

<b>8.3</b>	<b>J &amp; V XHAFER - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 7 ON SP117678 - 100 BLACKS ROAD, MAREEBA - RAL/22/0016</b>
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**Date Prepared:** 2 December 2022

**Author:** Senior Planner

**Attachments:**

1. Proposal Plan
2. Submission

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#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	J & V Xhafer	<b>ADDRESS</b>	100 Blacks Road, Mareeba
<b>DATE LODGED</b>	13 September 2022	<b>RPD</b>	Lot 7 on SP117678
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
<b>FILE NO</b>	RAL/22/0016	<b>AREA</b>	2.0064 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	J & V Xhafer
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Emerging Community zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	One (1)		

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#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification process, 1 properly made submission was received.

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

The key issue with the proposed development is ensuring the reconfiguration of the subject land at this time would not compromise the potential future residential redevelopment of this area, which is the overarching intention of the Emerging Community Zone. Council officers are satisfied that the proposal will not compromise future redevelopment of the area and that the subdivision represents logical in-fill development that makes efficient use of site constraints and existing improvements.

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, subject to conditions.

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	J & V Xhafer	<b>ADDRESS</b>	100 Blacks Road, Mareeba
<b>DATE LODGED</b>	13 September 2022	<b>RPD</b>	Lot 7 on SP117678
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	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
DWG No 9173 - LL1	Development Plan Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)	Twine Surveys Pty Ltd	11/07/2022

(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, 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 of the development, 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 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

#### 4.1 Access

The existing access crossovers servicing **both allotments** must be upgraded in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

#### 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) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

#### 4.3 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 lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.4 Wastewater Disposal

The existing on-site effluent disposal system on Lot 71 must be evaluated by a registered site and soil evaluator, and a report lodged with Council outlining compliance with the On-Site Domestic-Wastewater Management Standard (AS/NZS1547:2000) to the satisfaction of Council's delegated officer.

The wastewater disposal system including trenches must be contained wholly within Lot 71.

#### 4.5 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.

#### 4.6 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) 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.dcceew.gov.au](http://www.dcceew.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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.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

- Nil

(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	Credit Detail	Charge
	<i>\$ per Lot</i>	<i>Lots</i>	<i>Lots</i>	
Residential Lot (Water Charge Only)	\$5,065.00	1 Lot (Additional)	Nil	\$5,065.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>				<b>\$5,065.00</b>

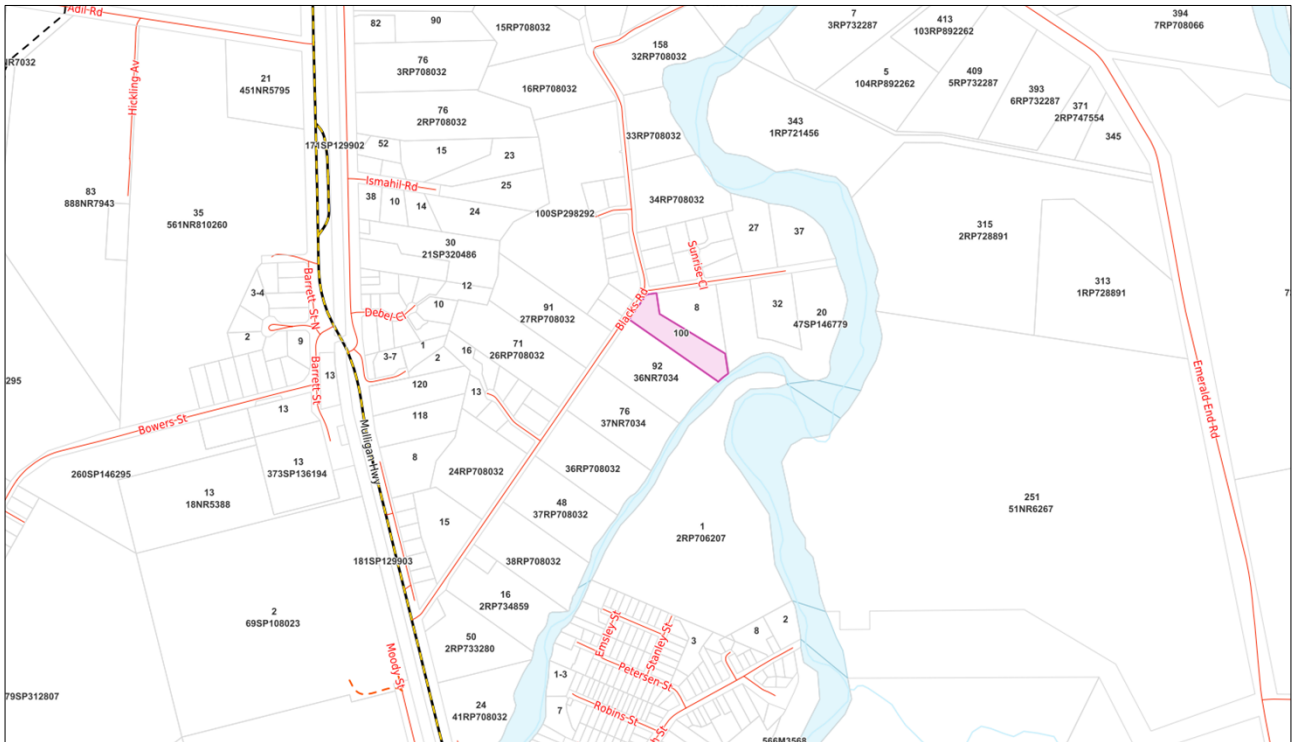
**THE SITE**

The site is situated at 100 Blacks Road, Mareeba, and is described as Lot 7 on SP117678. The site is irregular in shape with a total area of 2.0064 hectares and is zoned Emerging Community under the Mareeba Shire Council Planning Scheme 2016.



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 includes 81 metres of frontage to Blacks Road which is constructed to a bitumen sealed standard with kerb and channel on the western side of the road only and a further 27 metres of frontage to Dawson Road which is also constructed to a bitumen sealed standard with kerbing only on the northern side of the road. No kerbing exists on the development side of either road.

The site is improved by a dwelling and two outbuildings situated at the eastern end of the property and another smaller standalone dwelling in the north-west corner of the site adjacent the intersection of Blacks and Dawson Roads. The property is connected to all urban services except for reticulated town sewer. A formed gravel crossover services the eastern dwelling from Blacks Road while an unformed gravel/grassed crossover services the north-west dwelling from Dawson Road.

All surrounding lots are also zoned Emerging Community and are predominantly rural residential in nature and contain single dwellings.

**BACKGROUND AND CONTEXT**

Nil

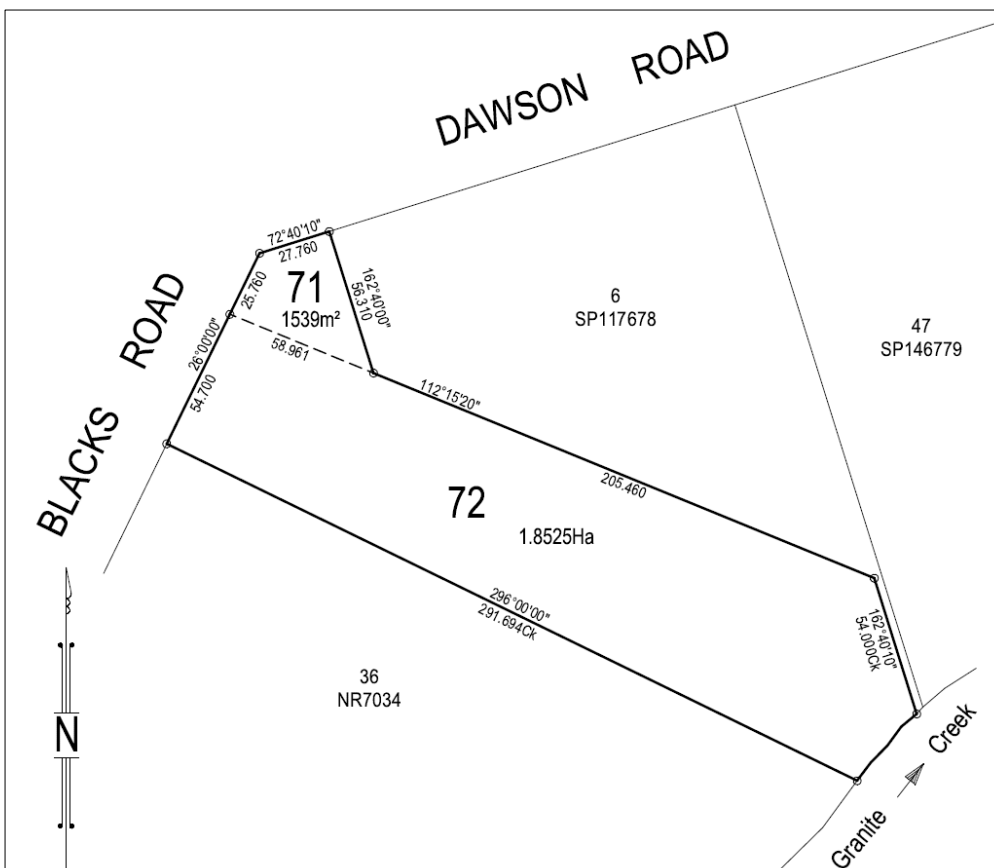
**PREVIOUS APPLICATIONS & APPROVALS**

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 plans shown below and in **Attachment 1**.

The proposed subdivision will separate the 2 dwellings on-site and excise smaller proposed Lot 71, which contains the north-west dwelling, from the balance of the property (proposed Lot 72). Both proposed Lots will be appropriately serviced with all available urban services and will contain the respective wastewater disposal systems currently servicing each dwelling.



## 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. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• <i>Investigation Area</i></li> </ul> <b>Natural Environment Elements</b> <ul style="list-style-type: none"> <li>• <i>Biodiversity Areas</i></li> </ul>
Zone:	Emerging Community zone
Mareeba Local Plan:	Mareeba Northern Expansion
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard 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

#### Strategic Framework

#### 3.3 Settlement pattern and built environment

##### 3.3.1 Strategic outcomes

- (3) *Residential areas and urban expansion areas support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including*



*infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and activity centres while protecting the character of the shire.*

*Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the residential areas and urban expansion areas of the shire.*

#### Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The proposed subdivision will separate the two existing dwellings on-site and will excise smaller proposed Lot 71 from the balance of the property. The proposed lot layout represents practical and logical infill development and will not compromise the future development potential of the larger balance of the land (proposed Lot 72).

The development does not conflict with the intent of Strategic Outcome 3.

### *3.3.8 Element - Urban expansion and investigation areas*

#### *3.3.8.1 Specific outcomes*

- (1) Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.*

#### Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The proposed subdivision will separate the two existing dwellings on-site and will excise smaller proposed Lot 71 from the balance of the property. The proposed lot layout represents practical and logical infill development and will not compromise the future development potential of the larger balance of the land (proposed Lot 72).

The development does not conflict with the intent of Specific Outcome 1.

#### *3.3.8.2 Land use strategies*

- (1) Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:*

- (a) need for land for the proposed land use;*
- (b) mitigation or avoidance of impacts on sensitive receiving environments;*
- (c) where involving good quality agricultural land:*
  - (i) there is no alternative land available that is not good quality agricultural land; and*
  - (ii) the need for future development represents a public benefit.*
- (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance*

- (e) consistency with the Strategic Framework.
- (f) consistency with State and Regional Planning requirements.

Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The proposed subdivision will separate the two existing dwellings on-site and will excise smaller proposed Lot 71 from the balance of the property. The proposed lot layout represents practical and logical infill development and will not compromise the future development potential of the larger balance of the land (proposed Lot 72).

The proposed development will not further compromise the development potential of the subject land anymore than it already is through existing configuration, built form and the presence of Dawson Road to the north and Blacks Road to the west. The development represents logical infill development, making efficient and practical use of residential land and is therefore not considered to be in conflict with the intent of Land Use Strategy 1.

**Relevant Developments Codes**

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

- 6.2.4 Emerging community zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope 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
Emerging community zone code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>▪ Performance Outcome PO7</li> </ul> Refer to planning discussion section of report.

Mareeba local plan code	The application can be conditioned to comply with the codes 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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes 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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>▪ Performance Outcome PO1</li> </ul> Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

#### **(D) 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 upgraded in accordance with FNQROC Development Manual standards.

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

The subject site contains 2 dwellings. The proposed reconfiguration will separate the dwellings onto separate allotments. It is therefore considered that credits exist over both Lots 71 and 72 for the following trunk networks:

- Parks and open space; and
- Transport (roads)

No charge is applicable for sewer as the subject land is not serviced by the reticulated town sewer network.

With regards to town water supply, of which the land is benefited by, the site currently contains only 1 water service connection, situated along the frontage of proposed Lot 72. In line with Council's current practice for new water service connections, Lot 71 will need to be provided with a separate additional water service, and an infrastructure charge will be payable. The current infrastructure charge for water supply is \$5,065.00.

**REFERRAL AGENCY**

This application did not trigger referral to any Referral Agency.

**Internal Consultation**

Development Engineering

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 28 September 2022 to 21 October 2022. The applicant submitted the notice of compliance on 26 October 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>The roadside drain between the edge of Dawson Road and the property boundary becomes waterlogged throughout the wet season and does not drain correctly. Furthermore, Both Dawson Road and Blacks Road hold a considerable amount of water in the middle of both roads during the wet season. This Stagnant water is a breeding ground for Mosquitos. How does the new development meet its responsibilities for drainage or help improve the drainage on both roads.</p>	<p>The proposed subdivision will separate the two existing dwellings on-site onto separate allotments. The subdivision will not change the current arrangement on site and will not result in an increase in dwellings accessing from either Blacks Road or Dawson Road. In this instance, it is not considered reasonable to require frontage works for either Lot 71 or 72, including drainage works. In future when the balance allotment and surrounding lots are master planned for residential development, the surrounding road and drainage networks will be required to be upgraded, inclusive of roadside drainage.</p>
<p>The current intersection of Blacks Road and Dawson Road is not constructed to standard with no line marking, poor visibility and Ergon power poles in close proximity to the road edge. What consideration has been given to road safety and will the developer be required to upgrade or improve safety at this intersection.</p>	<p>The proposed subdivision will separate the two existing dwellings on-site onto separate allotments. The subdivision will not change the on-ground situation and will not result in an increase in dwellings accessing from either Blacks Road or Dawson Road. In this instance, it is not considered reasonable to require frontage works for either Lot 71 or 72. In future when the balance allotment and surrounding lots are master planned for residential development, the surrounding road network will be required to be upgraded.</p>
<p>There is no coherent development policy for Blacks Road (i.e. a Master Plan) that leads to Sunrise Close or Blacks Road heading North.</p>	<p>Since the current Planning Scheme has been in effect no development of a scale large enough to warrant a master plan (referred to as a Structure Plan in the current Planning Scheme) has been proposed along Blacks Road. The rural residential (1 acre) allotments in proximity to the development site were</p>

	created under an old approval granted under a previous Planning Scheme. When the balance land is eventually developed, a structure plan will be required to be produced and approved by Council.
The proposed lots do not meet the minimum lot size and frontage requirements for the Emerging Community Zone. The development is inconsistent with the intent of the zone.	Refer to Planning Discussion section of the report for further commentary on non-compliance with the Emerging community zone code and the Reconfiguring a lot code.
What headworks charges will be payable by the developer.	Refer to the Adopted Infrastructure Charges Notice section of the report for further commentary.
<i>"In the last 15-20 years we have experienced new subdivisions in this area. And with this growth, you can expect an increase in traffic on Blacks Road and Dawson Road. During this time, other than developers contributing to the widening and improvement of roads around their own development, there has been no other improvements made in this area."</i>	Infrastructure upgrade requirements are made on a case by case basis when development applications are lodged. To date, no master planned development has occurred in the Blacks/Dawson Road areas that would warrant road works beyond the frontages of the land developed. Although Blacks Road is currently not constructed to standard, the road is considered to be of an adequate standard to cater for the amount of traffic using the road. This proposed development will separate existing dwellings only and will therefore not result in an increase in users on Blacks Road or Dawson Road. Eventually when funding is available, or a master planned residential estate is proposed in the area these roads will be upgraded.
<i>"Will the Mareeba Shire Council now allow further 'one off' allotments around the 1,000/2,000m<sup>2</sup> in this Blacks/Dawson Road area without improving the existing road, intersections or drainage?"</i>	Each application will need to be looked at on a case by case basis and assessed for compliance against the Planning Scheme. Any development that is likely to compromise the future long-term residential development of the area is not likely to be approved by Council.

**Submitters**

Name of Principal submitter	Address
1. Frank Carusi	8 Dawson Road, Mareeba QLD 4880

**PLANNING DISCUSSION**

Compliance with the Performance Outcomes of the Emerging community zone code and the Reconfiguring a lot code are summarised as follows:

**Emerging Community Zone Code**

**PO7**

*Development occurs as outlined in a Structure Plan that:*

- (a) is prepared in accordance with Planning Scheme Policy 8 Structure Planning;*
- (b) takes into consideration land use need and the type, scale, density of proposed urban development;*
- (c) includes a road network that:*
  - (i) is logically designed;*
  - (ii) can be delivered sequentially;*
  - (iii) includes an urban morphology that is consistent with the surrounding area;*

- (iv) provides pedestrian links to centres and open space;*
- (d) locates any non-residential development:*
  - (i) on major roads;*
  - (ii) where not introducing non-residential traffic to residential streets; and*
  - (iii) to provide the day to day needs of the immediate residential community;*
- (e) scales any non-residential development to:*
  - (i) be consistent with the scale of surrounding residential development;*
  - (ii) not undermine the viability of nearby centres or the centres network; and*
  - (iii) not unduly detract from the amenity of nearby residences.*

**AO7**

*No acceptable outcome provided.*

**Comment**

A structure plan has not been prepared as part of this development application, nor is it considered necessary that a structure plan be produced in this instance.

The proposed subdivision will separate the two existing dwellings on-site and will excise smaller proposed Lot 71 from the balance of the property. The proposed lot layout represents practical and logical infill development and will not compromise the future development potential of the larger balance of the land (proposed Lot 72).

The development will not compromise the fulfilment of PO7 for future applicable large scale residential development.

**Reconfiguring a Lot Code****PO1**

*Lots include an area and frontage that:*

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) allow the site to be provided with sufficient access;*
- (e) considers the proximity of the land to:*
  - (i) centres;*
  - (ii) public transport services; and*
  - (iii) open space; and*
- (f) allows for the protection of environmental features; and*
- (g) accommodates site constraints.*

**AO1.1**

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

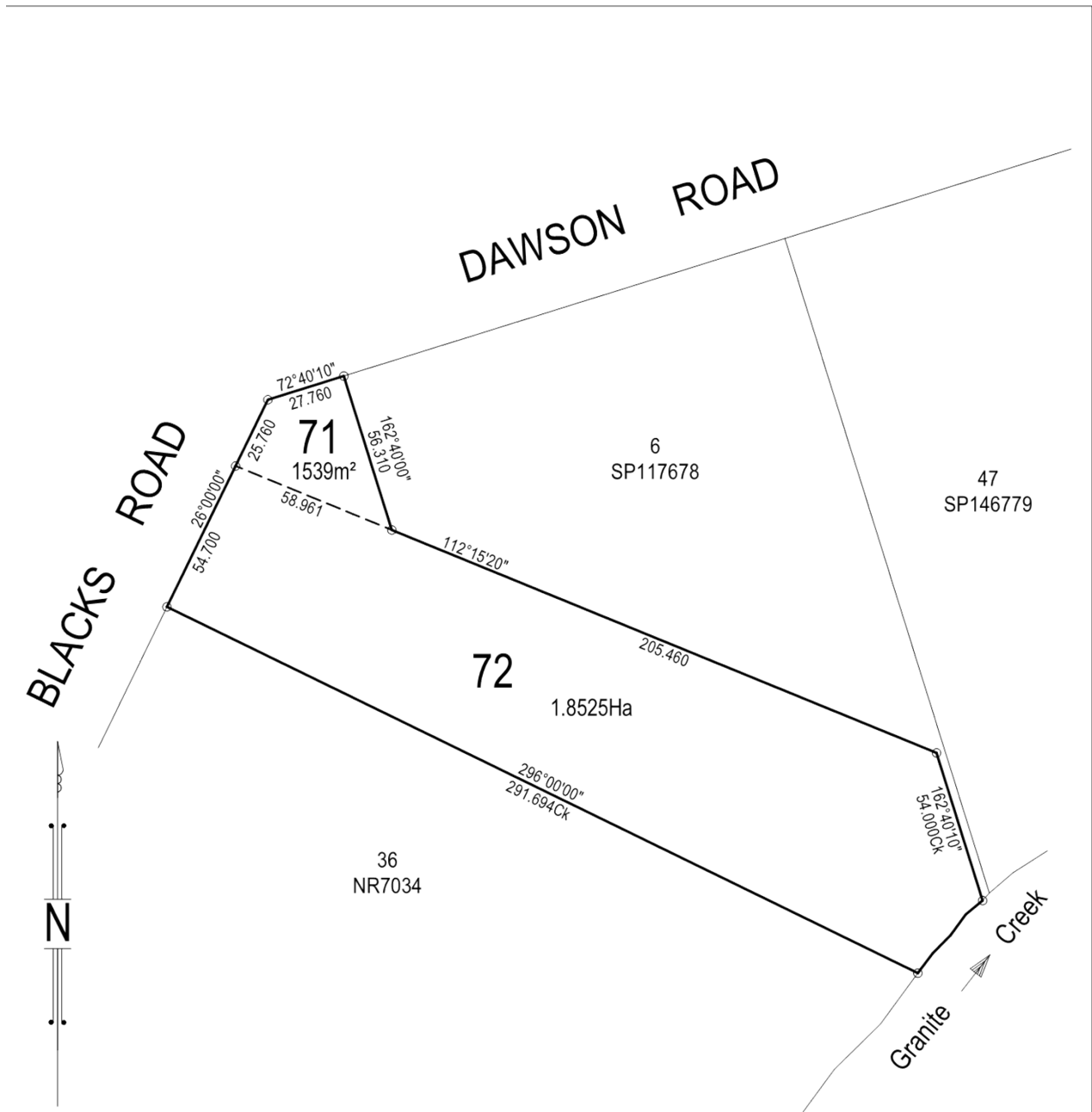
**Comment**

Table 9.4.4.3.B dictates that land within the Emerging Communities Zone achieve a minimum lot size of 10 hectares and a minimum frontage of 100m. The proposed reconfiguration is therefore non-compliant with AO1.1.

Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) Proposed Lot 72 is consistent in size with other lots in the vicinity. Smaller proposed Lot 71 is the smallest lot in the vicinity at only 1,539m<sup>2</sup>, however its size and shape is a result of a logical lot layout and excision and still allows for the desired amenity of the zone to be achieved.
- (b) The proposed lots allow the desired amenity of the zone to be achieved.
- (c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended future residential land use;
- (d) No change to the existing access arrangements to each of the dwellings/lots will occur.
- (e) The site is within reasonable proximity to Mareeba township and the services it offers. Due to their size, both lots offer significant onsite open space opportunities.
- (f) The proposed subdivision will not impact on any environmental feature on-site.
- (g) Both proposed lots reasonably accommodate all constraints.

The development complies with PO1.



AMENDMENTS - ORIGINAL     	PROPERTY DESCRIPTION LOT 7 ON SP117678	REGISTERED OWNER V & J XHAFFER	LOCAL GOVERNMENT: MSC LOCALITY: MAREEBA SITUATED AT : BLACKS ROAD & DAWSON ROAD
	DEVELOPMENT PLAN Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)		

DWG NO 9173-111 11 7 2022 REV A	 TWINE SURVEYS PTY LTD 36 Mabel St, Atherton 4883 PO Box 146, Atherton 4883 P 07 40911303 E info@twinesurveys.com.au
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Chief Executive Officer  
Mareeba Shire Council  
P.O. Box 154  
MAREEBA QLD 4880

To whom it may concern,

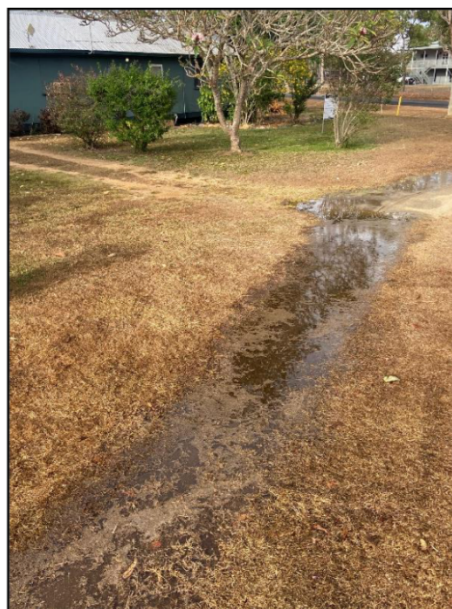
Development Application No. RAL/22/0016

This submission is regarding the application for Reconfiguration of Lot (1 Lot into 2 lots), located at Lot 7 on SP117678, 100 Blacks Road, Mareeba. The application proposes 2 lots described as Lot 71 (1,539m<sup>2</sup>) and Lot 72 (1.8525 hectares)

Proposed Lot 71 – 1,539m<sup>2</sup> is a near level, corner allotment with frontage to both Blacks and Dawson Road. The proposed lot is improved with a fibrous cement dwelling with corrugated galvanised iron roofing. The dwelling appears to be in fair condition.

We raise the following concerns regarding the application which we seek to be addressed in assessing the development application.

- The existing road drain facing Dawson Road, in front of the new development is waterlogged throughout the wet season. This is not 'sheet' water but stagnant water. This water does not flow around the corner to the drain on Blacks Road (a drain that was installed during the Adil family development). This stagnant water is a breeding ground for Mosquitoes.





- Both sides of the intersection, (Blacks and Dawson Road) currently hold a considerable amount of water (again stagnant water) in the middle of the road throughout the wet season.
- The surrounding area is near level and low lying. This hinders water runoff in heavy rain.
- How does the new development meet its responsibilities for drainage OR improve the drainage on Blacks and Dawson Road?
- Is the current intersection of an approved width? Dawson road at the intersection is approximately 5 metres wide. If the current intersection is NOT of an approved width, what consideration is given to road safety in regards the to the very close Ergon Energy electricity poles, on either side of the intersection?
- Traffic approaching the Blacks Road and Dawson Road intersection have little to no visibility of other traffic approaching until arriving at the intersection. There have been several near collisions at this intersection. Traffic regularly cut the corner off Blacks and Dawson roads leaving the bitumen, destroying the gravel sides whilst narrowly missing the nearby Ergon timber pole by very few centimetres.
- There are no line markings at the intersection of Blacks Road and Dawson Road. With regards to the Blacks Road and Dawson Road intersection, how will this subdivision improve intersection safety in this Emerging Community?
- Up until now, there hasn't been a coherent development policy for Blacks Road (i.e., A Master Plan) that leads to Sunrise close or Blacks Road heading North.
- The subject Lot 7 currently does not meet the minimum size of 10 hectares permitted under the Emerging Community Zone. Further reconfiguration of Lot 7 to create 2 smaller lots, with frontages less than 100m, further exacerbates the non-compliance of the lot size and dimensions. The proposed lots are inconsistent with the intention of the Emerging Community Zone, namely that, *"Urban development may occur in the zone in accordance with an approved structure plan but the primary purpose of the zone and the code is to reserve land for future urban development, the majority of which is likely to occur beyond the life of the planning scheme."*
- Assuming the proposed lot will be 'For Sale' if approved, what contribution will be made to Headworks? We have seen in the past that the developers in the surrounding area, within very close proximity to the subject proposal, have had to pay Headwork charges as part of their Development Approval. We assume that this new proposed lot would have to contribute, the same as the other developers. We have not seen any documentation that there will be any improvements made to the existing roads and/or intersections. How is it that other developers (in the Blacks Road Emerging Community) have all had to improve the road width/drainage and pay Headworks charges. It's a new lot therefore under the planning scheme should it not be made to contribute to "Headworks charges" as they currently apply, notwithstanding the fact there is an existing dwelling.

- In the last 15-20 years we have experienced new subdivisions in this area. And with this growth, you can expect an increase in traffic on Blacks and Dawson Road. During this time, other than developers contributing to the widening and improvement of roads around their own development, there has been no other improvements made in this area.
- Will the Mareeba Shire Council now allow further 'one off' allotments around the 1,000/2,000m<sup>2</sup> in this Blacks/Dawson Road area without improving the existing road, intersections, or drainage?

We hope that you take our concerns into consideration and that the safety of the community is a priority, whilst achieving a desirable outcome for all parties involved.

We would like to see that all property owners in this Emerging Communities Zoning follow the same guidelines according to the Mareeba Planning Scheme.

Regards

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