

8.3 WYLANDRA PROPERTIES PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 14 LOTS AND BALANCE AREA) - LOT 224 ON SP276715 - RAY ROAD, MAREEBA - RAL/24/0009

Date Prepared: 4 March 2025

Author: Senior Planner

Attachments: 1. Proposal Plan
2. Ergon Advice Agency Response dated 17 July 2024

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Wylandra Properties Pty Ltd	ADDRESS	Ray Road, Mareeba
DATE LODGED	28 June 2024	RPD	Lot 224 on SP276715
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Area)		
FILE NO	RAL/24/0009	AREA	141.5 ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Wylandra Properties Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural residential zone (Precinct A – 4,000m ²)		
LEVEL OF ASSESSMENT	Code assessment		
SUBMISSIONS	n/a		

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the continued staged development of Wylandra Estate, creating a further 14 rural residential lots.

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

Localised flooding was experienced in the Ray Road area during Tropical Cyclone Jasper which impacted a number of properties. Wylandra Estate is a contributing catchment to this Ray Road area. The applicants' engineers have recommended a large detention basin be installed downstream from this stage of the Estate to help minimise downstream impacts. Council officers and Council's third-party consulting engineers are in agreeance with this approach, which has been reflected in the suite of recommended conditions.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

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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), referral agency response in (E), relevant period 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 14 Lots and Balance Area)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9406-LL1-Rev A	Development Plan	Twine Surveys Pty Ltd	7/06/2024

- (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 development 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 any

plan of survey, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. General

- 3.1 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.
- 3.2 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, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
- 3.7 The north-east corner of Lot 175 must be truncated similar to all other corner allotments included in the development.
- 3.8 An easement in favour of Council is to be established over the detention basin required by Condition 4.2. The easement must specifically protect and preserve the detention basin as a strategic stormwater asset and must be established over any open earth drains, or flow paths constructed between the development and the detention basin as identified on any future operational works plan/s approved by Council "for construction". The easement area must also include practical access from a constructed road. The easement must state that Council is not responsible for the upkeep and maintenance of the detention basin. The extent of the easement must be approved by Council's delegated officer and is to extend 5 metres beyond the toe of any detention basin wall batter.

Council will agree to the extinguishment of the easement as future stages of the estate are developed and the detention basin is deemed to be no longer necessary.

4. Infrastructure Services and Standards

4.1 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) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

4.2 Detention Basin

A detention basis, with a design capacity of no less than 3,500m³, must be constructed in the balance land generally in accordance with the position

and orientation shown on *Plan 160-010-C126 Rev A Prepared by ERSCON Consulting Engineers, dated 14/02/2025*, submitted as part of Operational Works application OPW/25/0002.

The detention basin outlet/s must discharge to the balance land.

4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.4 Roadworks - Internal

(a) The subdivision internal roads must be designed and constructed in accordance with the relevant Road Hierarchy Classification contained in Table D1.1 of the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(b) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition.

(c) Temporary asphalt vehicle turnaround at the end of all partially constructed roads must be provided of a sufficient size to turnaround a refuse collection vehicle, either in a continuous forward movement or by a three-point turn.

4.5 Water Supply

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

(b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.6 Wastewater Disposal

At the time of construction of a new dwelling on each 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.

4.7 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.

4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

4.9 Lighting

Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to Council for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1.

Plans for the development works required under Conditions 4.1 - 4.9 must be submitted to Council for approval as part of a subsequent application for operational works.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- (d) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

- (e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(g) 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.

(h) 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.

(i) 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://ElectricantsinQueensland.com.au) or contact Biosecurity Queensland 13 25 23.

(E) REFERRAL AGENCY RESPONSE

Ergon Energy Advice Agency response dated 17 July 2024.

(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

- Nil

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

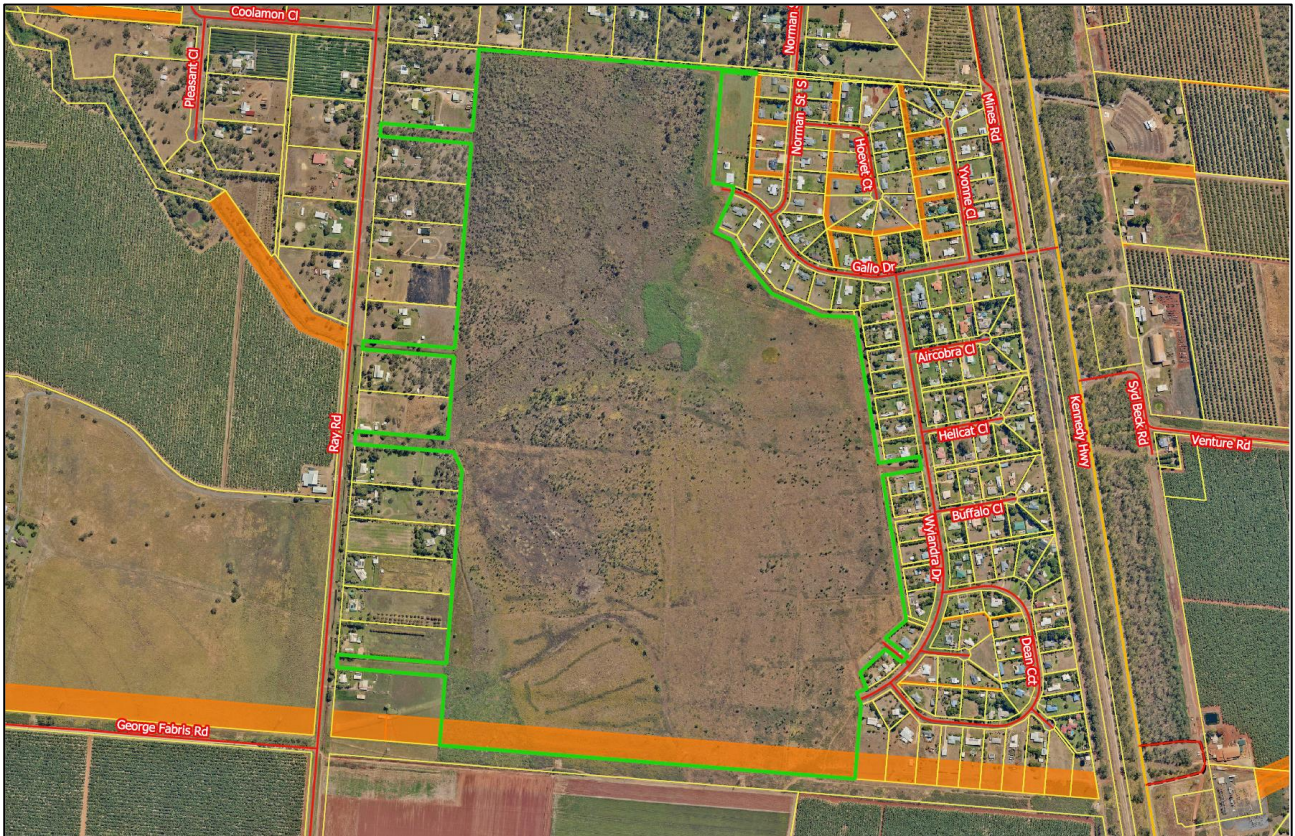
Development Type	Rate	Measure	Charge	Credit/discount Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Rural Residential (no sewer & roads component – 40% discount)	\$13,084.80	14 Lots	\$183,187.20	Nil	\$183,187.20
TOTAL CURRENT AMOUNT OF CHARGE					\$183,187.20

THE SITE

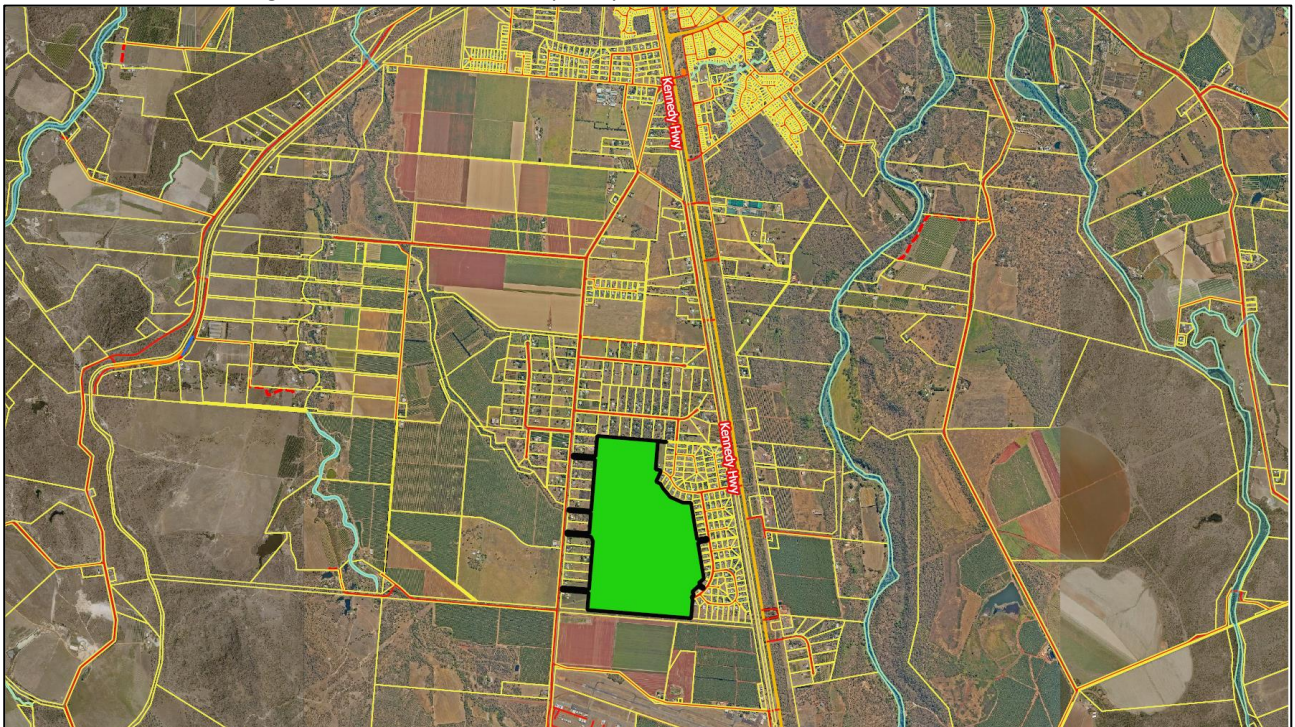
The subject site is the balance land for Wylandra Estate and is described as Lot 224 on SP276715. The site contains frontages to 4 constructed roads, these being Ray Road, Gallo Drive, Wylandra Drive and Domenic Drive. The site also includes frontage to an unconstructed section of George Fabris Road to the south of the site. The site has an area of 141.5 hectares and is zoned Rural residential (Precinct A – 4,000m²).

The site is provided with practical access via existing crossovers and the termination of the existing Road Networks within Wylandra Estate. The site contains an existing Easement, being Easement A on RP851482 which covers the high voltage transmission lines that run through the site in an east-west direction parallel to the southern boundary. These transmission lines connect to the Turkinje Substation site situated 300 metres to the south-east of the Estate.

The site remains unimproved and is covered in scattered juvenile regrowth vegetation and grass. Some natural springs and low-lying swampy areas exist across the site.

**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

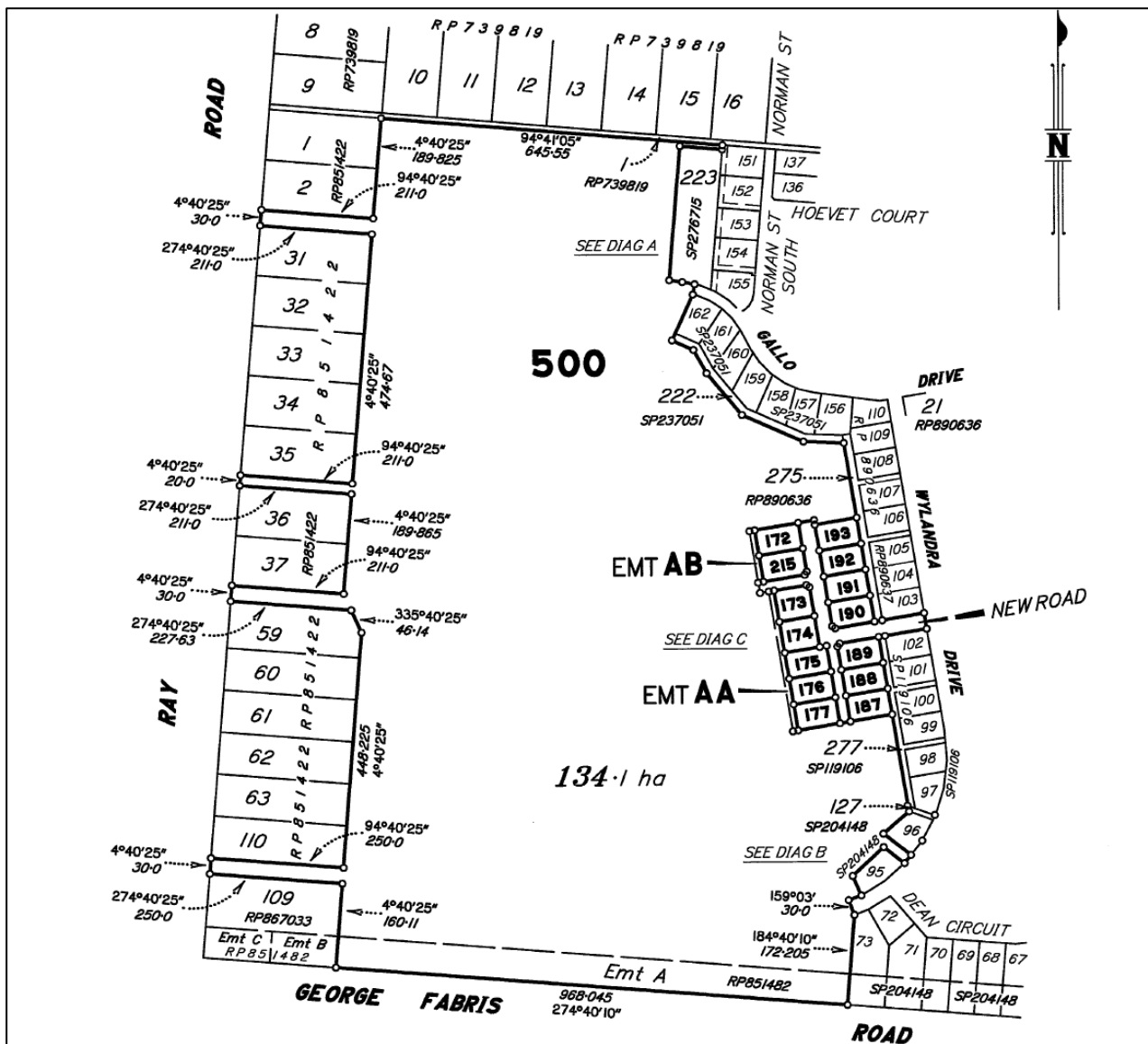
Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Land) in accordance with the plans shown below and included as **Attachment 1**. The application proposes the continued staged development of Wylandra Estate, creating a further 14 rural residential lots.



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. 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 as containing:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Residential Area Transport Elements <ul style="list-style-type: none"> • Local Collector Road • Principal Cycle Route • Rail Network Infrastructure Elements <ul style="list-style-type: none"> • Major Electrical Infrastructure
Zone:	Rural Residential zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Hill & slope overlay Transport infrastructure overlay

RELEVANT PLANNING INSTRUMENTS

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

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.

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.

Mareeba Shire Council Planning Scheme 2016

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
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.8 Hill and slope 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 contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Refer to separate code document for full commentary on code compliance.

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

Adopted Infrastructure Charges Notice

Council's Adopted Infrastructure Charges Resolution (No. 1) 2024 sets out a charge of \$21,808.00 for each additional residential allotment created.

Wylandra Estate is not serviced by Council's reticulated sewer network, so a 20% discount must be applied to the charge.

Previous stages of Wylandra Estate have not attracted a transport infrastructure (roads) charge due to the Estate's direct access out onto the Kennedy Highway. Considering the location of this next stage of the Estate and the fact that no road connections are proposed out onto Ray Road, Council officers consider it reasonable to continue to apply this 20% discount to the charge rate for the roads component.

Accordingly, a 40% discount has been applied to the charge rate which equates to a discounted charge rate of \$13,084.80 per additional allotment. The application proposes the creation of 14 additional lots and one balance lot.

$\$13,084.80 \times 14 \text{ (lots)} = \underline{\underline{\$183,187.20}}$

REFERRAL AGENCY

This application triggered referral to Ergon Energy as a Advice Agency. Ergon provided their advice agency response on 17 July 2024 (**Attachment 2**).

Internal/External Consultation

Internal – Technical Services

External – Trinity Engineering Consulting (stormwater impacts – Ray Road & downstream)

PLANNING DISCUSSION

Nil