

DELEGATED REPORT

SUBJECT: M DAVID - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 11 ON SP101832 - 27 SPENA ROAD, MAREEBA - RAL/17/0007

DATE: 16 November 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M David	ADDRESS	27 Spena Road, Mareeba
DATE LODGED	30 October 2017	RPD	Lot 11 on SP101832
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 lots)		

FILE NO	RAL/17/0007	AREA	585.6 hectares
LODGED BY	Veris	OWNER	MP David
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response - 8 November 2017

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.

Draft conditions were provided to the Applicant/care of their consultant and have been agreed.

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M David	ADDRESS	27 Spena Road, Mareeba
DATE LODGED	30 October 2017	RPD	Lot 11 on SP101832
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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
30824-01 E	Proposed Lots 1-3 Cancelling Lot 11 on SP101832	Veris	2/11/17

- (C) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/served where required by the relevant authority, unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 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. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Rural Addressing

The applicant must pay the relevant fee for the provision of a rural address to each proposed allotment, at the rate identified in the Fees and Charges Schedule at the time of payment.
- 3.9 Bushfire Management
 - 3.9.1 Any new dwelling erected on the proposed allotments must:

- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.9.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.10 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.11 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

An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.2 Easement

An easement must be provided over the existing access driveway within proposed Lot 2 in favour of proposed Lot 3 for the purposes of access/drainage/maintenance.

The approved easement documents must be submitted at the same time the applicant/developer seeks endorsement of the plan of survey and must be lodged and registered in the Department of Natural Resources & Mines in conjunction with the plan of survey.

4.3 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest

version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

5. Additional Payment Condition/s

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of \$9,000.00 (\$4,500.00 per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$4,500.00 per additional lot)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) 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.
- (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:

- conditions regarding bushfire management
- a registered easement over the subject site
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(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) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 8 November 2017

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

The subject land is described as Lot 11 on SP101832, Parish of Dinden, County of Nares, situated at 27 Spena Road, Mareeba.

The subject land has an area of 585.6 hectares, with frontages of 970 metres to the Kennedy Highway and 940 metres to Spena Road. Spena Road is constructed to gravel standard for the relevant frontage and the Kennedy Highway is constructed to two lane bitumen standard. Access to the land is obtained off Spena Road.

The subject land contains three dwelling houses, a chapel, several large dams and associated infrastructure. Most structures and improvements are located in reasonable proximity to the Spena Road frontage.

The majority of the subject land is covered by remnant not of concern regional ecosystem. The subject land has an undulating topography, with numerous drainage lines throughout.

Surrounding properties are used for various rural purposes including grazing and extractive industries.



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

The details of the proposed allotments are as follows:

- Lot 1 - 412.4 hectares, 300 metres frontage to Spena Road;
- Lot 2 - 60 hectares, 371 metres frontage to Spena Road;
- Lot 3 - 113.2 hectares, 264 metres frontage to Spena Road and 952.42 metres to the Kennedy Highway.

Access to proposed Lots 2 and 3 will continue via the existing Spena Road property access crossover and the internal bitumen sealed road. An access easement will be created in Lot 2 benefiting Lot 3.

Access to proposed Lot 2 will also be obtained off Spena Road. A new access crossover will be constructed for this purpose.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	<ul style="list-style-type: none"> • <i>Rural other</i>
	Natural Environment Elements
	<ul style="list-style-type: none"> • <i>Ecological corridor</i> • <i>Biodiversity Areas</i>
Strategic Framework:	
Zone:	Rural zone
Overlays:	Bushfire hazard overlay Environmental significance overlay Hill and slope overlay Transport infrastructure overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code

- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Bushfire hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Hill and slope overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Additional Trunk Infrastructure Condition - (Section 130 of PA)

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

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

Spena Road is currently constructed to an unsealed gravel standard. The proposed development will further add to the expected daily vehicle movements on this unsealed road.

Based on the 2017/2018 Augmentation of the Road Network Contribution rate (see Fees and Charges Schedule), the following contribution is considered appropriate:

- 2 (10 vmpd) x \$4,500.00 = **\$9,000.00**

The applicant will also be provided with the option to upgrade a section of Spena Road in-lieu of making a monetary contribution.

REFERRALS

Concurrence

The application triggered a referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (State controlled roads).

That Department advised in a letter dated 8 November 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger a referral to an Advice Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

NIL

Date Prepared: 16 November 2017

DECISION BY DELEGATE

DECISION

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

Dated the *16TH* day of *NOVEMBER* 2017



BRIAN MILLARD
SENIOR PLANNER

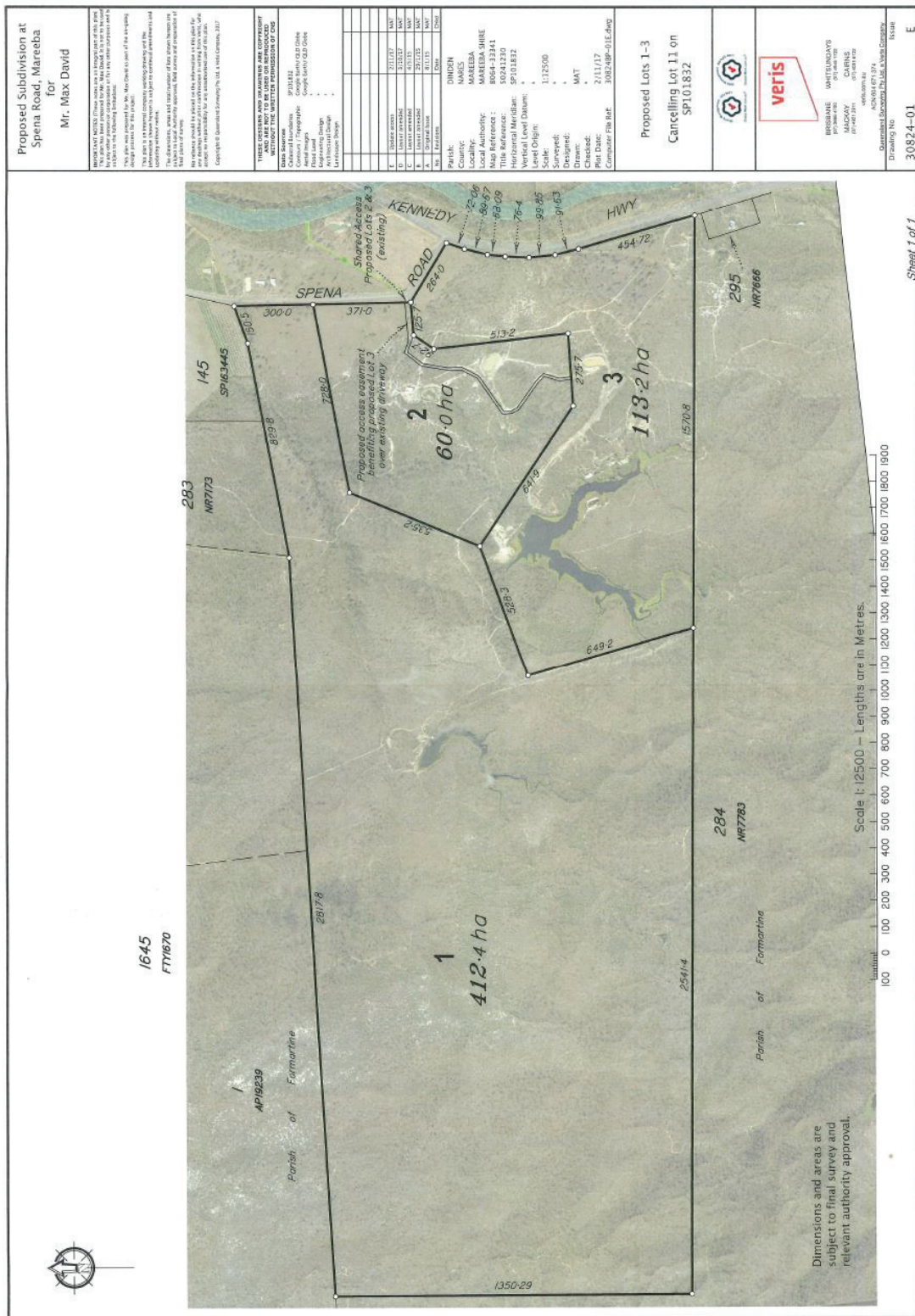


ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS



ATTACHMENT 2

RA6-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1710-2302 SRA
Your reference: RAL/17/0007

8 November 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
info@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 2 November 2017.

Applicant details

Applicant name:	M. David c/- Veris
Applicant contact details:	PO Box 1038 Fortitude Valley QLD 4006 m.tessaro@veris.com.au

Location details

Street address:	27 Spena Road, Mareeba
Real property description:	Lot 11 on SP101832
Local government area:	Mareeba Shire Council

Application details

Development permit	Reconfiguring a lot – 1 lot into 3 lots
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.3.1 State transport corridors and future State transport corridors

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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

- 10.9.4.2.1.1

State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Reconfiguring a lot				
Proposed Lots 1 – 3 – Cancelling Lot 11 on SP101832	Veris	2/11/17	30824-01, Sheet 1 of 1	E

A copy of this response has been sent to the applicant for their information.

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc M. David c/- Veris, m.tessaro@veris.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

1710-2302 SRA

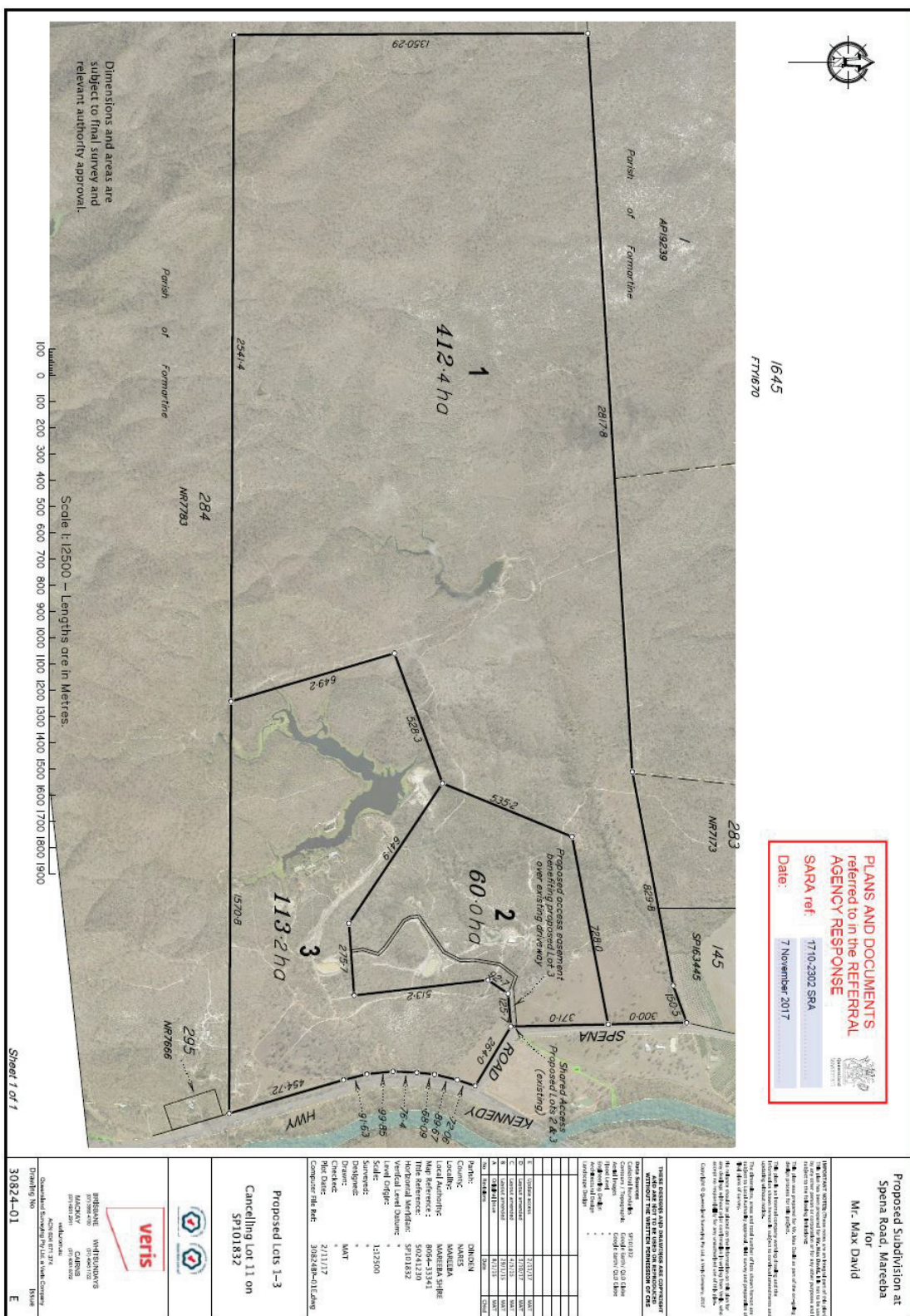
Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguring a lot		
State transport corridors and future state transport corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • 'Proposed Lots 1 – 3 – Cancelling Lot 11 on SP101832', prepared by Veris, Drawing No. 30824-01, Issue E, Sheet 1 of 1, dated 2/11/17 	At all times
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the safety and efficiency of the state-controlled road is not compromised.



GE78-N



Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning

Statement of reasons for application 1710-2302 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: M. David c/- Veris
Applicant contact details: PO Box 1038
Fortitude Valley QLD 4006
m.tessaro@veris.com.au

Location details

Street address: 27 Spena Road, Mareeba
Real property description: Lot 11 on SP101832
Local government area: Mareeba Shire Council

Development details

Development permit Reconfiguring a lot – 1 lot into 3 lots

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Reconfiguring a lot	State Development Assessment Provisions, version 2.1, FastTrack5 qualifying criteria checklist 2

Reasons for the department's decision

- The proposal complies with all of the qualifying criteria in State Development Assessment Provisions, version 2.1, FastTrack5 qualifying criteria checklist 2.
- The proposed development does not include direct access to the Kennedy Highway, which is a state-controlled road.
- The proposal plan identifies that all of the proposed lots will be accessed off Spena Road, which is a local government controlled road. The closest vehicle access off Spena Road is 264 metres from the Kennedy Road intersection.

Decision

- The department provided conditions to attach to any development approval on 7 November 2017.

Relevant material

- development application, including amended proposal plan

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1710-2302 SRA

- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- *Planning Act 2016*
- Planning Regulation 2017