

DELEGATED REPORT

SUBJECT: B HOOPER & R MCPHEE - RECONFIGURING A LOT -
SUBDIVISION (1 INTO 2 LOTS) - LOT 3 ON RP745187 -
MCCORRY ROAD, KOAH - RAL/17/0002

DATE: 26 September 2017

**REPORT OFFICER'S
TITLE:** Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	B Hooper & R McPhee	ADDRESS	McCorry Road, Koah
DATE LODGED	19 July 2017	RPD	Lot 3 on RP745187
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	RAL/17/0002	AREA	60.35 hectares
LODGED BY	Brazier Motti	OWNER	B Hooper & R McPhee
PLANNING SCHEME	Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

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 and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the superseded Mareeba Shire Planning Scheme 2004 (including codes and policies) and does not conflict with any relevant planning instrument.

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

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:

APPLICATION		PREMISES	
APPLICANT	B Hooper & R McPhee	ADDRESS	McCorry Road, Koah
DATE LODGED	19 July 2017	RPD	Lot 3 on RP745187
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 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 (1 into 2 Lots)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
34347_001 A	Proposed Reconfiguration Lots 30 & 31 Cancelling Lot 3 on RP745187	Brazier Motti	14/06/2017

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

- (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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/contributions contained 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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior 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 otherwise 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. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 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 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.
- 3.10 Bushfire Management
 - 3.10.1 Any new dwelling erected on the lots shall:
 - (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.

3.10.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.11 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.12 Charges

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

4. Infrastructure Services and Standards

4.1 Access

- 4.1.1 An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.2 Roadworks – External Construction

4.2.1 Two Chain Road

Two Chain Road between chainage 560m to 600m must be constructed to Rural Road gravel <100VPD standard, with improved vertical and horizontal alignments in accordance with FNQROC Development Manual Standards to the satisfaction of Council's delegated officer.

These road works must be designed and certified by a RPEQ (Civil Engineer).

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works Application.

Advice:

Council officers have concerns with this section of Two Chain Road, immediately to the east of the One Mile Creek crossing. This section of road contains a steep crest and sudden "S" bend that could potentially be a safety issue for road users, particularly considering the additional vehicle traffic associated with the creation of two additional lots serviced from Two Chain Road.

4.2.2 Two Chain Road (Cont'd)

In order to service Lot 31, Two Chain Road must be upgraded/constructed (from the end of the existing constructed section of Two Chain Road to a point 10 metres past the access to Lot 31) to Rural Road Class <100vpd standard in accordance with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.

In accordance with footnote 7 of Table D1.4 Rural Road Elements, Council will relax the requirement for bitumen sealing and will accept a gravel standard.

4.2.3 McCorry Road

In order to service Lot 30, McCorry Road must be upgraded/constructed (from rural address number 121 to a point 10 metres past the access to Lot 30) to Rural Road Class <100vpd standard in accordance with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.

In accordance with footnote 7 of Table D1.4 Rural Road Elements, Council will relax the requirement for bitumen sealing and will accept a gravel standard.

4.2.4 In lieu of completing the works required by Condition 4.2.3 McCorry Road, Council will accept, for the purposes of access to Lot 30, the establishment of a 10 metre wide access easement through Lot 31 to service Lot 30. The applicant/developer must construct an all-weather gravel access road within the easement and for its full length, to the satisfaction of Council's delegated officer.

Easement Form 9 and Form 20 must be submitted to Council for review by Council's delegated officer prior to the endorsement of any plan of survey.

4.3 Stormwater Drainage

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.3.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.4 Landslide

For any new buildings on a slope of 15% or greater, the land owner must provide site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on Lot 30 & 31, 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.

5. Additional Payment Condition

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$47,439.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$47,439.00)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$47,439.00.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- conditions regarding bushfire management
- an approved bushfire management plan
- conditions regarding slope
- flood immunity
- At the time of dwelling construction a 22,500L rainwater tank is to be provided in accordance with the Dwelling House Code to the satisfaction of Council's delegated officer
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(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.environment.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.datsip.qld.gov.au

(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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

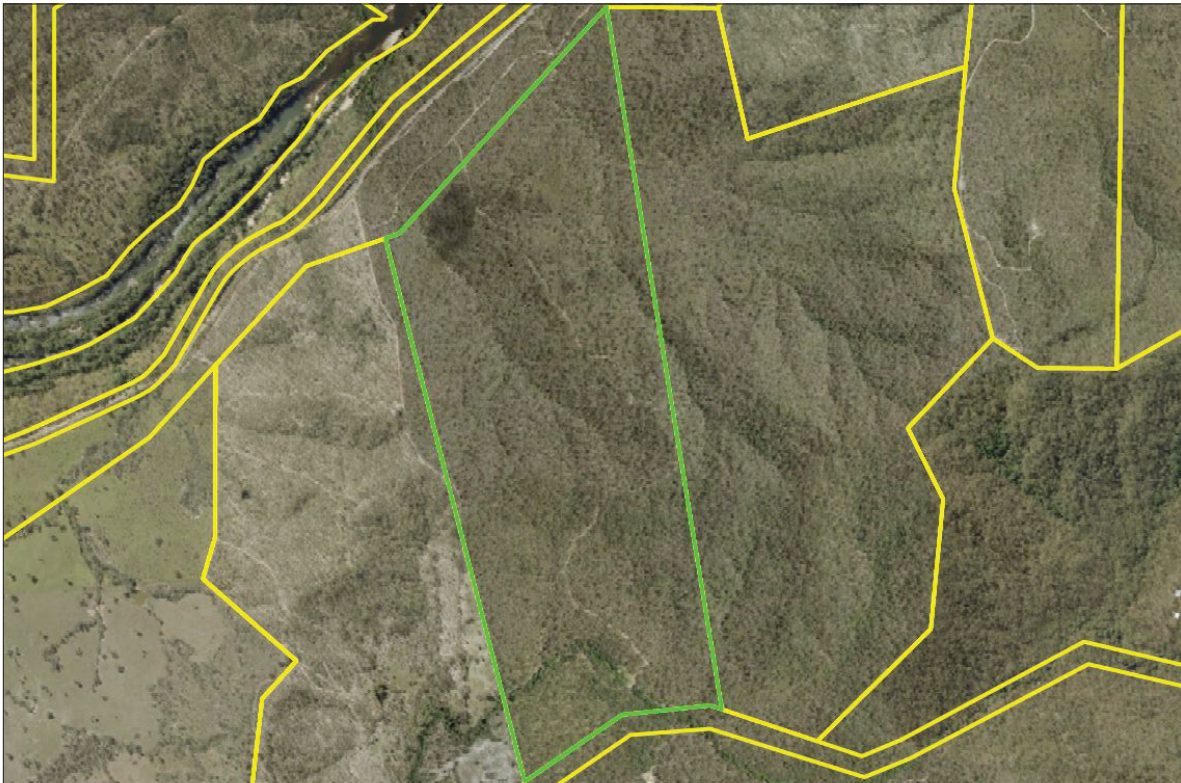
THE SITE

The subject site is situated at McCorry Road, Koah and is described as Lot 3 on RP745187. The site is generally regular in shape with an area of 60.35 hectares and is zoned Rural under the Mareeba Shire Planning Scheme 2004.

The site contains 650 metres of frontage to a poorly constructed section of road reserve to the north which is a continuation of McCorry Road and a further 440 metres of frontage to an undeveloped section of road reserve to the south which is a continuation of Two Chain Road. Currently the site can be accessed from either section of road reserve via substandard access tracks.

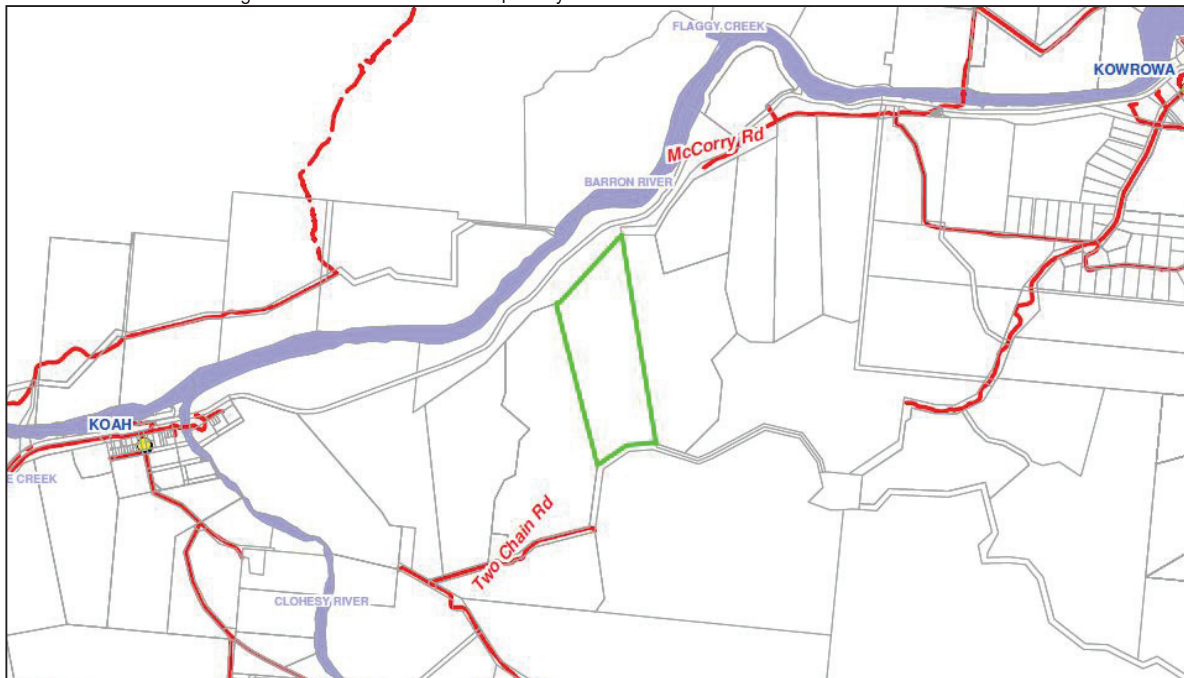
The site contains no known improvements. A network of firebreaks and access trails traverse the site. The majority of the site is covered by mature vegetation mapped as remnant not of concern regional ecosystem. The land has an undulating topography, with multiple seasonal drainage features which including One Mile Creek which traverses the south-west corner of the property.

Surrounding properties are zoned Rural and 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 (1 into 2 Lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 30 - 30 hectares, 650 metres of frontage to undeveloped road reserve (continuation of McCorry Road)
- Lot 31 - 30.35 hectares, 440 metres of frontage to undeveloped road reserve (continuation of Two Chain Road)

Access to either allotment is proposed from their respective frontages.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Rural
Zone:	Rural Zone
	Natural & Cultural Heritage Features
Overlays:	Overlay
	Natural Disaster - Bushfire Hazard
	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

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	✓	The subject land is not identified as GQAL under the Mareeba Shire Planning Scheme 2004. The remnant vegetation coverage and undulating topography severely constrain farming opportunities. The proposed allotment sizes satisfy the Planning Scheme's acceptable solution for Rural subdivision, where not GQAL.
2.6.2	<i>Boundary realignments are only permitted in the regional landscape and rural production area where it can be demonstrated that a realignment of the property would:</i> (i) <i>improve agricultural efficiency</i> (ii) <i>facilitate agricultural activity or conservation outcomes or</i> (iii) <i>resolve boundary issues where:</i> ▪ <i>a house or structure is built over the boundary line of two lots</i> <i>a lot has been intersected by the compulsory installation of infrastructure such as a road or electricity line.</i>	n/a	Not applicable. The application does not propose a boundary realignment.
2.6.3	<i>Boundary realignments should allow for enough space within the newly created lots to accommodate buffers from adjoining land uses to mitigate adverse impacts and should not prevent existing industries from expanding or new agricultural enterprises from being established.</i>	n/a	Not applicable. The application does not propose a boundary realignment.
2.6.4	<i>Boundary realignments should not be permitted to create new small lots for rural residential or rural lifestyle purposes.</i>	n/a	Not applicable. The application does not propose a boundary realignment.

(b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Natural hazards A development application for a material change of use, reconfiguring a lot or	✓	For all natural hazards: Development: (1) avoids natural hazard areas or mitigates the risks

operational works on land within: (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or		of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and (5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and Comment The subject site is not mapped as being situated within a Q100 flood hazard area or a coastal hazard area. The development can be conditioned to comply with the landslide and bushfire hazard aspects of the SPP.
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(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

Relevant Development Codes

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

Part 4, Division 14	Rural Zone Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot 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 solutions (or probable solutions/performance criteria where no acceptable solution 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 relevant acceptable/probable solutions contained within the code.
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Reconfiguring a Lot Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

All development works will be conditioned to comply with the FNQROC Development Manual.

Council officers have concerns with a section of Two Chain Road immediately to the east of the One Mile Creek crossing. This section of road contains a steep crest and sudden "S" bend that could potentially be a safety issue for road users, particularly considering the additional vehicle traffic likely along Two Chain Road as a result of the development.

Any development approval should be conditioned to require the applicant to undertake works on this section of Two Chain Road to rectify these issues. The external road works are required to be designed and certified by a RPEQ (Civil Engineer).

Additionally, both lots are proposed to be accessed via substandard access roads, one being the continuation of McCorry Road (proposed Lot 30) and the other being the continuation of Two Chain Road (proposed Lot 31). A condition will be attached to any approval requiring these sections of road reserve to be upgraded to FNQROC Development Manual standards.

The cost associated with the abovementioned works should be credited against any monetary contribution required to be made by the applicant towards trunk infrastructure.

Access to each allotment will require construction in accordance with the FNQROC Development Manual.

(f) Additional Trunk Infrastructure Condition

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Council will be required to condition additional trunk infrastructure outside the PIA if development is deemed to create additional demand on trunk infrastructure which therefore results in additional trunk infrastructure costs for Council.

The development, creating two additional lots, is predicted to place additional demand on Council's trunk transport infrastructure (roads), therefore a contribution towards trunk transport infrastructure upgrades is payable.

The estimated cost to upgrade Two Chain Road (without ungrading culverts/causeways) to 4.5 metre wide bitumen sealed standard is \$284,634.00. The applicant's proportion of this upgrade cost is $\$284,634.00 / 6$ (No. of lots that access from Two Chain Road) = \$47,439.00.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land \$47,439.00)

The developer may elect to provide part of the trunk infrastructure instead of making the payment.

If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision

REFERRALS**Concurrence**

This application did not trigger referral to a Concurrence Agency.

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: *12 September 2017*

DECISION BY DELEGATE

DECISION

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

Dated the *26TH* day of *SEPTEMBER* 2017



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3269692)

Document Set ID: 3269692
Version: 1, Version Date: 15/07/2017

PROPOSED RECONFIGURATION

Lots 30 & 31
Canceling Lot 3 on RP745187

Parish of Forrester
County of Nares
Mareeba Shire Council



Note: Image provided by Google Earth
Image date - August 3rd, 2015
© State of Queensland 2017, Includes
material: © Airbus/DC2013-17
This plan is conceptual and for discussion purposes only. All areas,
dimensions and land uses are preliminary, subject to investigation,
survey, engineering, and Local Authority and Agency approvals.

brazier mom
1300 267 878
www.braziermom.com.au

Date: 14th June 2017
Scale: 1 : 5000 @ A3
Drawn: MLC
Job No: 34347/1-1
Plan No: 34347_001 A

surveying | town planning | project management | mapping and GIS