

DELEGATED REPORT

SUBJECT: D WEARMOUTH – RECONFIGURING A LOT – SUBDIVISION (1 INTO 2 LOTS) – LOT 38 ON RP747819 – 22 DEVIL DEVIL CLOSE, JULATTEN – RAL/24/0007

DATE: 26 June 2024

REPORT OFFICER'S TITLE: Coordinator Planning Services

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|---|----------------|--------------------------------|
| APPLICANT | D Wearmouth | ADDRESS | 22 Devil Devil Close, Julatten |
| DATE LODGED | 4 June 2024 | RPD | Lot 38 on RP747819 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Reconfiguring a Lot – Subdivision (1 into 2 lots) | | |

| | | | |
|----------------------------|--|--------------|----------------|
| FILE NO | RAL/24/0007 | AREA | 5.894 hectares |
| LODGED BY | D Wearmouth | OWNER | D Wearmouth |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Rural Residential zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | n/a | | |

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

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

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 | D Wearmouth | ADDRESS | 22 Devil Devil Close, Julatten |
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and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|------------------------------|-------------|------------|
| - | Site Plan – 1 into 2 Lot Rol | - | 13/06/2024 |

(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 for the development, 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 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.
- 3.3 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.
- 3.4 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 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.
- 3.8 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.

3.9 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 Devil Devil Close to the property boundaries of Lots 1 and 2) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 The access handle driveway for Lot 2 is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length (40 metres) 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 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 A water supply must be provided for proposed Lot 1 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.

4.3.2 At the time of construction of a new dwelling on proposed Lot 2, 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.

4.4 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) 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.

(f) 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.

(g) 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.

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (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 Residential | \$12,460.80 | 2 Lots | \$24,921.60 | 1 lot | \$12,460.80 |
| TOTAL CURRENT AMOUNT OF CHARGE | | | | | \$12,460.80 |

THE SITE

The subject site is situated at 22 Devil Devil Close, Julatten, and is more particularly described as Lot 38 on RP747819. The site is irregular in shape with an area of 5.894 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 30 metres of frontage to Devil Devil Close which is constructed to a bitumen sealed rural road standard, without kerb and channel. A single gravel crossover provides access to the site off the head of the Devil Devil Close cul-de-sac.

The site is improved by a single dwelling house, several sheds and multiple greenhouse/shadehouse structures. The site has been cleared apart from a narrow strip of vegetation along the western waterway boundary.

The existing dwelling house is connected to the electricity grid and telecommunication services.

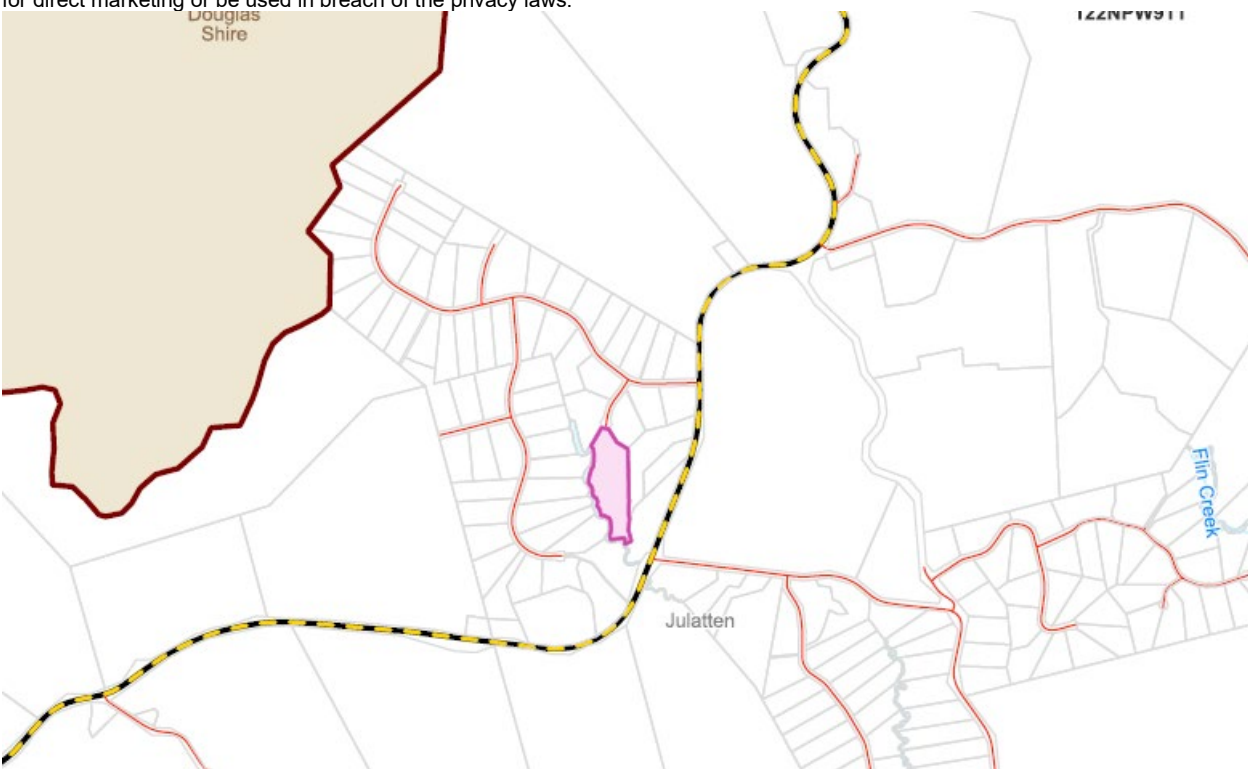
An onsite water supply and wastewater disposal system are also connected to the existing dwelling house.

All adjoining lots are zoned rural residential, with most properties containing a single dwelling house.



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 2 lots) in accordance with the plans shown in **Attachment 1**.

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

- Lot 1 - area of 2 hectares, frontage of approximately 23 metres to Devil Devil Close; and
- Lot 2 - area of 3.894 hectares, frontage of approximately 7 metres frontage to Devil Devil Close.

Proposed Lot 1 will contain the existing dwelling house and sheds. Proposed Lot 2 may retain some greenhouse/shadehouse structures when created.

Both lots will be connected to the electricity grid and NBN services.

REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living 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 is:

- *State & Regional Conservation Corridors*
- *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 Environment Elements <ul style="list-style-type: none"> • Biodiversity Areas |
| Zone: | Rural Residential zone |
| Precinct: | Precinct C – 2 hectare |
| Overlays: | Agricultural land overlay Environmental significance 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 (Amendment No. 1 of 2023)**Relevant Development Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.4 Environmental significance 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 did not include 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 can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Agricultural land 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. |
| Landscaping code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Parking and access code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Reconfiguring a lot code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |

| | |
|---|---|
| Works, services and infrastructure code | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
|---|---|

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 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% = \$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

Not applicable.

PLANNING DISCUSSION

Nil

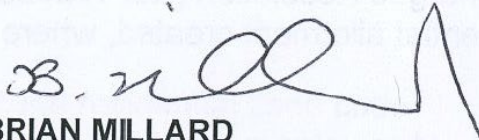
Date Prepared: 26 June 2024

DECISION BY DELEGATE

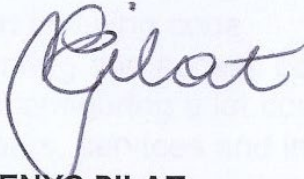
DECISION

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

Dated the 26TH day of JUNE 2024



BRIAN MILLARD
COORDINATOR PLANNING SERVICES



GLENYS PILAT
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

