

8.2 A & S GRIST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 672 ON SP295201 - 1 COPLAND ROAD, KOAH - RAL/23/0004

Date Prepared: 7 September 2023

Author: Senior Planner

Attachments:

1. Proposal Plan
2. Department of State Development, Infrastructure, Local Government and Planning Referral Agency Response dated 17 August 2023
3. Submissions

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A & S Grist	ADDRESS	1 Copland Road, Koah
DATE LODGED	16 May 2023	RPD	Lot 672 on SP295201
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		
FILE NO	RAL/23/0004	AREA	5.806 hectares
LODGED BY	Innovate Urban Pty Ltd	OWNER	A & S Grist
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential (Precinct C – 2ha)		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	6 Submissions		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Six (6) submissions were received during the mandatory public notification period.

The applicants propose the subdivision of the site into three (3) allotments, Lots 1, 2 and 3 with sizes of 1.5ha, 1.25ha and 3.2ha respectively. The subject site is situated within the rural residential 2ha subdivision precinct. The application would ordinarily be code assessable development, however the easternmost section of the land adjacent the Clohesy River is mapped within the high and extreme flood hazard areas, which elevated the level of assessment to impact. The original application proposed lot sizes of 1.12ha, 1.17ha and 3.52ha, however after concerns were raised by submitters as well as Council officers in relation to Lots 1 and 2 being significantly smaller than the desired 2ha lot size for the subdivision precinct, the sizes of proposed Lots 1 and 2 were increased to 1.5ha and 1.25ha, making them consistent in size with other recently approved rural residential development in the Koah Township albeit still smaller than the desired 2ha lot sizing.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016. Proposed Lots 1 and 2 do not comply with some assessment benchmarks within the Planning Scheme which seek to ensure lots maintain a 2ha minimum lot size within the 2ha subdivision precinct. In this instance though, it is considered that the two proposed smaller lots will still allow the desired amenity of the zone to be achieved and will remain consistent with recent

nearby rural residential development. The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct.

It is considered that the proposed development complies with the relevant higher order assessment benchmarks contained within the Strategic Framework and Reconfiguring a lot code and it is therefore recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

- 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), referral agency conditions in (F), further permits in (G), and further approvals from Council listed in (H);

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 3 Lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-001	Plan of Development – 1 Copland Road, Koah	Innovate Urban	28/07/2023

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

- 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 within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 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 or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 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 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 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 Lot Size

Lots 1 and 2 must achieve sizes of at least 1.5 hectares and 1.25 hectares respectively.

3.9 Slope Stability

For any new building work proposed on a slope of 15% or greater, the applicant/developer 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.

3.10 Flood Immunity

All new buildings must be located such that the finished floor levels of all habitable rooms are a minimum of 300mm above the defined 100 ARI year flood level.

3.11 Bushfire Hazard Management

3.11.1 Any new dwelling erected on the proposed allotments must:

- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.11.2 A Bushfire Hazard Management Plan must be prepared for each lot to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the Management Plan at all times.

3.12 Charges

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

4. Infrastructure Services and Standards

4.1 Access

4.1.1 New or existing access crossovers must be upgraded/constructed (from the edge of Koah Road to the property boundaries of Lots 1 and 2) in

accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Given the location of the access handle for Lot 3 adjacent the Koah/Copland Road intersection and given the construction standard and geometry of the intersection, access crossover works are not required for Lot 3.

4.1.2 The access handle driveway for Lot 3 is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length of the access handle, to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum sealed width of 3 metres; and
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle.

4.2 Frontage Works - Koah Road

4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The road must be widened for a length of 140 metres only starting from the western corner of the site (adjacent the access crossover of Lot 671 on SP295201 and extending south-east).

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

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

4.3 Stormwater Drainage

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

4.3.2 All stormwater drainage must be discharged at a lawful point of discharge.

4.4 Water Supply

At the time of construction of a new dwelling on any lot, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L; and
 - (ii) which are installed and connected prior to the occupation of the dwelling.
- (c) Water access rights to a perennial watercourse.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, 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.

4.6 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.

4.7 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:

- Conditions regarding on-site water supply applicable at time of new dwelling construction of each lot.
- Conditions regarding on-site effluent disposal applicable at time of new dwelling construction on each lot.
- Conditions relevant to any future building works on sloping land
- Conditions regarding bushfire management/bushfire management plan
- A registered easement over the subject site (Lot 2 Only)
- Conditions regarding flood immunity

(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

(h) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 17 August 2023.

(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

- Development Permit for Operational Works

(H) 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:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot (40% reduction of standard charge for no town water/sewer)	Lots		Lots	
Residential	\$12,460.80	3 Lots	\$37,382.40	1 lot (\$12,460.80)	\$24,921.60
TOTAL CURRENT AMOUNT OF CHARGE					\$24,921.60

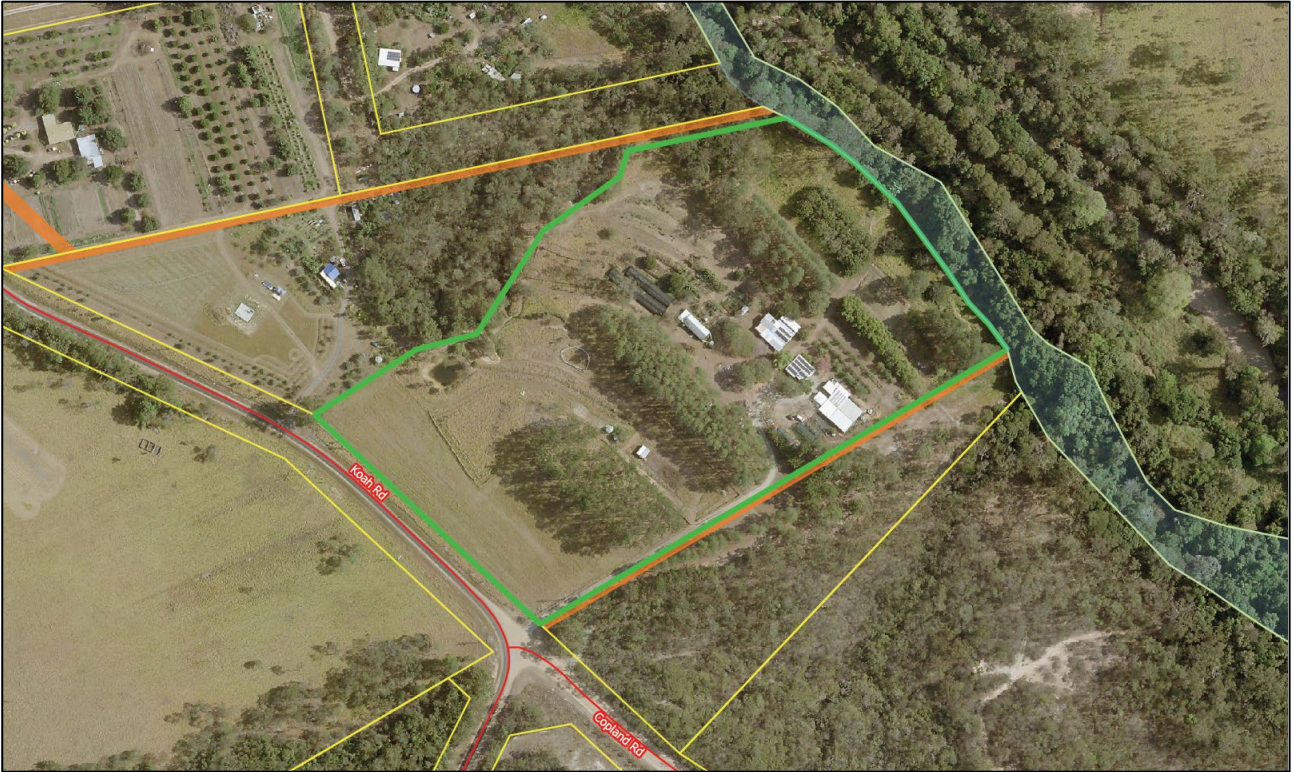
THE SITE

The subject site is situated at 1 Copland Road, Koah and is more particularly described as Lot 672 on SP295201. The site is irregularly shaped with an area of 5.806 hectares and is zoned Rural Residential (Precinct C – 2 ha) under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 8 metres of frontage to Copland Road which is a formed gravel road and a further 170 metres of frontage to Koah Road which is a 4m wide bitumen sealed road with wide gravel shoulders.

The site is improved by a dwelling and multiple outbuildings (sheds) and greenhouses clustered together on the rear half of the property. The site is predominately cleared with a few distinct stands of planted Eucalypt and Radiata Pine Trees as well as a variety of fruit trees across the property. The site backs onto the Clohesy River to the east with some remnant riparian vegetation remaining along the eastern edge of the property.

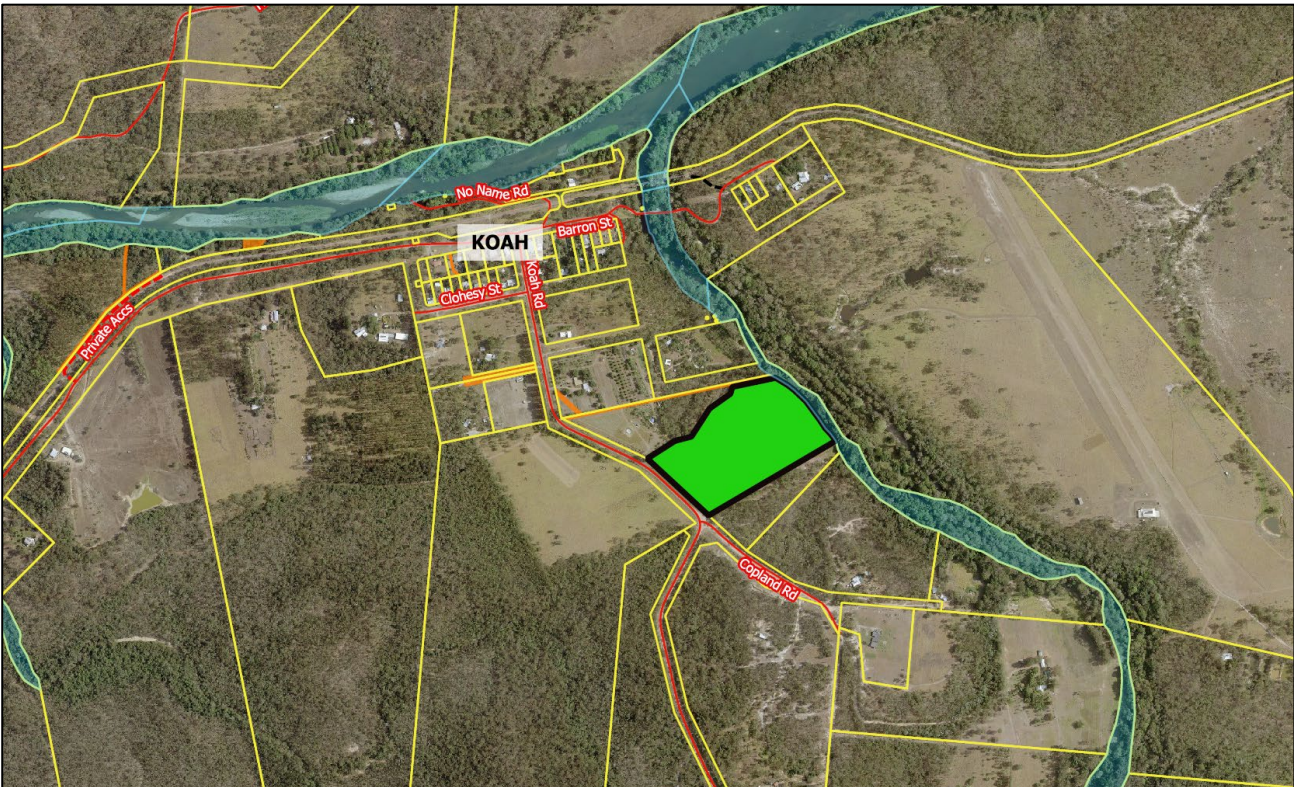
Adjoining land to the north is also situated within the Rural residential zone while land to the south, east and west is all zoned Rural. All surrounding lots are used as rural residential/lifestyle lots with no significant agricultural or grazing pursuits established. A private grassed rural airstrip is

established on the land to the east of the site on the opposite side of the Clohesy River.



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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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 3 Lots) in accordance with the plans shown below and included as **Attachment 1**.



Lot 1 will have an area of approx. 1.5 hectares and a frontage of approx. 80 metres to Koah Road. Lot 1 will also extend down to achieve riparian frontage to the Clohesy River. A water supply easement is proposed within Lot 1 to benefit Lot 2.

Lot 2 will have an area of approx. 1.25 hectares and a frontage of approx. 92 metres to Koah Road. A water supply easement will be provided in Lot 1 to benefit Lot 2 with access to the Clohesy River.

Lot 3 will have an area of approx. 3.2 hectares and a reduced access handle frontage of 6 metres to Koah Road.

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. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Residential Area Natural Environmental Elements <ul style="list-style-type: none"> • Biodiversity Areas Transport Elements <ul style="list-style-type: none"> • Local Collector Road
Zone:	- Rural Residential Zone (Precinct C)
Overlays:	<ul style="list-style-type: none"> - Bushfire Hazard Overlay - Environmental significance Overlay - Flood Hazard Overlay - 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

Strategic Framework

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (4) *Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.*

Comment

The proposed reconfiguration will create two (2) additional rural residential lots (3 total) within the Rural residential zone (Precinct C – 2 ha). Proposed Lots 1, 2 and 3 will have sizes of 1.5ha, 1.25ha and 3.2ha respectively. Although Lots 1 and 2 will be smaller than Precinct C's desired 2ha lot size, the reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings). Despite being smaller than anticipated for the Precinct, proposed Lots 1 and 2 remain consistent in size with existing recently developed Rural residential zoned land in the Koah Township, and will still allow the desired amenity of the zone to be achieved on each of the smaller lots.

Forcing an increase in the lot size to comply would only result in an impractical lot layout and would not actually have any effect on future dwelling densities over the land. With respect to community expectation for the land, regardless of lot size, the two (2) additional lots would still front and be accessed directly off Koah Road, and each would still contain at least one (1) dwelling visible from Koah Road. The wider Koah Community will therefore not experience any additional negative impacts due to the proposed reduced lot sizes.

The proposed development complies with Strategic outcome (4).

3.3.6 Element—Rural villages (as amended by TLPI No. 01 of 2021)

3.3.6.1 Specific outcomes

- (1) Bibbohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is to only occur on land designated as urban footprint under the Regional Plan.*

Comment

The subject site is situated within the Rural residential zone (Precinct C – 2ha). The proposed development is considered to be generally consistent with the zoning intent under the Planning Scheme. It is understood the statement added to Specific Outcome (1) by the TLPI limiting further expansion of rural villages like Koah is intended to ensure the existing urban footprint is not extended beyond what is existing. The proposed development does not result in Koah's urban footprint being extended.

The development complies with Specific outcome (1).

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

- (1) Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.*

- (2) *Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.*
- (3) *No further subdivision of greater than anticipated density occurs within rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.*
- (4) *Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.*

Comment

The proposed reconfiguration is consistent with the intent of the zone and subdivision precinct. All three (3) lots will be consistent with the form of historical and recent rural residential subdivision in the immediate vicinity. The development has been conditioned to ensure each lot is appropriately serviced.

The development complies with Specific outcomes (1) – (4).

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

- (1) *The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.*
- (2) *Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.*
- (3) *Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.*
- (4) *Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised.*

Comment

The proposed development has adequately addressed the risk of loss of life and property associated with typical natural hazard events experienced in the region. Proposed additional vacant lots 1 and 2 have been designed and located so that each lot contains adequate space outside of any mapped flood and landslip hazard area. Any future dwelling/s constructed on the lots will be in a bushfire hazard buffer zone only and will be able to easily achieve the necessary setbacks from hazardous vegetation required to reduce bushfire risk. Conditions of approval have been included to ensure on-site water storage for firefighting is provided at time of dwelling construction as well as the preparation of Bushfire Hazard Management Plans for each lot.

The proposed development will comply with Specific outcomes (1) – (4).

3.4.6 Element – Watercourses and wetlands

3.4.6.1 Specific outcomes

- (1) *Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.*
- (3) *The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.*
- (5) *Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.*

Comment

The proposed development is not likely to impact on the water quality of the Clohesy River or the Barron River, or the existing vegetated riparian environment on-site.

The development complies with Specific outcomes (1), (3) and (5).

Relevant Developments Codes

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

- 6.2.10 Rural residential zone 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
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).

	The application is considered to be in conflict with Purpose statement (3)(a) of the code. Despite this conflict, the proposed development complies with the higher order Strategic Framework provisions for rural residential subdivision – refer to Planning Discussion section of report for further commentary.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Flood hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Hill and slope overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Reconfiguring a lot code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided) apart from the following:</p> <ul style="list-style-type: none"> • AO1.1 – Area and frontage of lots <p>Despite not meeting Acceptable outcome AO1.1, it is considered that the proposed development complies with higher order Performance Outcome PO1 – refer to Planning Discussion section of report for further commentary.</p>
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not 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

Adopted Infrastructure Charges Resolution (No. 1) of 2023 identifies a charge rate for residential development of \$20,768.00 per additional residential allotment created.

As the proposed allotments will not be serviced by reticulated water or sewerage infrastructure, the relevant charge rate is discounted by 40%. The applicable charge rate is therefore \$12,460.80 per additional allotment created.

The application proposes the creation of 2 additional allotments.

Infrastructure charges will therefore total **\$24,921.60**.

REFERRAL AGENCY

The application triggered referral to Department of State Development, Infrastructure, Local Government and Planning as a Referral Agency.

That Department advised in a letter dated 17 August 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 16 June 2023 to 7 July 2023. The applicant submitted the notice of compliance on 10 July 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

6 properly made submissions were received. The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
In 2020, 1063 Koah Road was subdivided into 4 Rural residential zoned allotments and adjoining allotments were not given the opportunity to object. This submitter has been severely impacted by the subdivision of this allotment.	This concern is not of relevance to this application.
The subdivision will increase the traffic on Koah Road which is constructed to a poor standard. Cars must use the roads gravel shoulders to pass each other as the road is only sealed to a single lane width. These gravel shoulders are regularly rutted and cause stone chips while passing. Koah Road is of a poor standard and cannot accommodate any further growth in the area.	It is acknowledged that the subdivision will increase the daily vehicle movements along Koah Road in the vicinity of 20 vehicle movements per day (10 per additional lot). The site is zoned for Rural residential subdivision, and it is not reasonable to pass the costs of upgrading the entire Koah Road network onto this development. A condition of approval will require the developer to carry out Koah Road widening works along the site frontage or pay a contribution in lieu of these works so that Council may carry out the works in future. This approach is consistent with other recently approved subdivision in the immediate vicinity.

If Mareeba Shire Council is going to allow further subdivision in the Koah area, then Koah Road must be upgraded to a 2 lane bitumen sealed standard.	It is likely that the subject site will be the last allotment to be developed in the Koah Township. Moving forward, the town is not likely to experience any more growth other than the construction of dwellings on currently vacant existing residential/rural residential lots. It is not reasonable to pass the costs of upgrading the entire Koah Road network onto this development.
The submitter believed that the minimum lot size in the area was 150 acres (60 ha).	No. This is the minimum lot size for Rural zoned land, not Rural residential zoned land.
The proposed development is in contravention of the Queensland Development Control Plan of 2016.	Councils assessing officer could not find any record of the existence of the Queensland Development Control Plan 2016. The proposed development is considered to comply with the Mareeba Shire Council Planning Scheme 2016 – refer to Planning Discussion section of the Report for further commentary.
Ground and stream water in the Koah area has recently tested positive for arsenic. Council is obligated to ensure development is provided with potable water.	All 3 lots will have access to take water from the Clohesy River (Lot 2 will need an allocation as they do not have riparian rights). This is considered to be an adequate water supply for Rural residential zoned lots. The conditions of approval require a domestic water supply be proved at time of dwelling construction which can be provided either via the Clohesy, a bore/s or via 90,000 litres of tank water supply. It is up to the future landowners to ensure their water supply remains potable or is appropriately filtered.
A successful rural business from the property for a number of years. Any reduction of land size could reduce continued future development or expansion of rural business opportunities.	This is not a relevant town planning concern on Rural residential zoned land.
Proposed Lots 1 and 2 do not meet the 2ha minimum lot size.	Refer to Planning Discussion section of report for commentary on assessment against AO1.1 and PO1 of the Reconfiguring a Lot Code. The development complies with higher order PO1.
The development is in conflict with 1.2.3 Element – Rural Villages, 1.2.3.1 Specific outcome (1) as amended by the TLPI No. 01 of 2021.	Refer to Strategic Framework section of report for further commentary. The development is not considered to be in conflict with Specific outcome (1).
The development is in conflict with Purpose statement (3)(a) of the Rural residential zone code in that it will create 2 allotments within the 2 hectare precinct that are smaller than 2 hectares with areas of only 1.5 hectares and 1.25 hectares.	Refer to Planning Discussion section of the report for further commentary. Despite conflicting with this purpose statement, it is considered that the development can satisfy the Planning Scheme's Strategic Framework provisions which override Zone code assessment benchmarks.

Submitters

Name of Principal submitter	Address
1. Vickram Singh	1153 Koah Road, Koah QLD 4881 (sales@koahrealty.com.au)
2. Julie Brunt (Fruitful Farm)	922 Koah Road, Koah QLD 4881
3. Craig Thomas (Fruitful Farm)	922 Koah Road, Koah QLD 4881
4. Daniel Merretz & Natalie Waller	525 Koah Road, Koah QLD 4881
5. Danial & Jaide Stronggrove	1058 Koah Road, Koah QLD 4881
6. Miira Kostava	miirakostava@skymesh.com.au

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural residential zoned code and Reconfiguring a Lot Code are discussed below:

*Rural residential zone code***6.2.10.2 Purpose**

- (3) *The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:*
- (a) *The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;*

Comment

The applicants propose the subdivision of the site into three (3) allotments, Lots 1, 2 and 3 with sizes of 1.5ha, 1.25ha and 3.2ha respectively. The original application proposed lot sizes of 1.12ha, 1.17ha and 3.52ha, however after concerns were raised by submitters as well as Council officers in relation to Lots 1 and 2 being significantly smaller than the desired 2ha lot size for the Precinct, the sizes of proposed Lots 1 and 2 were increased to 1.5ha and 1.25ha, making them consistent with other recently approved rural residential development in the Koah Township.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016. Proposed Lots 1 and 2 with areas of 1.5ha and 1.25ha respectively do not comply with some assessment benchmarks within the Planning Scheme which seek to ensure lots maintain a 2ha minimum lot size within the 2ha subdivision precinct. In this instance though, it is considered that the proposed smaller lot size layout will still allow the desired amenity of the zone to be achieved and will remain consistent with nearby recently rural residential development. The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct.

Despite not complying with Purpose statement (3)(a), it is considered that the proposed development represents common sense town planning and furthermore that it complies with the higher order Strategic Framework provisions relevant to rural residential subdivision.

Reconfiguring a lot code*Area and frontage of lots***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

The subject site is situated within Precinct C of the Rural residential zone. Table 9.4.4.3B dictates that the minimum lot size for new lots in this precinct is 2ha with a minimum frontage of 60 metres. Proposed Lots 1 and 2 have areas of 1.5ha and 1.25ha respectively, but have compliant frontages. Proposed Lot 3 has a compliant area of 3.2ha, however has a reduced access handle frontage of approximately six (6) metres. The proposed development does not meet AO1.1, so assessment is required against the higher order Performance outcome PO1 criteria as follows:

- (a) *is consistent with the design of lots in the surrounding area;*

Comment

Of the 10 existing rural residential zoned allotments in the Koah Township, 5 of those lots are less than 2ha in size with three (3) lots being 1.5ha or less, and 1 lot being as small as 1.25ha. Proposed Lots 1 and 2 of this application have areas of 1.5ha and 1.25ha respectively and are therefore considered to be consistent with the design of existing lots in the surrounding area. The development complies with criteria (a).

- (b) *allows the desired amenity of the zone to be achieved;*

Comment

The proposed development will allow the desired amenity of the zone to be achieved, as is evidenced by existing similar sized rural residential lots in the area. The widths of proposed Lots 1 and 2 are compliant so will help achieve privacy as well as the semi-rural setting desired in this zone. The development complies with criteria (b).

- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*

Comment

Proposed smaller Lots 1 and 2 will easily be able to accommodate the normal domestic infrastructure anticipated within this zone, namely a single dwelling, multiple outbuildings, on-site wastewater disposal as well as appropriate separation between on-site wastewater systems and bore water supply (if desired). The development complies with criteria (c).

- (d) *allow the site to be provided with sufficient access;*

Comment

Proposed Lots 1 and 2 included the required 60m minimum frontage and will be provided access via a single crossover as per the standards. Proposed Lot 3 will include a 6m wide by 140m long access handle. Any approval will include conditions requiring the construction of a

sealed driveway the full length of the access handle, thus ensuring sufficient all weather access to proposed Lot 3. The development complies with criteria (d).

(e) *considers the proximity of the land to:*

(i) *centres;*

(ii) *public transport services; and*

(iii) *open space; and*

Comment

The subject site is appropriately zoned for Rural residential subdivision. The proposed lots will have no lesser access to any service or areas of open space than any other lot in the Koah Township. The development is not in conflict with criteria (e).

(f) *allows for the protection of environmental features; and*

Comment

The proposed lot layout, as well as the State Referral Agency Response and conditions is considered to allow for adequate protection of the site's environmental features. The development complies with criteria (f).

(g) *accommodates site constraints.*

Comment

The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct. The development complies with criteria (g).

Despite not complying with AO1.1, the proposed development is considered to comply with higher order Performance Outcome PO1.