

DELEGATED REPORT

**SUBJECT:** R NAPIER - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 1 ON RP726343 - 27 BARRON FALLS ROAD, KURANDA - RAL/21/0017

**DATE:** 16 March 2022

**REPORT OFFICER'S TITLE:** Planning Officer

**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	R Napier	<b>ADDRESS</b>	27 Barron Falls Road, Kuranda
<b>DATE LODGED</b>	14 October 2021	<b>RPD</b>	Lot 1 on RP726343
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

<b>FILE NO</b>	RAL/21/0017	<b>AREA</b>	2,352m <sup>2</sup>
<b>LODGED BY</b>	RPS Australia East Pty Ltd	<b>OWNER</b>	R Napier & R Scott
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low density residential		
<b>LEVEL OF ASSESSMENT</b>	Code assessment		
<b>SUBMISSIONS</b>	n/a		

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

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the subdivision of the site to create two allotments. Proposed Lot 1 will contain the existing dwelling and will have an area of 800m<sup>2</sup> while proposed Lot 2 will be a vacant rear access allotment with an area of 1,552m<sup>2</sup>.

The application and supporting material has been assessed against the Planning Scheme and does not conflict with any relevant aspect of the Planning Scheme. Draft conditions were provided to the applicant care of their consultant and have been agreed to.

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	R Napier	ADDRESS	27 Barron Falls Road, Kuranda
DATE LODGED	14 October 2021	RPD	Lot 1 on RP726343
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
PR149950-1	Fenceline Location	RPS Australia East Pty Ltd	14/06/21

(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

4.1.1 Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 An asphalt sealed, or reinforced concrete driveway (bitumen not permitted) shall be provided within the access handle of proposed Lot 2 to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum formation width of 3 metres;
- be constructed for the full length of the access handle and be connected to the crossover;
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and

- include service and utility conduits to be provided for the full length of the access handle.

#### 4.2 Frontage works - Barron Falls Road

- 4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Barron Falls Road by 1.25 metres, including kerb and channel, for the full frontage of proposed Lots 1 and 2, designed in accordance with the FNQROC Development Manual (Minor Collector Road standard - Table D1.1), to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

- 4.2.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition 4.2.1. A written itemised quote from a civil contractor to determine the cost of the works must be provided and accepted by Council's delegated officer.

#### 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 The developer must provide each proposed allotment with a water service connection in accordance with FNQROC Development Manual standards (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 The developer must provide a connection for each proposed allotment to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (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

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each lot 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 lot 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) 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)

## (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)

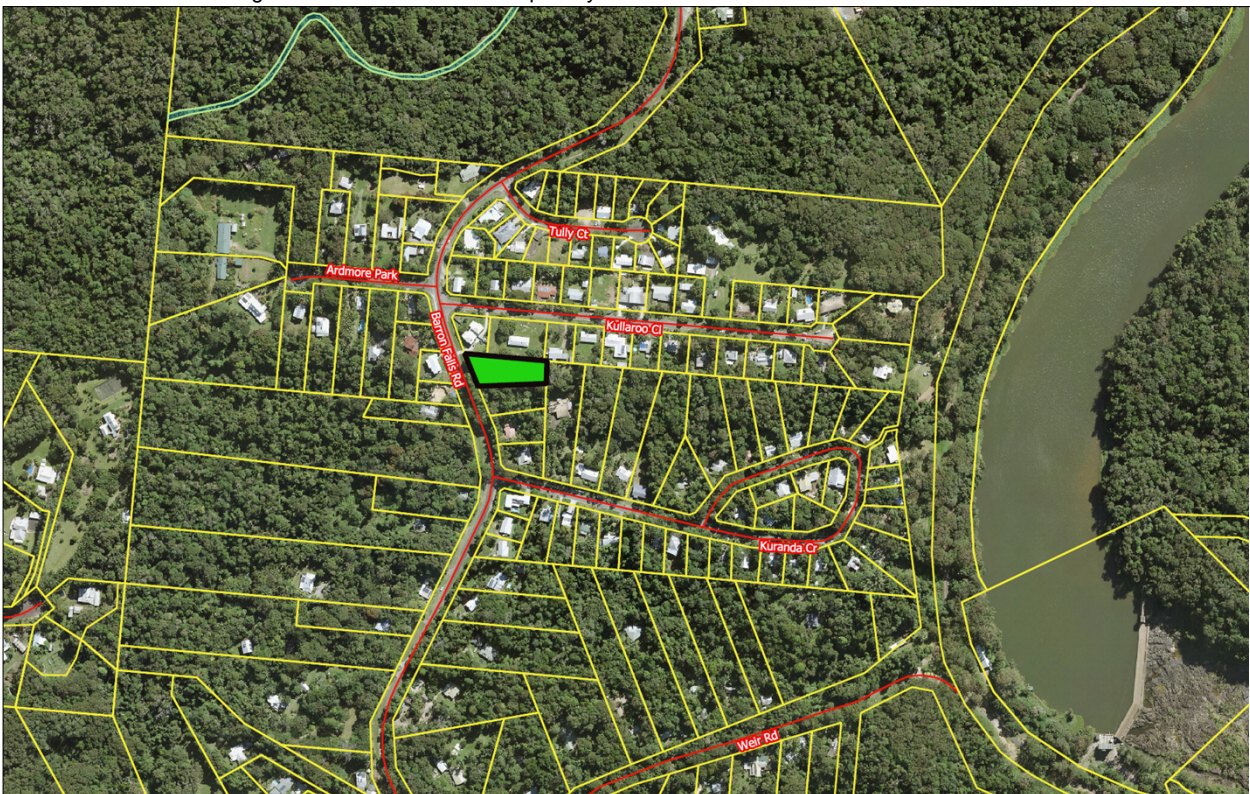
## 2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot	Lots		Lots	
Residential	\$19,764.00	2 Lots	\$39,528.00	\$19,764.00	\$19,764.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$19,764.00</b>



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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## THE SITE

The subject site is situated at 27 Barron Falls Road, Kuranda, and is more particularly described as Lot 1 on RP726343. The site is generally regular in shape with an area of 2,352m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 37.6 metres of frontage to Barron Falls Road which is constructed to a bitumen sealed standard, without kerb and channel. A concrete driveway provides access to/from the site. The site is improved by a single storey dwelling house which is setback approximately six (6) metres from the Barron Falls Road frontage. The balance of the site remains densely vegetated.

All urban services are connected to the existing dwelling house. All adjoining lots are zoned Low Density Residential and are predominantly developed with single dwelling houses, with a dual occupancy on the corner of Kullaroo Close and Barron Falls Road.

## BACKGROUND AND CONTEXT

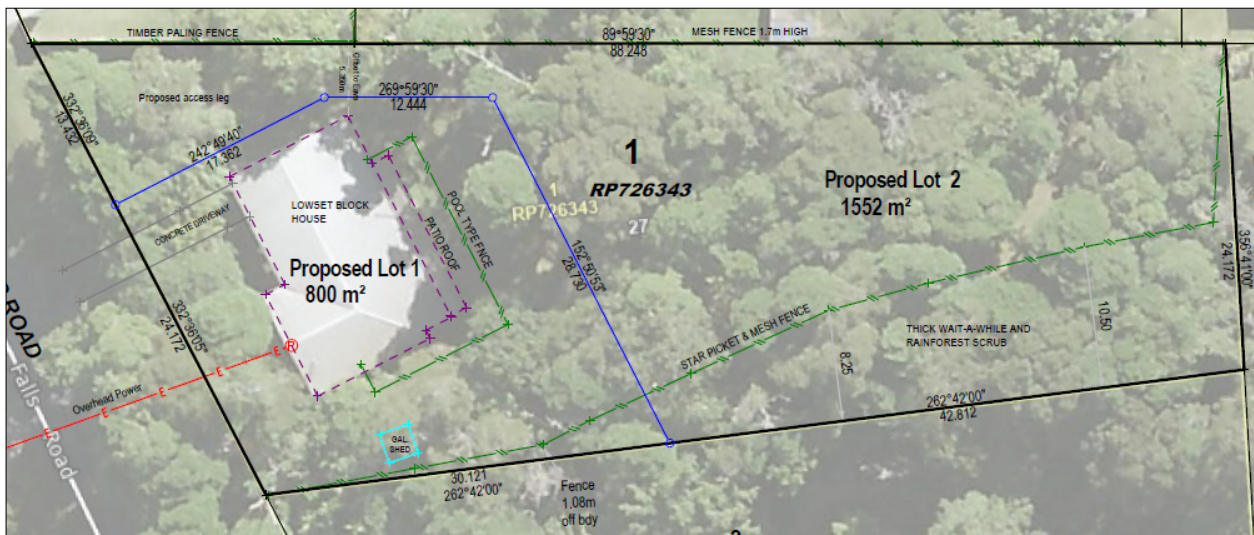
Nil

## 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 plan shown below and included in **Attachment 1**.



The applicant proposes the subdivision of the subject site into the following allotments:

- Proposed Lot 1 - area of 800 square metres, frontage of 24.172 metres to Barron Falls Road; and
- Proposed Lot 2 - area of 1,552 square metres, frontage of 13.432 metres to Barron Falls Road.

Proposed Lot 1 will contain the existing dwelling house and existing concrete driveway.



Access to proposed Lot 2 will be via a new sealed driveway commencing at Barron Falls Road and extending along the full length of the access leg.

Each lot will be supplied with connections to water, sewerage, electricity and telecommunication 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. Kuranda is identified as a Village Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b>
Zone:	<ul style="list-style-type: none"> <li>• Residential Area</li> </ul>
Overlays:	Low Density Residential zone Airport environs overlay Residential dwelling house and outbuilding overly 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:

- 6.2.6 Low density residential zone 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 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	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.
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.

#### (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 all 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 residential allotment created.

The \$19,764.00 charge was derived from a \$4,941.00 infrastructure charge for the following four (4) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network; and
- Sewerage network

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

\$19,764.00 x 1 (lot) = **\$19,764.00**

## REFERRALS

This application did not trigger referral to a referral agency.

### Internal Consultation

Technical Services

## PLANNING DISCUSSION

### *Works, services and infrastructure code*

**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.*

The section of Barron Falls Road fronting the subject land is constructed to a width of approximately 5 metres.

Barron Falls Road is identified as a Collector Road by the planning scheme's Transport Infrastructure Overlay. Planning Scheme Policy 4 - FNQROC Regional Development Manual provides design guidelines for a collector road.

The minimum bitumen seal width for a minor collector is 7.5 metres. A 7.5 metre width is also found along the previously widened sections of Barron Falls Road and Masons Road.

To achieve an ultimate overall width of 7.5 metres for Barron Falls Road, this development will be conditioned to require a 1.25 metre widening on the development side. Kerb and channel will be conditioned for the development side of Barron Falls Road.

A widening beyond this is not practical due to topographical and vegetation constraints.

**Date Prepared:** 16 March 2022

## DECISION BY DELEGATE

## DECISION

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

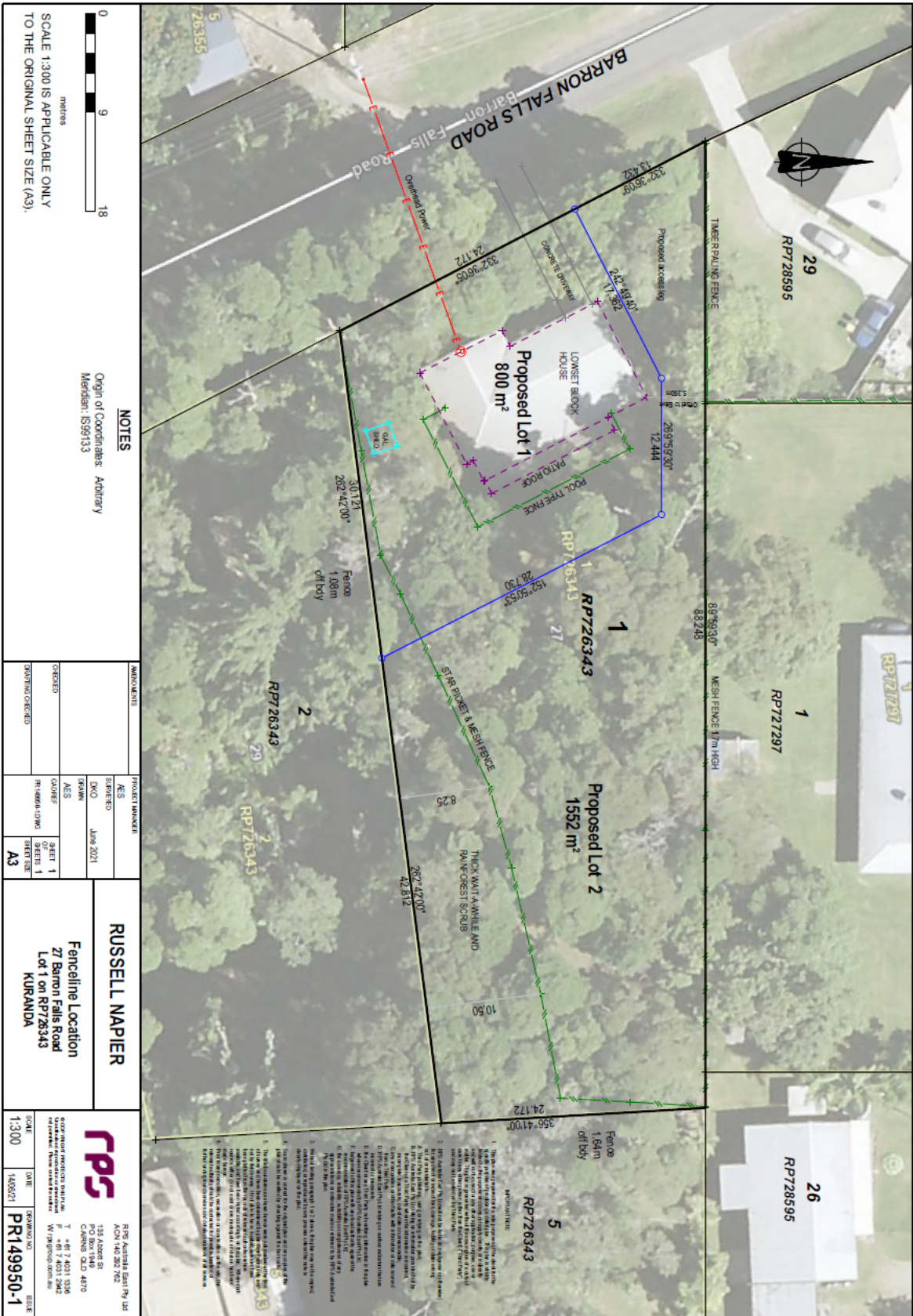
Dated the 16<sup>TH</sup> day of MARCH 2022



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



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