

**DELEGATED REPORT**

**SUBJECT:** S TORRISI - RECONFIGURING A LOT - BOUNDARY REALIGNMENT AND CREATING AN ACCESS EASEMENT - LOT 23 ON CP903074 & LOT 22 ON CP860952 - 135-137 MASON STREET, MAREEBA - RAL/21/0026

**DATE:** 5 January 2022

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

**DEPARTMENT:** Corporate and Community Services

---

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	S Torrissi	<b>ADDRESS</b>	135-137 Mason Street, Mareeba
<b>DATE LODGED</b>	15 December 2021	<b>RPD</b>	Lot 23 on CP903074 & Lot 22 on CP860952
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment and creating an Access Easement		

<b>FILE NO</b>	RAL/21/0026	<b>AREA</b>	Lot 23 - 6,224m2 Lot 22 - 2,604m2
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	S Torrissi
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Industry zone		
<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 development application described in the above application details.

The application is code assessable and did not require 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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	S Torrisi	<b>ADDRESS</b>	135-137 Mason Street, Mareeba
<b>DATE LODGED</b>	15 December 2021	<b>RPD</b>	Lot 23 on CP903074 & Lot 22 on CP860952
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment and creating an Access Easement		

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 - Boundary Realignment and creating an Access Easement

(B) APPROVED PLANS:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
-	Development Plan - Boundary Realignment & Access Easement	-	9/12/2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

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

## 3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval 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.
- 3.7 Access Easement
- An access easement in favour of proposed Lot 1 and Lot 19 on M356128 must be established over Lot 2. The easement document must be submitted to Council for review prior to the endorsement of a plan of survey.

## 4 Infrastructure Services and Standards

### 4.1 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be discharged to an approved legal point of discharge.

## (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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(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) 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

(f) 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).

(g) 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 not – four (4) years (starting the day the approval takes effect);

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

- Nil

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject site comprises of the following allotments:

- Lot 23 on CP903074, situated at 135 Mason Street, Mareeba, having an area of 6,224m<sup>2</sup> and frontages of approximately 33 metres to Mason Street and 39 metres to unnamed road reserve; and
- Lot 22 on CP860952, situated at 137 Mason Street, Mareeba, having an area of 2,604m<sup>2</sup> and frontages of approximately 30 metres to Mason Street and 83 metres to unnamed road reserve.

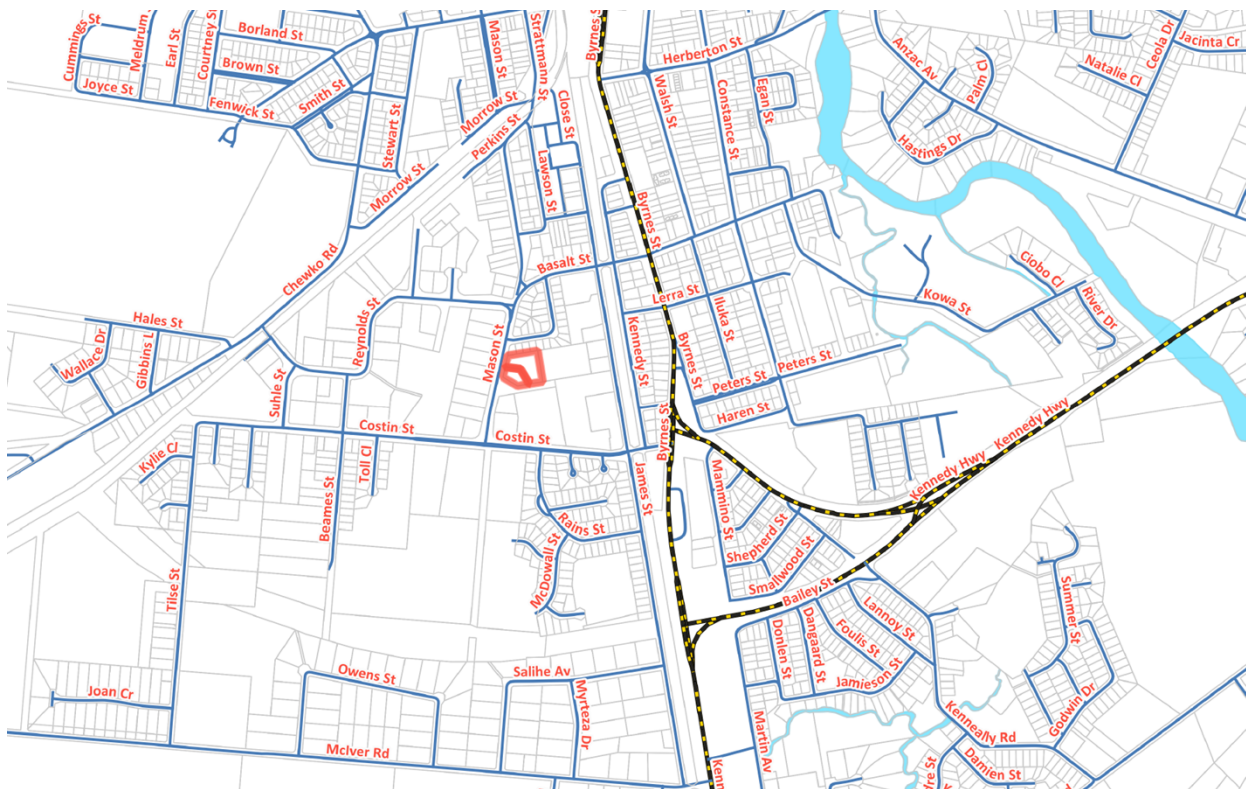
Mason Street is constructed to approximately 11 metre wide asphalt sealed standard for the entire frontage of each lot. Both lots are accessed via access crossovers onto Mason Street. The unnamed road reserve along the southern boundary is unformed.

Lot 23 is presently developed with multiple industrial (self storage) sheds and a single dwelling house. Lot 22 contains multiple industrial tennacies fronting Mason Street and further self storage sheds at the rear.



### 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.



#### 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.

The northern boundary of Lot 23 adjoins land zoned Medium Density Residential. All other adjoining land is zoned Industry.

All urban services are connected to the site.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment and creating an access easement in accordance with the plans shown in **Attachment 1**.

The application proposes to move the common boundary to exclude the existing dwelling house from Lot 23 and into Lot 22.

The realigned lots will be as follows:

- Lot 1 - area of 3,882m<sup>2</sup>, approximately 54 metres frontage to Mason Street and approximately 83 metres frontage to unnamed road reserve;

- Lot 2 - area of 4,946m<sup>2</sup>, approximately 9 metres frontage to Mason Street and 39 metres to unnamed road reserve.

An access easement will be created over the existing shared driveway, providing for access to proposed Lots 1 and 2 and adjoining Lot 19 on M356128.

The servicing arrangements for both reconfigured lots will remain substantially unchanged.

## 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> • Industry Area
Zone:	Industry zone
Preferred Area/Precinct:	A - Trades and Services Precinct
Overlays:	Airport Environs 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:

- 6.2.5 Industry zone code
- 7.2.2 Mareeba local plan 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).
Mareeba local plan 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

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

#### (f) Adopted Infrastructure Charges Notice

The application is for a boundary realignment only. No additional vacant lot will be created.

#### REFERRALS

The application did not trigger referral to any Referral Agency.



### **Internal Consultation**

Not applicable.

### **PLANNING DISCUSSION**

Nil

***Date Prepared:***            *5 January 2022*

## 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 *5th* day of *JANUARY* 2022



**BRIAN MILLARD**  
SENIOR PLANNER



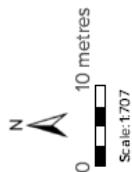
**ANTHONY ARCHIE**  
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

# PROPOSAL PLANS



Legend located on next page



Printed at: A4  
Print date: 9/12/2021  
Projection: Web Mercator EPSG 102100  
For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

Includes material © State of Queensland 2021. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability.

If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS. All rights reserved © 2019 © Earth-1, all rights reserved, 2019



## Development Plan - Boundary Realignment & Access Easement

135-137 Mason Street, Mareeba

17°0'23"S 145°25'13"E

17°0'23"S 145°25'17"E



17°0'27"S 145°25'13"E

17°0'27"S 145°25'17"E