

**8.2 R TOBIANO - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 2 LOTS) - LOT 197 ON RP900991 - 26 HASTIE ROAD, MAREEBA - RAL/24/0003****Date Prepared:** 14 May 2024**Author:** Coordinator Planning Services**Attachments:** 1. Proposal Plan**APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	R Tobiano	ADDRESS	26 Hastie Road, Mareeba
DATE LODGED	18 April 2024	RPD	Lot 197 on RP900991
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 lot into 2 lots)		
FILE NO	RAL/24/0003	AREA	67.15 hectares
LODGED BY	Scope Town Planning	OWNER	R Tobiano
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

**EXECUTIVE SUMMARY**

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no submissions were received in response to public notification of the application.

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

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	R Tobiano	ADDRESS	26 Hastie Road, Mareeba
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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 lot into 2 lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24002	Proposed reconfiguration of Lot 197 on RP900991	Scope Town Planning	Apr.24

- (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

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

## 3. General

- 3.1 The 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.
- 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 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 (pools/tennis courts or fences) 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 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.
- 3.9 Bushfire Management Plan

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must

demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

The access crossover to proposed Lot 1, must be upgraded/constructed from the edge of the road pavement to the property boundary, in accordance with the FNQROC Development Manual, 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

4.3.1 Lot 1 must be provided with a water supply via a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.

4.3.2 At the time of construction of a new dwelling on proposed Lot 2, a water service connection must be provided to proposed Lot 2 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 a new dwelling on proposed 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) 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:

- an approved bushfire management plan

- (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](http://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](http://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](http://Electric ants in Queensland | Business Queensland) or contact Biosecurity Queensland 13 25 23.

(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	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>1 Lot</i>	
Residential	\$16,614.40	2 Lots	\$33,228.80	\$16,614.40	\$16,614.40
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$16,614.40</b>

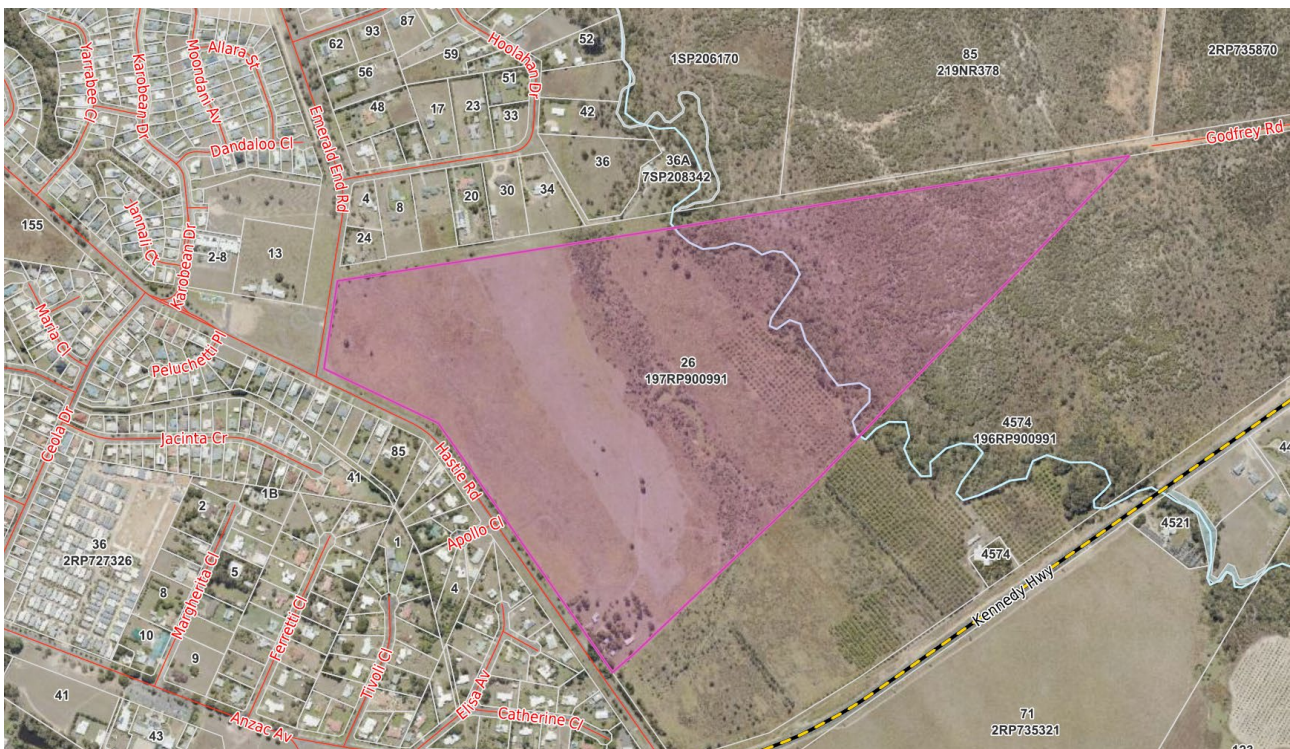
## THE SITE

The subject site is situated at 26 Hastie Road, Mareeba and is described as Lot 197 on RP900991.

The site is irregular in shape with an area of 67.15 hectares and is zoned Emerging Community under the Mareeba Shire Council Planning Scheme 2016.

The site has frontages of 830 metres to Hastie Road, 170 metres to Emerald End Road and 1.5 kilometres to Godfrey Road. The Emerald End Road and Hastie Road frontages are both constructed to bitumen sealed standard. The entirety of the Godfrey Road frontage is unconstructed.

Cobra Creek traverses the subject site in an approximate south to north direction, with 49.7 hectares on the western side of the creek and 17 hectares to the east.



### Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.





The land to the east of Cobra Creek remains undeveloped and covered by regulated remnant vegetation. The land to the west is relatively flat and has been previously cleared and used for agricultural purposes.

The subject site is connected to the Mareeba reticulated town water supply and electricity and telecommunication infrastructure is connected to the existing dwelling houses.

## BACKGROUND AND CONTEXT

## PREVIOUS APPLICATIONS & APPROVALS

## DESCRIPTION OF PROPOSED DEVELOPMENT

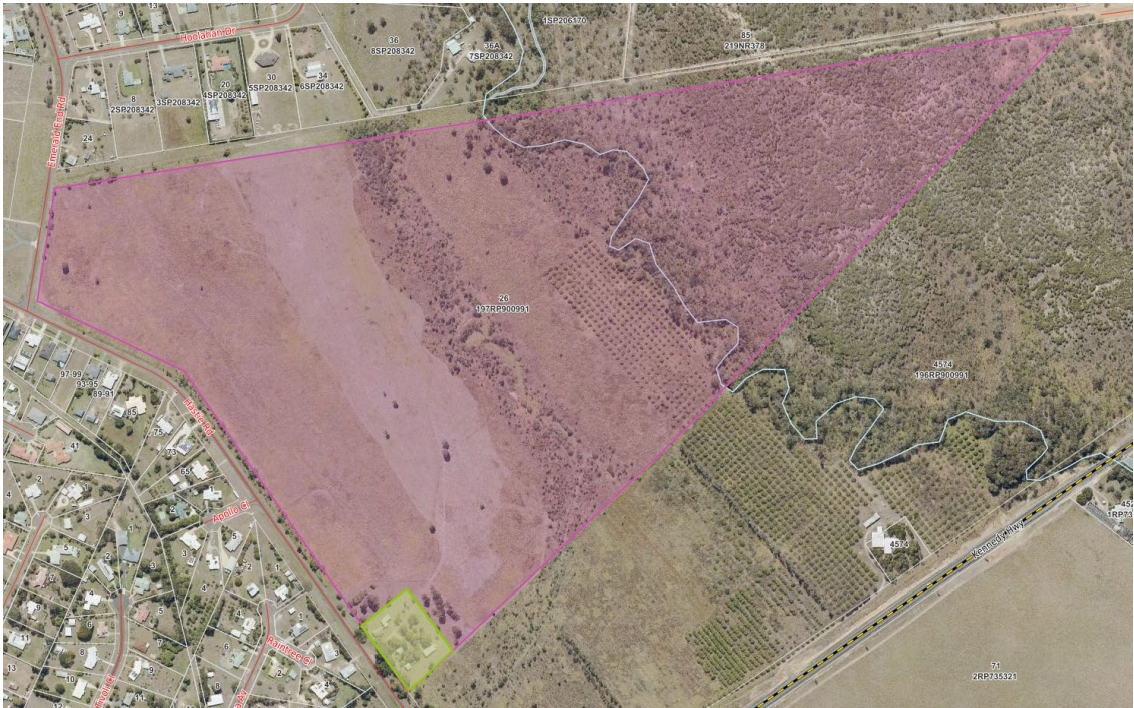
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Item 8.2



The proposed reconfiguration will create the following allotments:

- Proposed Lot 1 (green shading) - area of 1.17 hectares, 135 metres frontage to Hastie Road; and
- Proposed Lot 2 (pink shading) - area of 65.98 hectares, extensive frontage to Hastie Road, Emerald End Road and Godfrey Road.



Proposed Lot 1 will contain the existing dwelling houses and sheds. Proposed Lot 2 will be vacant and is intended to be sold for future urban development.

The existing service arrangements will remain in place for proposed Lot 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. 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 General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"><li>• Urban Expansion Area</li></ul> <b>Natural Environment Elements</b> <ul style="list-style-type: none"><li>• Biodiversity Areas</li></ul> <b>Transport Elements</b> <ul style="list-style-type: none"><li>• Local Collector Road</li></ul> <b>Infrastructure Elements</b> <ul style="list-style-type: none"><li>• Major Electrical Infrastructure</li></ul>
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Zone:	Emerging Community zone
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Regional infrastructure corridors and substations 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 current application will separate the site's existing built improvements on to a 1.17 hectare lot (Lot 1), leaving a vacant balance area lot of approximately 66 hectares (Lot 2).

Proposed Lot 2 is an important short to medium term urban growth area for Mareeba.

Appropriate planning for the urban development of Lot 2, including the sequenced and coordinated supply of all urban infrastructure will occur as part of a future development application.

### **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 current application will separate the site's existing built improvements on to a 1.17 hectare lot (Lot 1), leaving a vacant balance area lot of approximately 66 hectares (Lot 2).

Proposed Lot 2 is an important short to medium term urban growth area for Mareeba.

Appropriate planning for the urban development of Lot 2, including the sequenced and coordinated supply of all urban infrastructure will occur as part of a future development application.

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

- (6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

#### Comment

The current application will separate the site's existing built improvements on to a 1.17 hectare lot (Lot 1), leaving a vacant balance area lot of approximately 66 hectares (Lot 2).

Proposed Lot 2 is an important short to medium term urban growth area for Mareeba.

Appropriate planning for the urban development of Lot 2, including the sequenced and coordinated supply of all urban infrastructure will occur as part of a future development application.

### **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
- 8.2.9 Regional infrastructure corridors and substations 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 can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba 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.
Airport environs 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.
Bushfire hazard 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.
Environmental significance 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.
Flood hazard 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.
Regional infrastructure corridors and substations 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 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.

	<p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> <li>Performance Outcome PO1 – Area and frontage of lots – except for Rural zone</li> </ul> <p>Refer to planning discussion section of report for commentary.</p>
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.

#### **(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

The development will be conditioned to require all development works be designed and constructed in accordance with FNQROC Development Manual standards.

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

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) of 2023, a standard charge of \$20,768.00 generally applies to each additional allotment created.

As the subject land is not serviced by the reticulated water sewerage network, a 20% discount is applied to the standard charge.

The applicable charge for this development is \$16,614.40 for the one (1) additional allotment.

#### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

#### **Internal Consultation**

Not applicable.

#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 2 May 2024 to 23 May 2024. The applicant submitted the notice of compliance on 27 May 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

#### **PLANNING DISCUSSION**

Compliance with Performance Outcome PO1 of the Reconfiguring a lot code is discussed below:

##### **Reconfiguring a lot code**

##### ***Area and frontage of lots – except for Rural zone***

**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**

*Table 9.4.4.3B calls for a minimum area of 10 hectares and a minimum frontage of 100 metres.*

**Comment**

Proposed Lot 1 achieves the minimum frontage, however its area is just 1.17 hectares.

The 1.17 hectare area is adequate to accommodate all buildings, structures and works to allow these improvements to be separated from the balance area proposed Lot 2.

The proposed lot configuration maximises the land available for residential redevelopment within proposed Lot 2 and in doing so, achieves PO1 and the purpose of the Emerging Community zone.