

DELEGATED REPORT

SUBJECT: S RIZVI - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 3 ON RP728478 - 5 ARDMORE PARK, KURANDA - RAL/22/0020

DATE: 20 December 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|---|----------------|-------------------------|
| APPLICANT | S Rizvi | ADDRESS | 5 Ardmore Park, Kuranda |
| DATE LODGED | 23 November 2022 | RPD | Lot 3 on RP728478 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Reconfiguring a Lot - Subdivision (1 into 2 lots) | | |

| | | | |
|----------------------------|--|--------------|---------|
| FILE NO | RAL/22/0020 | AREA | 2428m2 |
| LODGED BY | S Rizvi | OWNER | S Rizvi |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Low Density Residential zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | 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 was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant and have been agreed.

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|---|----------------|----------------------------|
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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 |
|----------------------|-------------------------|----------------------|-------|
| 2212 DA1.1 | Site Plan w/underlay | Zero Emission Design | - |
| 2212 DA1.2 | Site Plan Black & White | Zero Emission Design | - |
| 2212 DA1.3 | Site Plan Large Scale | Zero Emission Design | - |

(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 Slope Stability

For any future clearing, earthworks or building works proposed on land with a slope of 15% or greater, the applicant/developer/landowner must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.

4. Infrastructure Services and Standards

4.1 Access

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

4.1.2 A reinforced concrete/asphalt driveway or concrete grid grass pavers shall be provided within access handle of proposed Lot 1. The driveway must:

- (i) have a minimum formation width of 2.8 metres;
- (ii) be constructed for the full length of the access handle and include an access crossover;
- (iii) be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and
- (iv) include service and utility conduits provided for the full length of the access handle.

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

4.3.1 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).

4.3.2 A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 On-Site Wastewater Management

At the time of construction of any future dwelling on Lot 2, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

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) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

- (d) 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.

(e) 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.

(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.dcceew.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.dsdsatsip.qld.gov.au.

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

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 | \$16,208.00 | 2 Lots | \$32,416.00 | 1 lot (\$16,208.00) | \$16,208.00 |
| TOTAL CURRENT AMOUNT OF CHARGE | | | | | \$16,208.00 |

THE SITE

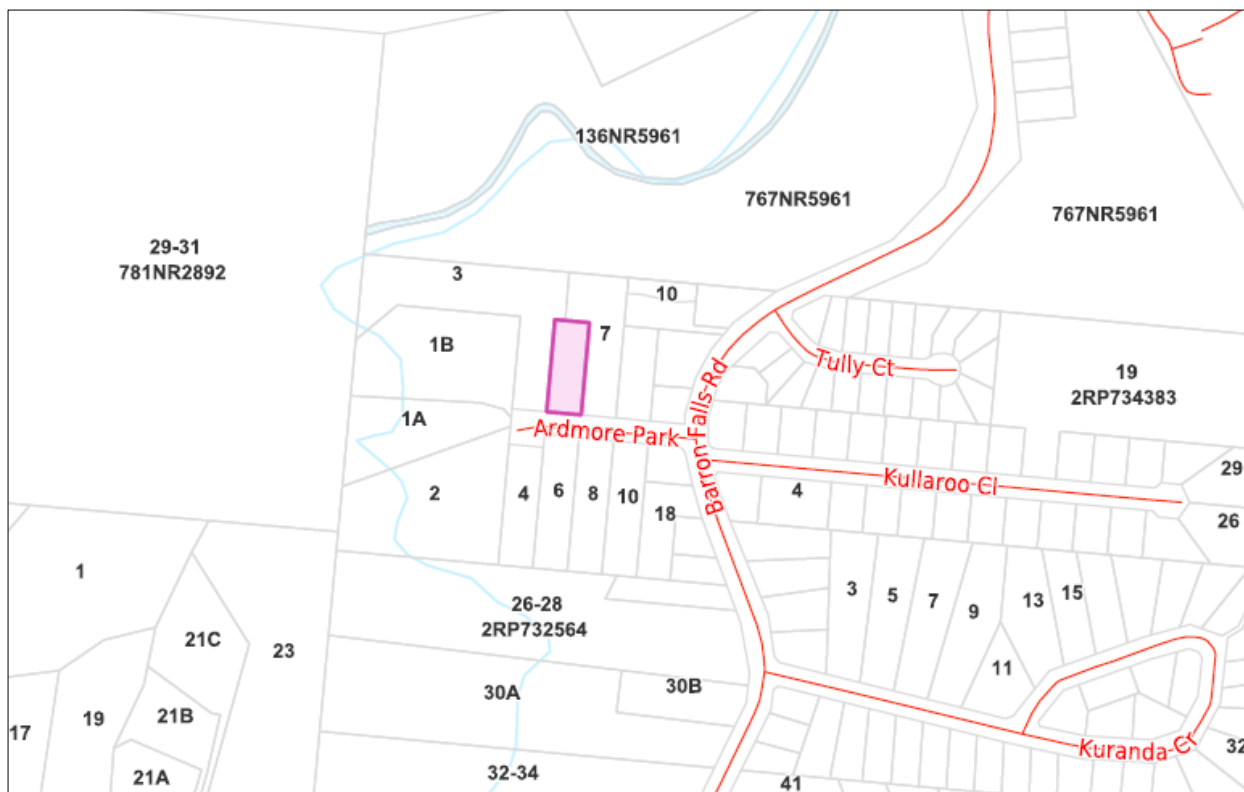
The subject site is situated at 5 Ardmore Park, Kuranda, and is described as Lot 3 on RP728478. The site is regular in shape with a total area of 2,428m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 30 metres of frontage to Ardmore Park which is constructed to bitumen sealed standard, including kerb and channel for its entire length.



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 dwelling situated at the rear and a shed towards the Ardmore Park frontage. Topographically, the site peaks at the location of the dwelling, sloping steeply towards the frontage of the site and more gradually towards the rear of the site. The site is burdened by an easement which passes through the rear of the site in an east-west direction cover Council's reticulated water supply infrastructure.

All surrounding allotments are zoned Low Density Residential and are mostly developed with single dwelling houses.

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**.

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

- Proposed Lot 1 - area of 1,628 square metres, frontage of 10.17 metres to Ardmore Park; and

- Proposed Lot 2 - area of 800 square metres, frontage of 20 metres to Ardmore Park.

Proposed Lot 1 will contain the existing dwelling house and proposed Lot 2 will contain the existing shed. Each proposed lot will be access via separate crossovers onto Ardmore Park.

Each lot will be supplied with connections to water, electricity and telecommunication services. On site effluent disposal will be required for each lot.

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:

- Strategic Rehabilitation Area*

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|--|
| Strategic Framework: | Land Use Categories • Residential Area |
| Zone: | Low Density Residential zone |
| Overlays: | Hill and slope overlay Residential dwelling house and outbuilding 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
- 7.2.1 Kuranda local plan 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 |
|---|---|
| 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. |
| Kuranda local plan 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. |
| Hill and slope overlay 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) 2022, a charge of \$20,260.00 will apply to each additional residential allotment created.

The \$20,260.00 charge covers the following five (5) trunk infrastructure networks:

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

- Sewerage network; and
- Stormwater.

The application proposes the creation of one (1) additional residential lot. As the lot is not serviced by the sewerage network, a 20% discount applies.

\$16,208 x 1 (lot) = **\$16,208.00**

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Not applicable

PLANNING DISCUSSION

Nil

Date Prepared: *20 December 2022*

DECISION BY DELEGATE

DECISION

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

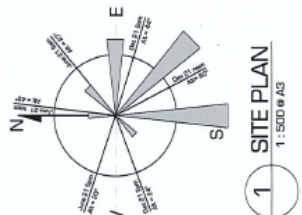
Dated the 22nd day of December 2022



GLENYS PILAT
MANAGER DEVELOPMENT AND GOVERNANCE

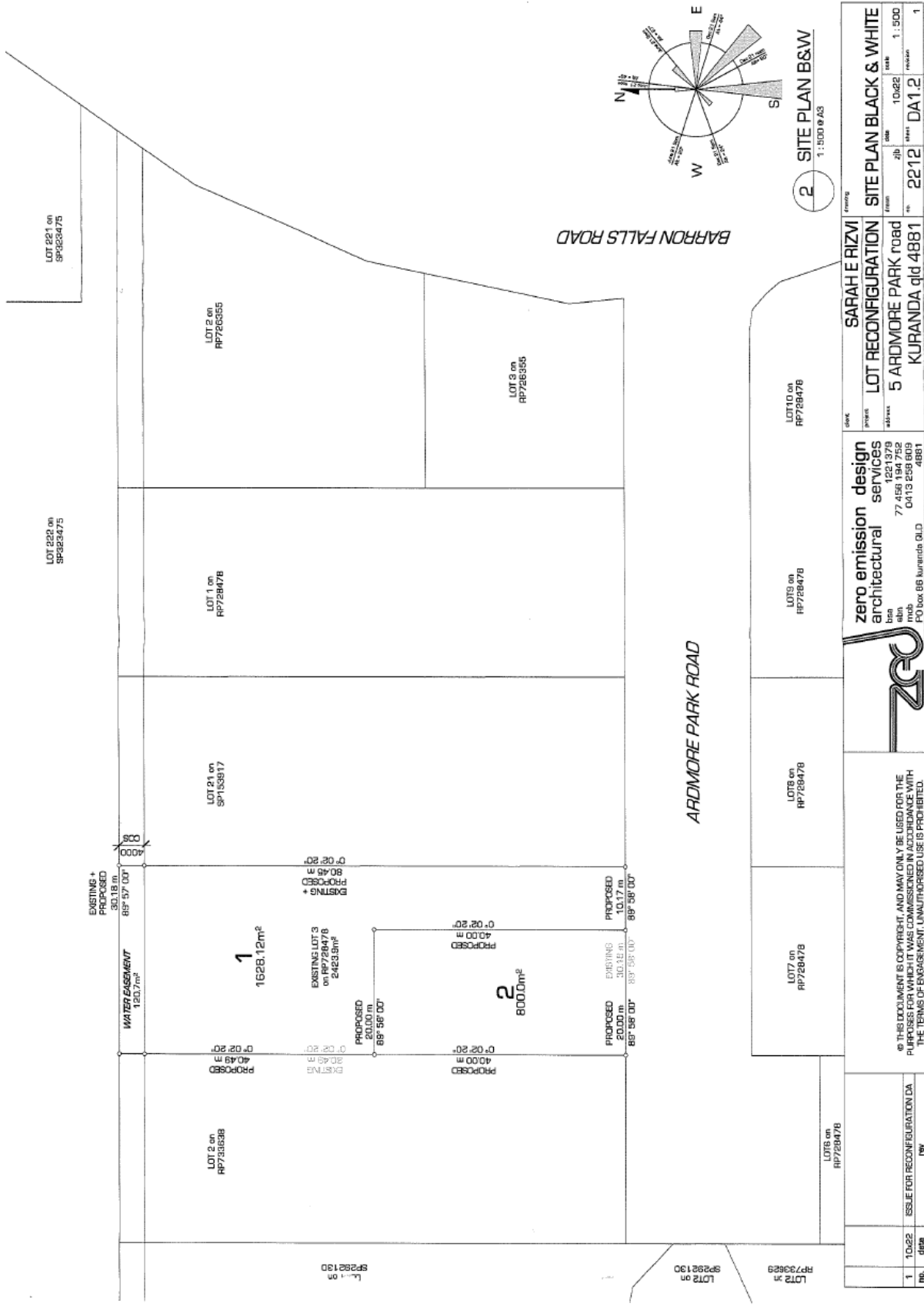
MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

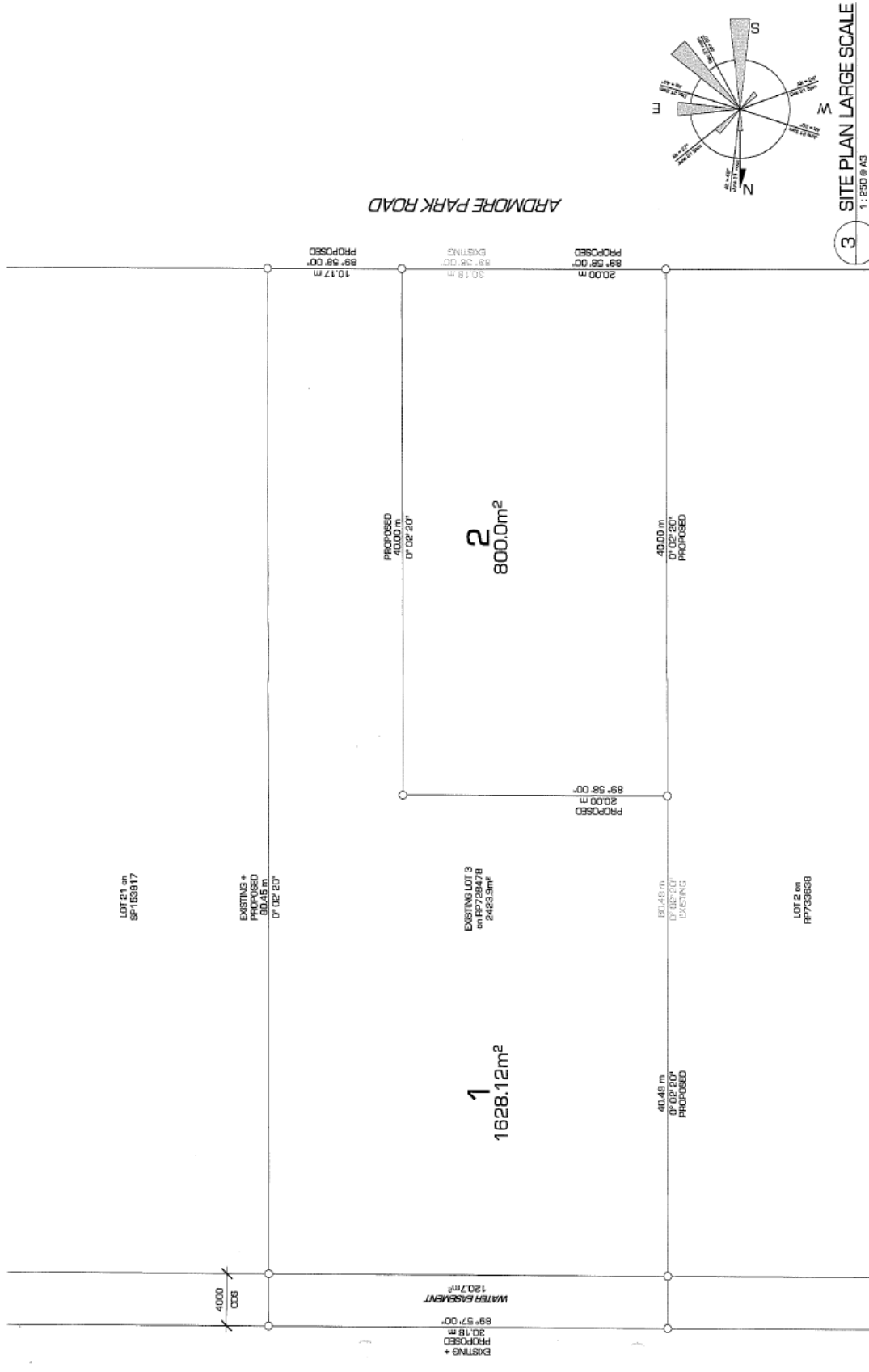
PROPOSAL PLANS



1 SITE PLAN
1:500 @ AS

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| date | | | | |
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| <p>zero emission design architectural services 1221379 77 456 194 752 0413 259 609 PO Box 68 Kuranda QLD 4861</p> | | <p>zcd</p> | | |
| client | <p>SARAH E RIZVI</p> | | | |
| project | <p>LOT RECONFIGURATION</p> | | | |
| address | <p>5 ARMORE PARK ROAD KURANDA QLD 4881</p> | | | |
| no. | 2212 | date | DA1.1 | 1 |
| no. | 1022 | date | | |
| no. | 1:500 | date | | |





3 SITE PLAN LARGE SCALE
1:250 @ A3

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|--------------------------------------|--|---|--|
| | | SARAH E RIZVI ARCHITECT | |
| 1 10/22 ISSUE FOR RECONFIGURATION DA | | LOT RECONFIGURATION | |
| 10/22 | | 5 ARDMORE PARK ROAD KURANDA QLD 4881 | |
| 10/22 | | 22/12 | |
| 10/22 | | 9/22 | |
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