

**DELEGATED REPORT**

**SUBJECT:** MAREEBA SHIRE COUNCIL - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS & BALANCE AREA) - LOT 879 ON SP276129 - EFFLEY STREET, MAREEBA - RAL/18/0008

**DATE:** 30 April 2018

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

**DEPARTMENT:** Corporate and Community Services

---

**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	Effley Street, Keegan Street & Thora Cleland Drive, Mareeba
<b>DATE LODGED</b>	27 March 2018	<b>RPD</b>	Lot 879 on SP276129
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and balance area)		

<b>FILE NO</b>	RAL/18/0008	<b>AREA</b>	77.26 hectares
<b>LODGED BY</b>	Mareeba Shire Council	<b>OWNER</b>	Mareeba Shire Council
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Industry zone (Heavy Industry Precinct)		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

---

**ATTACHMENTS:**

1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response – 26 April 2018

---

**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	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	Effley Street, Keegan Street & Thora Cleland Drive, Mareeba
<b>DATE LODGED</b>	27 March 2018	<b>RPD</b>	Lot 879 on SP276129
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and balance area)		

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 conditions 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 4 lots and balance area)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1250-C02 (ST16) A	Stage 16 General Arrangement	Jim Papas Civil Engineering Designer Pty Ltd	28.11.17

(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, 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

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 of the development, 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 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.

## 4. Infrastructure Services and Standards

### 4.1 Access

Access to each allotment must be constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback kerb along the frontage of each allotment will satisfy this condition.

### 4.2 Roadworks – Internal

Internal roads must be constructed to the appropriate Industrial standard in accordance with FNQROC Development Manual standards (as amended) for

the applicable planning scheme area to the satisfaction of Council's delegated officer.

A temporary turnaround area, with gravel surface, must be provided at the end of the new road construction adjacent to the balance area of the overall subdivision to allow traffic manoeuvring.

#### 4.3. Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and the applicant must take all necessary steps to achieve this including the following:

- (a) The applicant must provide a Stormwater Management Plan prepared and certified by a RPEQ engineer that meets or exceeds the standards of design and construction set out in the Queensland Urban Development Manual (QUDM) and the Far North Queensland Regional Organisation of Councils Manual (FNQROC).
- (b) The Stormwater 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 1996).
- (c) The applicant must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan.
- (d) All stormwater drainage must be discharged at a lawful point of discharge.
- (e) 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.
- (f) 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.

#### 4.4 Water Supply

- (a) 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 each proposed allotment 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).
- (b) A water service connection must be provided to proposed Lots 223, 224, 225 and 324 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.5 Sewerage Connection

The developer must connect proposed Lots 223, 224, 225 and 324 to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage 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 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to proposed Lots 223, 224, 225 and 324 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 **underground** power reticulation.

#### 4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to proposed Lots 223, 224, 225 and 324 and arrange provision of necessary conduits and enveloping pipes.

#### 4.8 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of 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) 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](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 29 March 2018.

(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

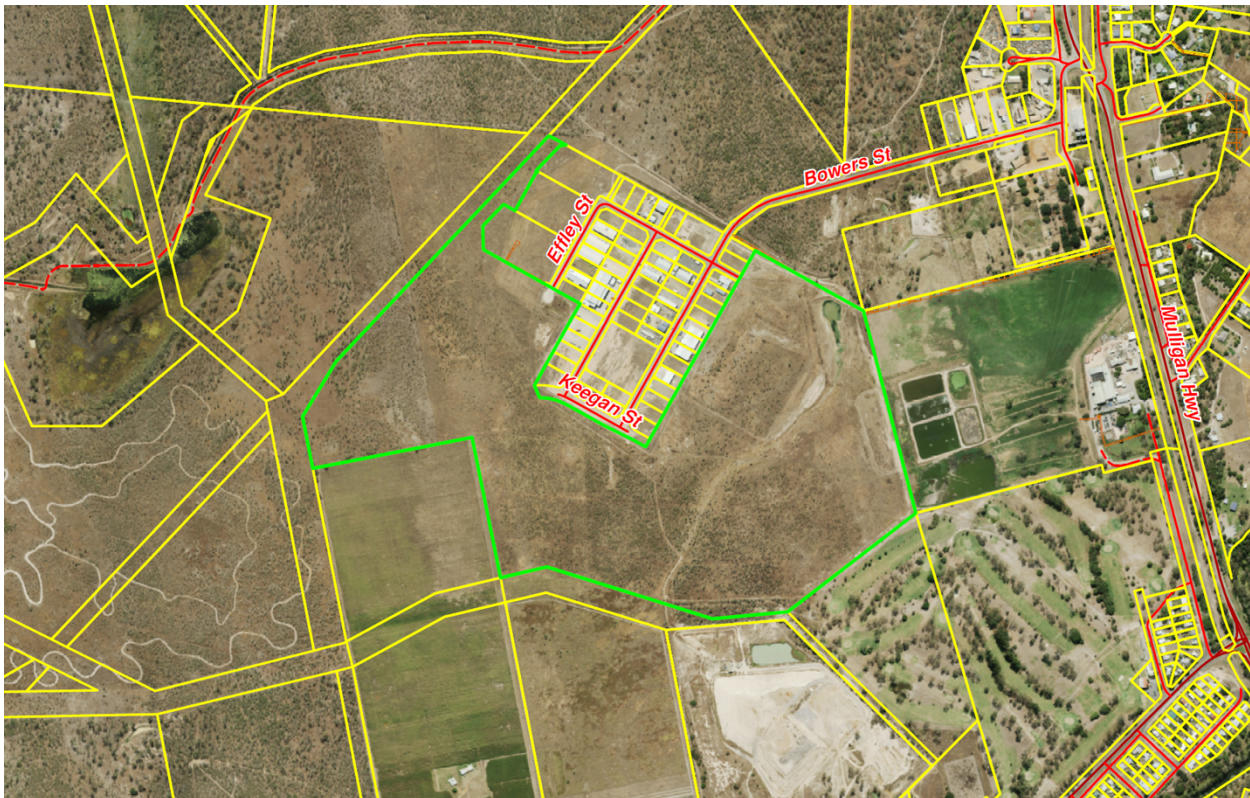
2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Industrial	\$18,000.00	4	\$72,000.00	-	\$72,000.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$72,000.00</b>

## THE SITE

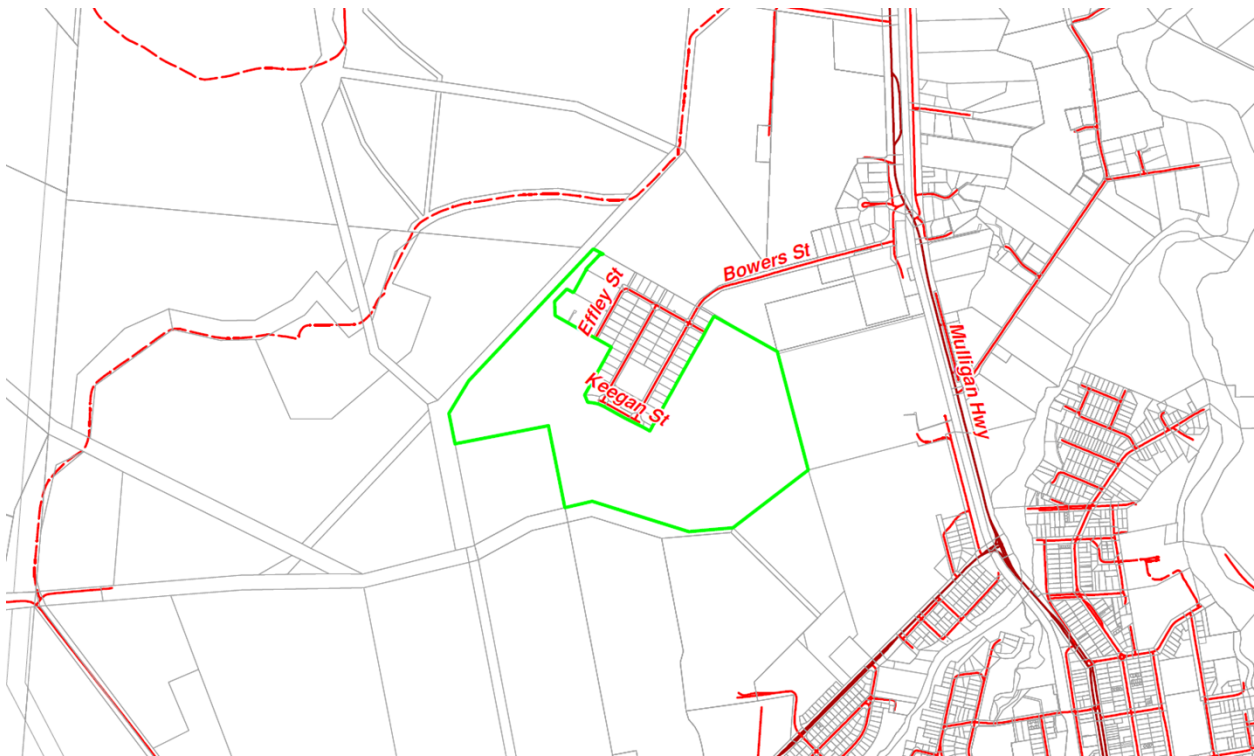
The subject site is the undeveloped balance of the Mareeba Industrial Park (MIP) and is described as Lot 879 on SP276129, situated at Thora Cleland Drive, Effley Street and Keegan Street, Mareeba.

The site remains unimproved with the exception of service infrastructure (water mains, sewer mains, telecommunications, and electricity infrastructure) currently in place to service the earlier stage of the MIP. The land is cleared of any significant vegetation with juvenile regrowth present over large portions of the allotment. Some sections of the site remain waterlogged for large parts of the year and drain to a small watercourse in the north-east corner of 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.



**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.

Surrounding allotments are zoned a mixture of Industry, Rural, Community Facilities and Recreation and Open Space. The route for the future Mareeba By-pass is situated to immediately to the west of the site.

## **BACKGROUND AND CONTEXT**

Nil

## **PREVIOUS APPLICATIONS & APPROVALS**

The proposed development is a continuation of the Mareeba Industrial Park.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 int 4 lots and balance area) in accordance with the plans shown in **Attachment 1**.



The proposed allotments are:

- Lot 223 - area of 2,178m<sup>2</sup>, frontage of 33m to Effley Street;
- Lot 224, area of 2,178m<sup>2</sup>, frontage of 33m to Effley Street;
- Lot 225, area of 2,172m<sup>2</sup>, frontage of 33m to Effley Street;
- Lot 324, area of 1.4956 hectares, frontage of approximately 100m to Effley Street and 114m to unnamed road reserve;
- Lot 879 (balance lot), area of approximately 74 hectares, frontage to Effley Street, Keegan Street and Thora Cleland Drive.

Lots 223, 224, 225 and 324 will be fully serviced with town water, town sewer, electricity and telecommunications, and will discharge stormwater into the existing estates stormwater network.

A small section of the balance Lot 879 will be dedicated as road reserve (continuation of Effley Street) and will be constructed to FNQROC Development Manual standards.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3 - 'Areas of Ecological Significance' also identifies the site as containing:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

**Note:** The wetland area is considered to be a mapping discrepancy. The small sliver of general ecological significance is located outside the footprint of the proposed development.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Major Industry Area
Zone:	Industry zone
Mareeba Local Plan	Industrial Park
Precinct:	Heavy Industry Precinct
Overlays:	Airport environs overlay Bushfire hazard 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****Relevant Development Codes**

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

- 6.2.5 Industry zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.12 Transport infrastructure 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 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.

<b>Relevant Codes</b>	<b>Comments</b>
Industry zone code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.

Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Works, Services and infrastructure code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.

### (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

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

### (f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, a charge of \$18,000.00 will apply to each additional industrial allotment created.

The \$18,000.00 charge was derived from a \$4,500.00 infrastructure charge for the following four (4) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network; and
- Sewerage network

The application proposes the creation of four (4) additional industrial lots.

$\$18,000.00 \times 4 \text{ (lots)} = \underline{\underline{\$72,000.00}}$

### REFERRALS

The application triggered a referral to the State Referral Agency for state transport infrastructure.

The Department advised in a response dated 26 April 2018 that they have no requirements (**Attachment 2**).

**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**

Nil

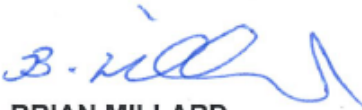
***Date Prepared:***            *30 April 2018*

## 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 30<sup>TH</sup> day of APRIL 2018

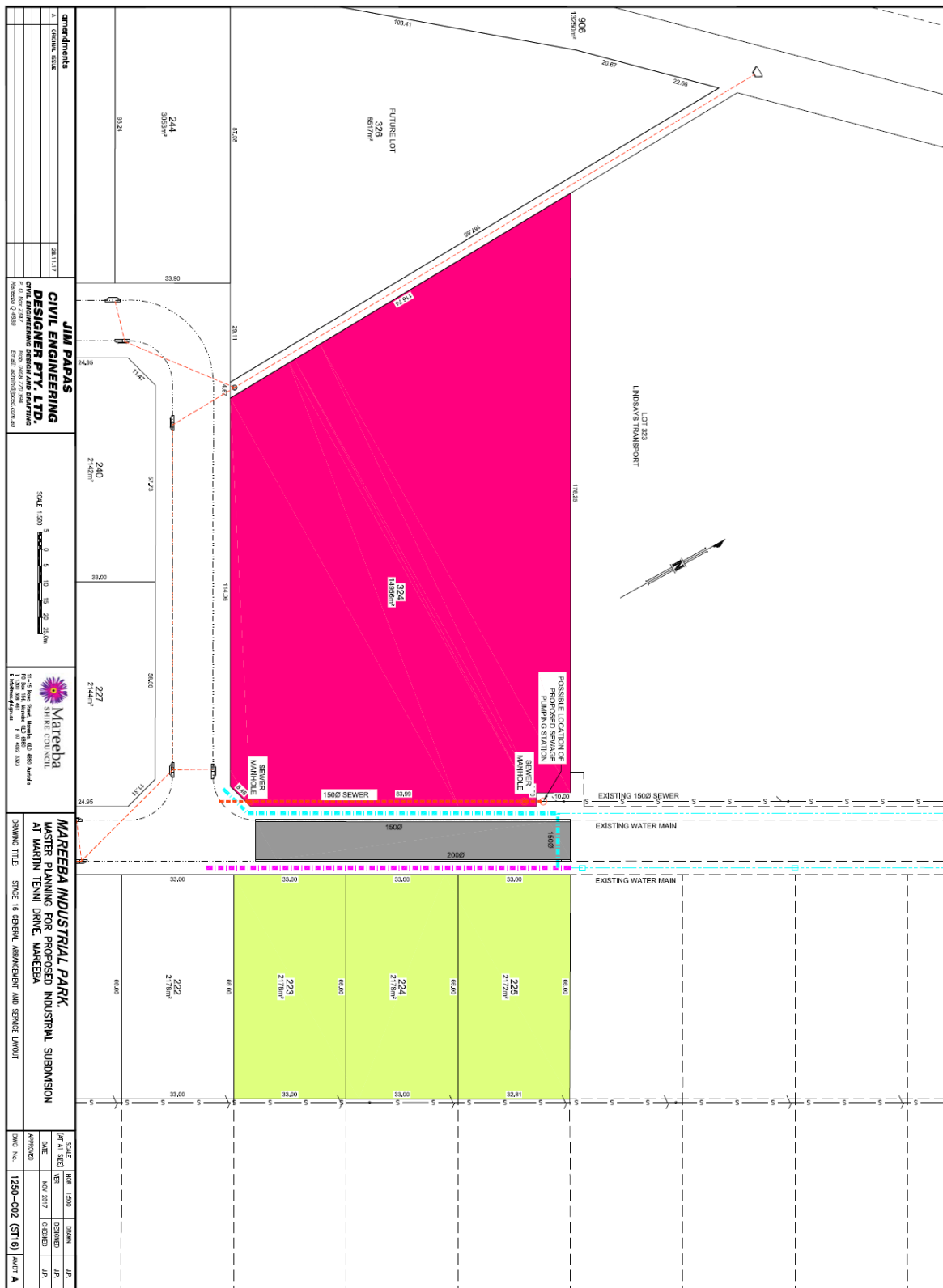


**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSED PLANS



<b>amendments</b> 1. ORIGINAL ISSUE 2. 28.11.17	
<b>JIM PAPAS</b> <b>CIVIL ENGINEERING</b> CIVIL ENGINEERING 10/100 WILSON STREET MAREEBA QLD 4880 PHONE: 07 4051 2222 EMAIL: jim@jim-papas.com.au	
SCALE 1:500 0 5 10 15 20 25m	
<b>Mareeba</b> SHIRE COUNCIL 110-112 Main Street, Mareeba QLD 4880 PHONE: 07 4051 2222 EMAIL: info@mareeba.qld.gov.au	
<b>MAREEBA INDUSTRIAL PARK</b> MASTER PLANNING FOR PROPOSED INDUSTRIAL SUBDIVISION AT MARTIN TENN DRIVE, MAREEBA	
DRAWING TITLE: STAGE 16 GENERAL AMENDMENT AND SERVICE LAYOUT	
DATE: NOV 2017 DRAWN: J.P. CHECKED: J.P. APPROVED:	DATE: NOV 2017 DRAWN: J.P. CHECKED: J.P. APPROVED:
DWG NO: 1250-C02 (ST16)	SHEET: 1 OF 1 DRAWN: J.P. CHECKED: J.P. APPROVED: J.P.

## ATTACHMENT 2

RA9-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1803-4652 SRA  
 Your reference: RAL/18/0008

26 April 2018

Chief Executive Officer  
 Mareeba Shire Council  
 PO Box 154  
 Mareeba Qld 4880  
 planning@msc.qld.gov.au

*Attention: Carl Ewin*

Dear Sir / Madam

**Referral agency response—no requirements**  
 (Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 29 March 2018.

**Applicant details**

---

Applicant name:	Mareeba Shire Council
Applicant contact details:	PO Box 154 Mareeba QLD 4880 planning@msc.qld.gov.au

**Location details**

---

Street address:	2 Effley Street, Mareeba
Real property description:	Lot 879 on SP276129
Local government area:	Mareeba Shire Council

**Application details**

---

Development permit	Reconfiguring a lot (1 into 4 lots plus balance lot)
--------------------	--

**Referral triggers**

Page 1 of 2

Far North Queensland regional office  
 Ground Floor  
 Cnr Grafton and Hartley Streets  
 PO Box 2358, Cairns QLD 4870

1803-4652 SRA

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1      State transport corridors and future State transport corridors

**No requirements**

Under section 56(1)(a) of the *Planning Act 2016*, the department advises it has no requirements relating to the application.

A copy of this response has been sent to the applicant for their information.

For further information please contact Michele Creecy, Senior Planning Officer, on 4037 3206 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke  
Acting Manager (Planning)

cc      Mareeba Shire Council, [planning@msc.qld.gov.au](mailto:planning@msc.qld.gov.au)