

DELEGATED REPORT

SUBJECT: **WONG LAU DEVELOPMENTS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (2 INTO 3 LOTS) – LOT 174 & 175 ON NR5801 – 136 FANTIN ROAD, KOAH - RAL/24/0005**

DATE: 17 June 2024

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Wong Lau Developments Pty Ltd	ADDRESS	136 Fantin Road, Koah
DATE LODGED	10 May 2024	RPD	Lot 174 & 175 on NR5801
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (2 into 3 Lots)		

FILE NO	RAL/24/0004	AREA	Lot 174 – 194.856 ha Lot 175 – 208.615 ha
LODGED BY	U&i Town Plan	OWNER	Wong Lau Developments Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural 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.

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	Wong Lau Developments Pty Ltd	ADDRESS	136 Fantin Road, Koah
DATE LODGED	10 May 2024	RPD	Lot 174 & 175 on NR5801
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (2 into 3 Lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (2 lots into 3 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Plan#2.0	Subdivision Layout – 2 into 3 Lots	U&i Town Plan	07.06.24

(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, and subject to any alterations:

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, 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 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 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.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.8 Charges

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

3.9 Bushfire Management

3.9.1 All new dwellings 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.

3.9.2 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.

3.10 Building envelope

- (a) Prior to the endorsement of the survey plan the building envelopes as shown on Plan#2.0 must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (b) All habitable buildings must be located within the approved building envelope.

3.11 Fantin Road road reserve

At time of survey of the allotments, additional road reserve is to be opened for Fantin Road to ensure that the Fantin Road road reserve achieves a minimum width of at least ten (10) metres on both sides of the centreline of the existing Fantin Road formation.

Compliance with Condition 3.11 will offset the adopted infrastructure charge payable for this development.

4. Infrastructure Services and Standards

4.1 Access

- (a) An access crossover must be constructed (from the edge of the road pavement of Fantin Road to the property boundary of proposed Lots 1 and 2) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) A compacted gravel, all weather access driveway, including crossover, must be constructed from the edge of the road pavement of Fantin Road to the property boundary of proposed Lot 3, 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

At the time of construction of a dwelling on any of the proposed lots, a water supply for the dwelling 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.

4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on any of the proposed lots, 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.

(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 building envelope plan
- conditions regarding bushfire management

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.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](http://Electric%20ants%20in%20Queensland%20Business%20Queensland) 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
	\$ per Lot (40% reduction of standard charge for no town water/sewer)	Lots		Lots	
Rural	\$12,460.80	3 Lots	\$37,382.40	2 lots	\$12,460.80
TOTAL CURRENT AMOUNT OF CHARGE					\$12,460.80

THE SITE

The subject site comprises of the following allotments:

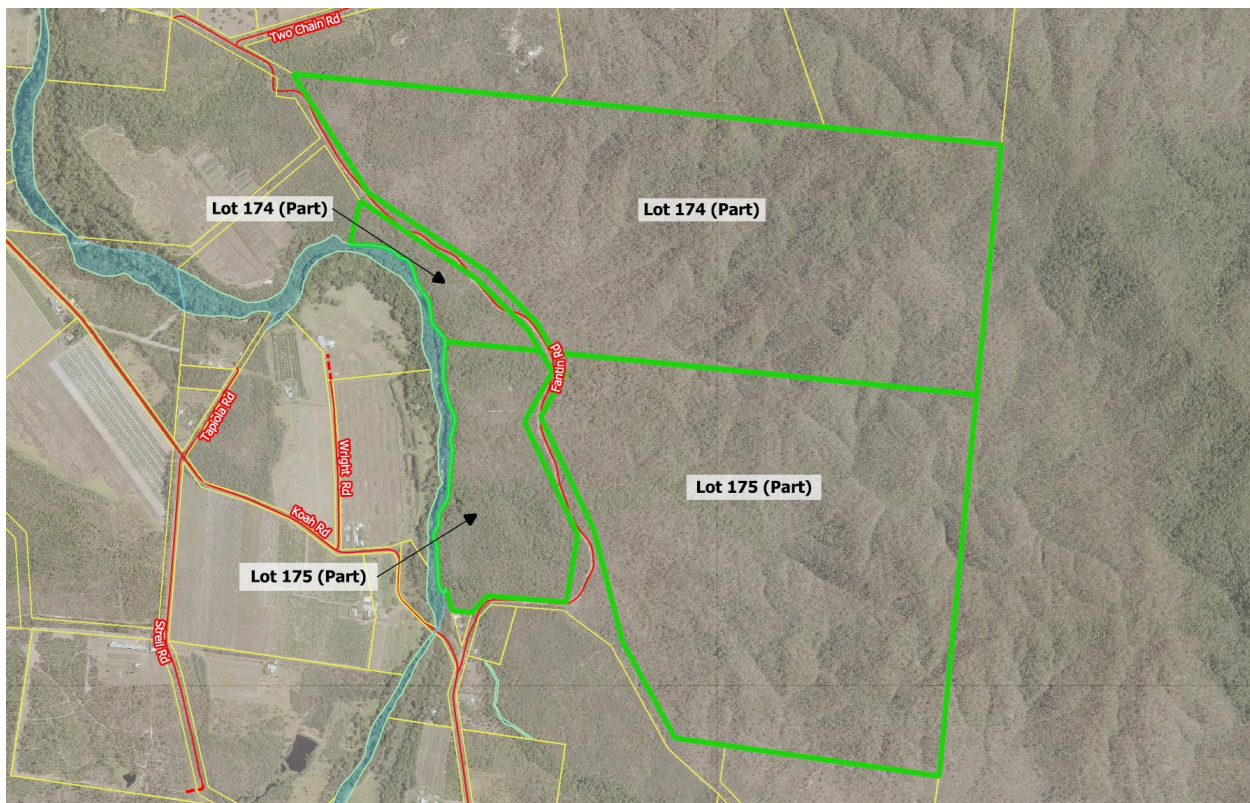
- Lot 174 on NR5801, having an area of 194.856 hectares and a frontage in excess of 1,300 metres to Fantin Road; and
- Lot 175 on NR5801, having an area of 208.615 hectares, with frontages of approximately 1,300 metres to Fantin Road and 800 metres to unnamed road reserve.

Fantin Road is constructed to rural road (gravel) standard for its entire frontage with the subject site. The Clohesy River forms the western boundary of both lots and State Forest adjoins the eastern boundary.

Aerial imagery indicates the remnants of a structure and stock yards on Lot 175. Lot 174 contains no known structural improvements. Limited fire breaks/access trails traverse the subject site.

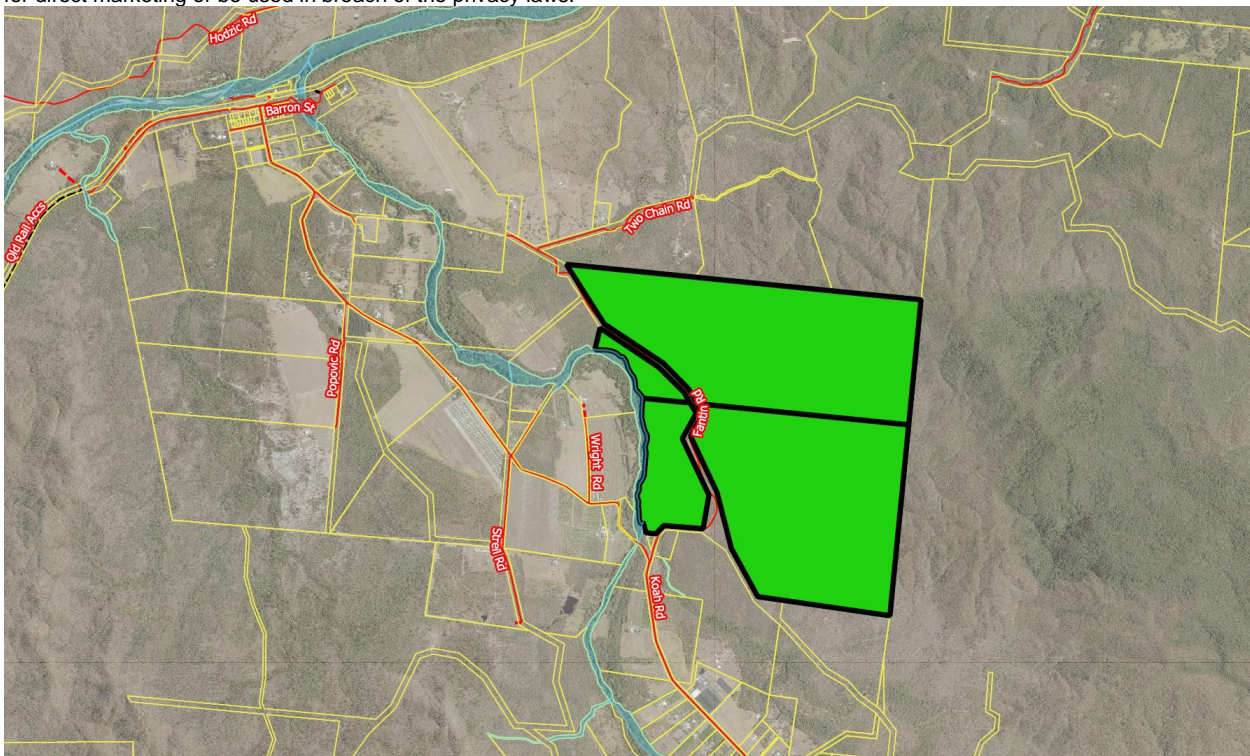
The majority of the subject site is covered by Category B regulated vegetation (*Vegetation Management Act 1999*) remnant not of concern regional ecosystem. The subject site has an undulating topography, with numerous drainage lines throughout.

Surrounding properties are used for various rural purposes including grazing and rural living.



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 (2 lots into 3 lots) in accordance with the plan shown in **Attachment 1**.

The proposed lots are as follows:

- Lot 1 - area of 60.5 hectares, frontage of approximately 350 metres to Fantin Road;
- Lot 2 - area of 282.46 hectares, frontage of approximately 1,800 metres to Fantin Road; and
- Lot 3 – area of 60.5 hectares, frontage of approximately 100 metres to Fantin Road and approximately 800 metres to unnamed road reserve.

Proposed Lots 1 and 2 will be accessed off Fantin Road via new individual crossovers. Access to proposed Lot 3 is intended off the unnamed road reserve. A private driveway will be constructed from Fantin Road, along the unnamed road reserve, to the frontage of proposed Lot 3.

A two (2) hectare building envelope has been identified for each lot to ensure good accessibility via Fantin Road and to also protect the vegetation over the balance of each lot.

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:

- *Local Conservation Corridors*
- *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

	Land Use Categories <ul style="list-style-type: none">• <i>Rural Other</i>
Strategic Framework:	Natural Environmental Elements <ul style="list-style-type: none">• <i>Biodiversity Areas</i>
	Other Elements <ul style="list-style-type: none">• <i>Major Watercourse</i>
Zone:	Rural zone

Overlays:	Bushfire Hazard Overlay
	Environmental Significance Overlay
	Flood Hazard Overlay
	Hill and Slope Overlay
	Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

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

- 6.2.9 Rural 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 zone code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Environmental significance overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(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 any 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) 2023, a standard charge of \$20,768.00 applies to each additional residential allotment created, where serviced by 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 network

Part 4.1(d) of Council's Adopted Infrastructure Charges Resolution (No. 1) 2023, a 40% discount will be applied to development charges where no connection to Council's reticulated water and sewer network exists.

$\$20,768.00 - 40\% = \underline{\$12,460.80}$ per additional allotment.

The application proposes the creation of 1 additional lot; therefore, the applicable charge is **\$12,460.80**.

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Technical Services

The Fantin Road constructed pavement is off alignment in multiple sections along the frontage with the subject site. To correct the alignment issue, it is proposed to require the applicant to open new road reserve to extend the Fantin Road road reserve to at least 10 metres from the existing constructed road centreline.

At an unimproved land value of \$3.67/m², the value of the new road reserve will surpass the infrastructure charge payable for the additional allotment. Accordingly, a credit will be applied resulting in a nil charge for this development.

PLANNING DISCUSSION

Nil

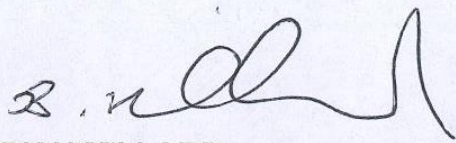
Date Prepared: 17 June 2024

DECISION BY DELEGATE

DECISION

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

Dated the 17TH day of JUNE 2024



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

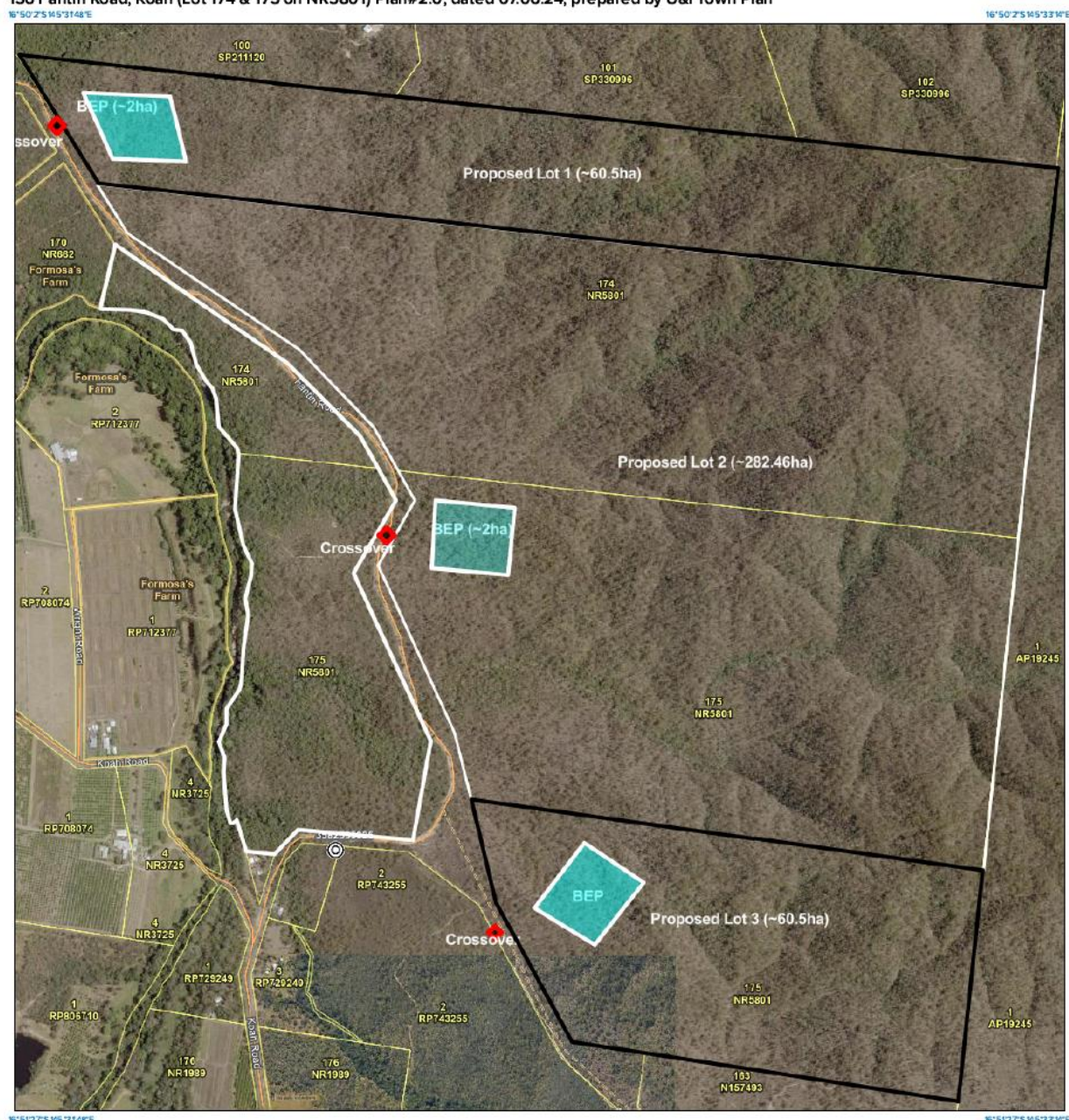
MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS

Subdivision Layout - 2 into 3 Lots

136 Fantin Road, Koah (Lot 174 & 175 on NR5801) Plan#2.0, dated 07.06.24, prepared by U&i Town Plan



16°51'27"S 15°31'48"E

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0 250 metres
Scale: 1:9316
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