

DELEGATED REPORT

SUBJECT: V EDWARDS - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON SP262355 - 7 MCKENZIE STREET, KURANDA - RAL/22/0017

DATE: 10 November 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Vaughan Edwards	ADDRESS	7 McKenzie Street, Kuranda
DATE LODGED	7 October 2022	RPD	Lot 2 on SP262355
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	RAL/22/0017	AREA	2,023m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Vaughan Edwards
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low density residential zone		
LEVEL OF ASSESSMENT	Code assessment		
SUBMISSIONS	N/A - Code assessment only		

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 has been assessed against the Mareeba Shire Council Planning Scheme 2016 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 in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Vaughan Edwards	ADDRESS	7 McKenzie Street, Kuranda
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and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (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
-	Site Plan	Applicant	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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/serviced 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 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

3.9 Bushfire Management

An on-site water supply for firefighting purposes must be provided to each lot with a minimum capacity of 5,000 litres that must comprise either:

- (a) a stand-alone tank; or

- (b) a reserve section in the bottom part of the main water supply tank; or
- (c) a dam; or
- (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

- 3.10 At time of survey of the allotments, the southern corner of Lot 2 must be truncated in order to provide, at minimum, a 4m wide verge/footpath between the formation edge of McKenzie Street and the new property boundary. The cost of the land lost to road reserve as a result of this truncation shall be credited towards the infrastructure charges payable at a rate applicable at the time of subdivision calculated by dividing the unimproved land value by the 2,023m² land area of Lot 2 on SP262355 (currently \$66.24 per m²).

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be upgraded/constructed to both Lots 1 and 2 (from the edge of the road to the property boundary or 10m, whichever is lesser) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

4.3 Water Supply

The existing water supply which comprises 38,000 litres of tank water supply for Lot 1 and 33,000 litres of tank water supply for Lot 2 must be maintained.

A notation will be placed on the rates notice for each allotment advising future landowners that this particular capacity of tank water supply may not provide a perennial supply in low rainfall years.

4.4 On-Site Wastewater Management Systems

Each allotment must be serviced by a separate on-site wastewater disposal system, constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547). A plan showing the location of each separate on-site wastewater disposal system in their respective lots must be provided before endorsement of the Form 18B.

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.

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.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, 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) Notation on Rates Record

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

- Water supply - Lot 1 is provided with 38,000 litres of tank water storage and Lot 2 is provided with 33,000 litres of tank water storage. This existing tank supply may not provide a perennial water supply. It is recommended that each property be upgraded with 90,000 litres of tank storage in order to ensure a perennial tank water supply.
- conditions regarding on-site water supply for bushfire management

(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

(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

(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

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	\$10,130.00	2 Lots	\$20,260.00	1 lot (\$10,130.00)	\$10,130.00
TOTAL CURRENT AMOUNT OF CHARGE					\$10,130.00

THE SITE

The subject site is situated at 7 McKenzie Street, Kuranda and is described as Lot 2 on SP262355. The site is regular in shape with a total area of 2,023m² and is zoned Low density residential under the Mareeba Shire Council Planning Scheme 2016. The site is a corner block with a total of 90.5 metres of frontage to McKenzie Street along its western and southern boundaries. McKenzie Street is constructed to a bitumen sealed standard from its intersection with Myola Road for a distance of approximately 80 metres, at this point it transitions to a formed gravel standard only with an average width of approx. 3.5 metres.



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 is improved by a primary dwelling on the eastern side, a secondary dwelling in the north-west corner and multiple outbuildings. All adjoining lots are zoned Low density residential and contain single dwellings and outbuildings.

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 in **Attachment 1**.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint 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 being within a:

- *Strategic Rehabilitation Area*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Residential Area Transport Elements <ul style="list-style-type: none"> • <i>Local Collector Road</i> • <i>Principal Cycle Route</i>
Zone:	Low Density Residential Zone
Overlays:	Bushfire Hazard 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:

- 6.2.6 Low density residential zone code
- 8.2.3 Bushfire hazard 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
Low density residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. Where an acceptable outcome cannot be met, it is considered that the development can comply with the higher order performance outcome. Refer to code document for full commentary.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. Where an acceptable outcome cannot be met, it is considered that the development can comply with the higher order performance outcome. Refer to code document for full commentary.
Landscaping code	The application is for a 1 into 2 lot subdivision in the Low density residential zone. Landscaping or boundary treatments are not considered necessary.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. Where an acceptable outcome cannot be met, it is considered that the development can comply with the higher order performance outcome. Refer to code document for full commentary.
Reconfiguring a lot code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. Where an acceptable outcome cannot be met, it is considered that the development can comply with the higher order performance outcome. Refer to code document for full commentary.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. Where an acceptable outcome cannot be met, it is

	considered that the development can comply with the higher order performance outcome. Refer to code document for full commentary.
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(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) 2022, a charge of \$20,260.00 will apply to each additional residential allotment created.

In this instance, the land is not serviced by town water or sewer, therefore a discount of 50% will be applied to the infrastructure charge.

$\$20,260.00 - 50\% = \underline{\$10,130.00}$ per additional allotment.

The application proposes the creation of 1 additional residential lot; therefore the applicable charge is **\$10,130.00**

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: 31 October 2022

DECISION BY DELEGATE

DECISION

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

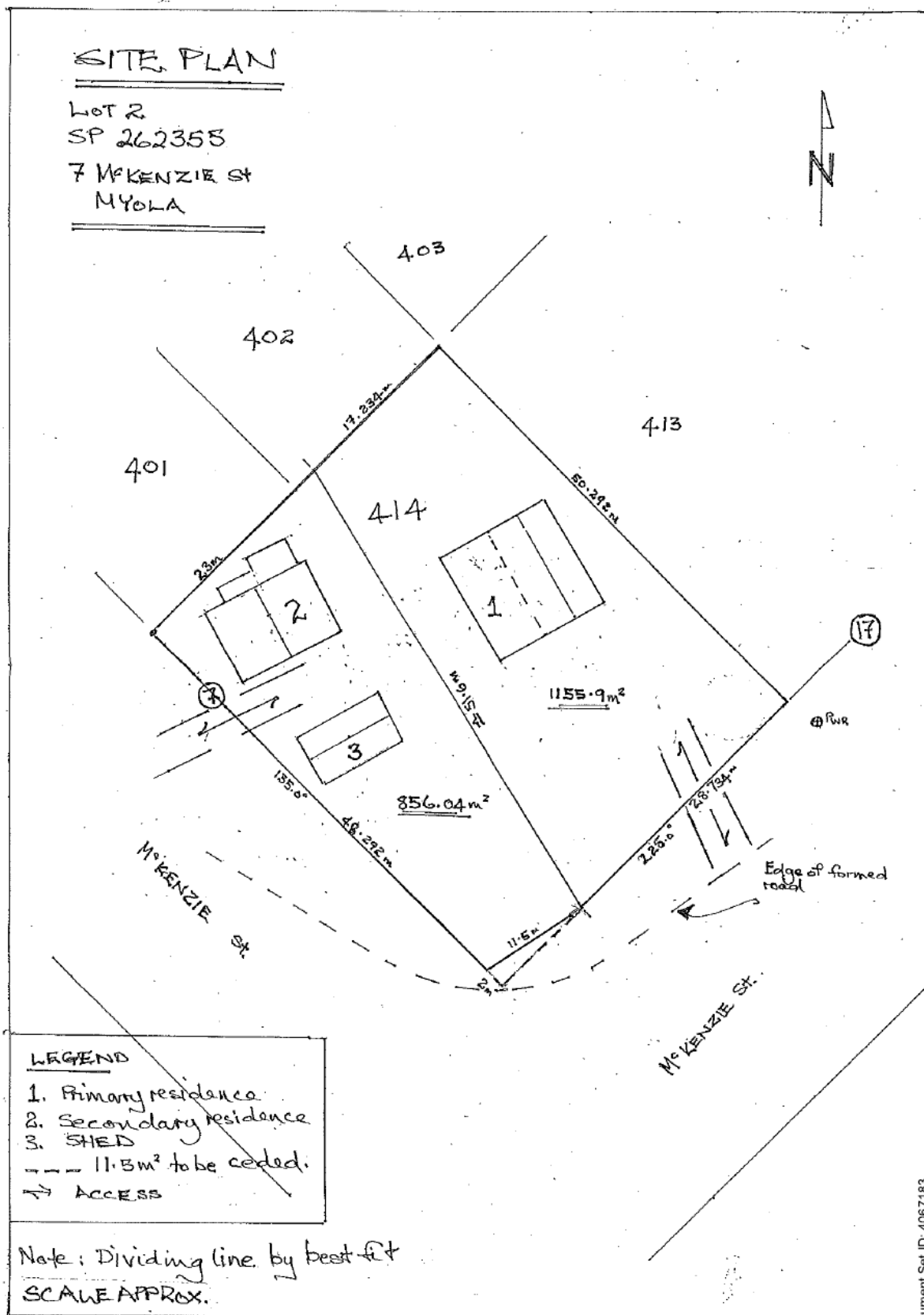
Dated the 10TH day of NOVEMBER 2022



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSED PLANS (ECM DSI # 4147870)



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