD);

(d) Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas;

(e) Adjustments and relocations necessary to public utility services resulting from these works;

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

4.4 Water Supply

4.4.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

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

4.5 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).

4.6 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.

4.7 Telecommunications

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

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) 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.

(d) Notation on Rates Record

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

- a registered easement over the subject site

(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.

(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.

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

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

| Development Type | Rate | Measure | Charge | Credit Detail | Balance |
|---|---|---|---|---|---|
| | ***$ per Lot*** | ***Lots*** | | ***Lots*** | |
| Industrial Lots | $19,764.00 | 3 | $59,292.00 | 1 ($19,764.00) | $39,528.00 |
| **TOTAL CURRENT AMOUNT OF CHARGE** | | | | | **$39,528.00** |

## THE SITE

The subject site is situated at 6 Costin Street, Mareeba and is described as Lot 1 on SP270090. The site is irregular in shape with a total area of 2.445 hectares and is zoned *Industry* under the Mareeba Shire Council Planning Scheme 2016.

The site has frontages of approximately 130 metres to Costin Street, 62 metres to James Street and 20 metres to an unnamed, unformed road reserve. The frontages to Costin and James Street are constructed to bitumen sealed standard. Kerbing is established along the entire Costin Street frontage, with no kerbing established along the James Street frontage.

Access to the site is obtained via the Costin Street frontage.

Two (2) sheds are established in the south-eastern part of the subject land. The larger of the two sheds is currently being used as a mechanical workshop. A nineteen (19) space bitumen sealed carpark is established adjacent to the mechanical workshop.

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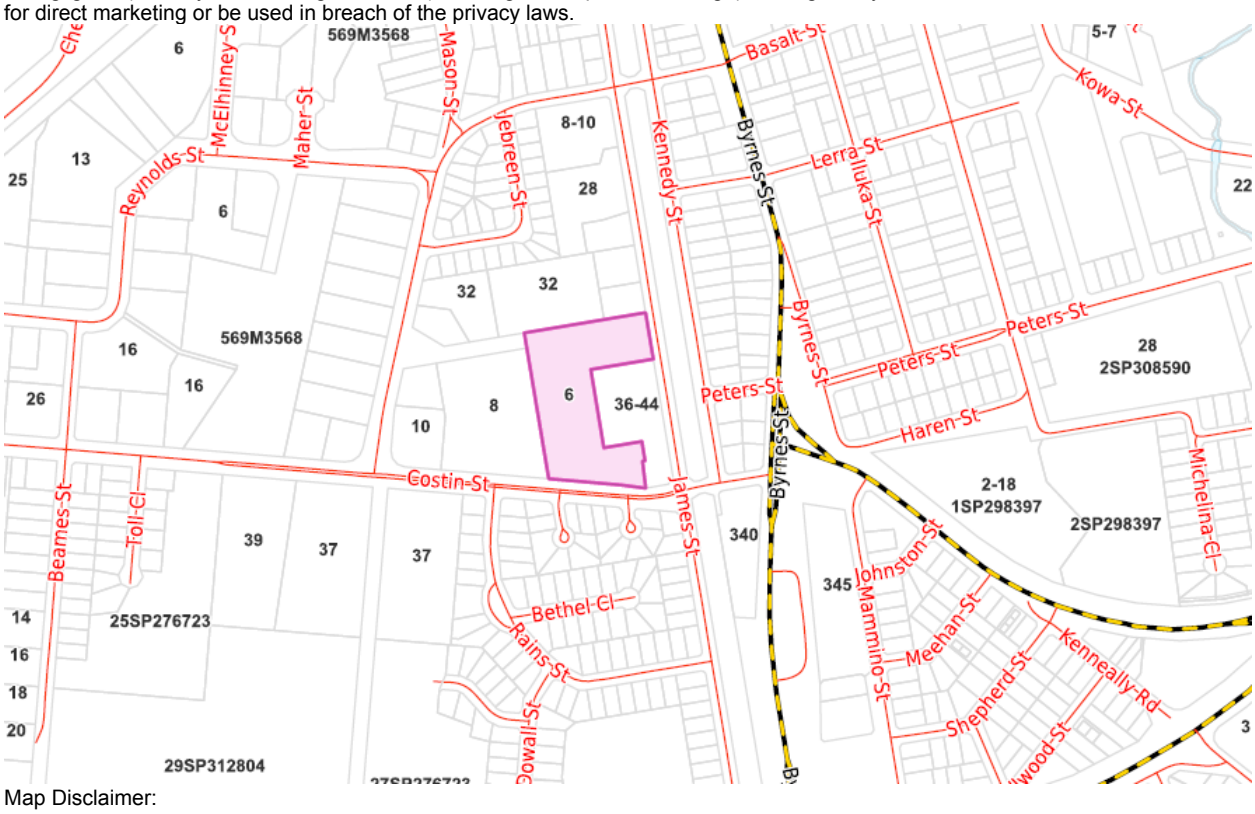


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A network of stormwater easements traverse the subject land, draining both the adjoining SunWater lot and James Street, to the unformed road reserve adjoining the north-western boundary.

Land adjoining the site to the north and west is zoned *Industry*. Land directly to the south and east is in the Low Density Residential zone.

## 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 3 lots) in accordance with the plans shown in **Attachment 1**.

The applicants propose to divide the subject site into three allotments with proposed Lot 1 (the south-eastern lot) containing the mechanics workshop and bitumen sealed carpark.

The proposed lots are as follows:

- Proposed Lot 1 - area of approx. 2,720m$^2$, frontage of approx. 48 metres to Costin Street
- Proposed Lot 2 - area of approx. 1.15 hectares, frontage of approx. 82 metres to Costin Street; and
- Proposed Lot 3 - area of approx. 1.03 hectares, frontages of approx. 62.7 metres to James Street and 20 metres to unnamed road reserve.

All lots will be connected to town water, sewer, electricity and telecommunications services.

On 15 July 2021, the applicant provided additional advice that proposed Lots 2 and 3 are to be further subdivided in future stages. A prelimary lot layout for these future stages is shown in **Attachment 2**.

The applicant's stated intent to carry out further subdivision stages is noted, however there is no certainty that this will happen and conditions have to be drafted with certainty.

The applicant's consultant has been advised of the reasoning for the conditioning of access to proposed Lot 2 and the conditioning of frontage works for James Street.

## 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: | **Land Use Categories**<br>• Industry Area<br>**Transport Elements**<br>• *Local Collector Road*<br>• *Principal Cycle Route* |
| Zone: | Industry zone |
| Precinct: | Trades and Services Precinct |
| Overlays: | Airport environs overlay<br>Transport infrastructure overlay |

**RELEVANT PLANNING INSTRUMENTS**

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

**(a) Far North Queensland Regional Plan 2009-2031**

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

**(b) State Planning Policy**

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

**(c) Mareeba Shire Council Planning Scheme 2016**

**Relevant Development Codes**

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

6.2.5 Industry zone code
8.2.2 Airport environs 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 outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

| Relevant Codes | Comments |
|---|---|
| Industry zone code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Airport environs overlay code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

| | |
|---|---|
| Landscaping code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Parking and access code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Reconfiguring a lot code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Works, services and infrastructure code | The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

**(e) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring any development works be designed and constructed in accordance with FNQROC Development Manual standards.

**(f) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2021, a charge of $19,764.00 will apply to each additional industrial allotment created.

The application proposes the creation of two (2) additional industrial lots.

$19,764.00 x 2 (lot) = **$39,528.00**

**REFERRALS**

This application did not trigger referral to a Referral Agency.

**PLANNING DISCUSSION**

Nil

***Date Prepared:*** *19 July 2021*

DECISION BY DELEGATE

DECISION

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

Dated the 21 ST day of JULY 2021

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

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

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

**ATTACHMENT 1**

## PROPOSAL PLANS

### Subdivision Layout Plan - 1 into 3 Lots

**6 Costin Street, Mareeba (Lot 1 on SP270090)**

17°0'25"S 145°25'17"E 17°0'25"S 145°25'26"E

17°0'34"S 145°25'17"E 17°0'34"S 145°25'26"E

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0 25 metres

Scale: 1979

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**ATTACHMENT 2**

## PRELIMINARY PLANS - FUTURE STAGING

### Preliminary Plans on Future Staging - Indicative Layout and configuration

Over Proposed Lots 2 & 3, Located at 6 Costin Street, Mareeba

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Legend located on next page

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Printed at: A3
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