

PLANNING REPORT

SUBJECT: BTM & S STANKOVICH PTY LTD RECONFIGURATION A LOT - SUBDIVISION (1 INTO 8 LOTS) LOT 1 ON RP735200 - 267 HASTIE ROAD, MAREEBA - RAL/18/0012

MEETING: Ordinary

MEETING DATE: 20 June 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	267 Hastie Road, Mareeba
DATE LODGED	6 April 2018	RPD	Lot 1 on RP735200
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 lots)		

FILE NO	RAL/18/0012	AREA	3.685 hectares
LODGED BY	Freshwater Planning Pty Ltd	OWNER	B Hastie
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

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

The key issues of the proposed development are whether the reconfiguration of the subject land at this time would compromise the potential future residential redevelopment of this area, and ensuring each proposed lot has the desired level of flood hazard immunity. Council officers are satisfied that the development will not compromise future redevelopment of the area and that each proposed allotment will be provided with a sufficient building area above the defined flood event.

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	BTM & S Stankovich Pty Ltd	ADDRESS	267 Hastie Road, Mareeba
DATE LODGED	6 April 2018	RPD	Lot 1 on RP735200
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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 8 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8111-LL1 Rev A	Development Plan	Twine Surveys Pty Ltd	2018.3.27

(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

- 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 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 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.

3.7 Bushfire Management

A bushfire hazard management plan for the subject land and proposed development must be prepared by suitably qualified person, and submitted to Council prior to the endorsement of the plan of survey.

All future development on the subject land must comply with the bushfire hazard management plan.

4. Infrastructure Services and Standards

4.1 Access

- (a) Access must be provided/constructed to each allotment 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.

- (b) An asphalt sealed or concrete driveway shall be provided within the access handle of proposed Lot 2 to the satisfaction of Council's delegated officer. The driveway will:
- have a minimum formation width of 3 metres
 - be constructed for the full length of the access handle
 - be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
 - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

4.2 Earthworks

As part of a subsequent application for Operational Works, an earthworks plan (including the building pads on proposed Lot 5, 6, 7 and 8) is to be submitted, prepared by a suitably qualified RPEQ demonstrating compliance with the Works, Services and Infrastructure Code including the following detail:

- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary
- Preservation of all drainage structures from the effects of structural loading generated by the earthworks;
- Protection of adjoining properties and roads from ponding or nuisance from stormwater.
- Prevention of the spread of weeds

All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the As Constructed information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).

4.3 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.

4.4 Roadworks – External Construction - Hastie Road Frontage of Lot 1 on RP735200

Hastie Road, for the full frontage of Lot 1 on RP735200, must be upgraded/constructed to Access Street standard in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Specifically, Hastie Road, must be widened to an overall sealed width of 6.5 metres, with layback kerb constructed on the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

4.5 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 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).
- (b) 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.

4.6 Sewerage Connection

The developer must connect the proposed development 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).

4.7 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 **underground** 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

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

4.10 Building Envelopes and Required Flood Immunity

- (a) The approved building envelopes for proposed Lots 5, 6, 7 and 8 are the building pads as shown on the Twine Surveys Pty Ltd drawing no. 8111-LL1 dated 27 March 2018.
- (b) Prior to the endorsement of the survey plan, the building envelopes for proposed Lots 5, 6, 7 and 8 must be filled to reach a minimum height of RL395.5 metres AHD. The filling must be approved as part of a subsequent development application for operational works.
- (c) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (d) All buildings must be located within the approved building envelopes.
- (e) The floor level of all new buildings constructed on proposed Lots 1, 2, 3 and 4 must be a minimum height of RL395.5 metres AHD. Where a lot contains land below RL395.5 metres AHD, survey pegs must be placed on the subject land establishing the location of the RL395.5 metres AHD contour.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

- 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 \$18,000.00 per additional lot 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 (\$4,500.00 per additional allotment)
 - The trunk open space infrastructure servicing the land (\$4,500.00)
 - The trunk water supply infrastructure servicing the land (\$4,500.00)
 - The trunk sewer infrastructure servicing the land (\$4,500.00)
- 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.

(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) 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.

- (c) Endorsement Fees

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

- (d) Compliance with applicable codes/policies

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

- (e) Notation on Rates Record

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

- an approved building pad for Lots 5, 6, 7, 8
- conditions regarding bushfire management
- defined flood immunity building floor level height RL395.5 metres AHD

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

(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"

THE SITE

The subject land is described as Lot 1 on RP735200, situated at 267 Hastie Road, Mareeba.

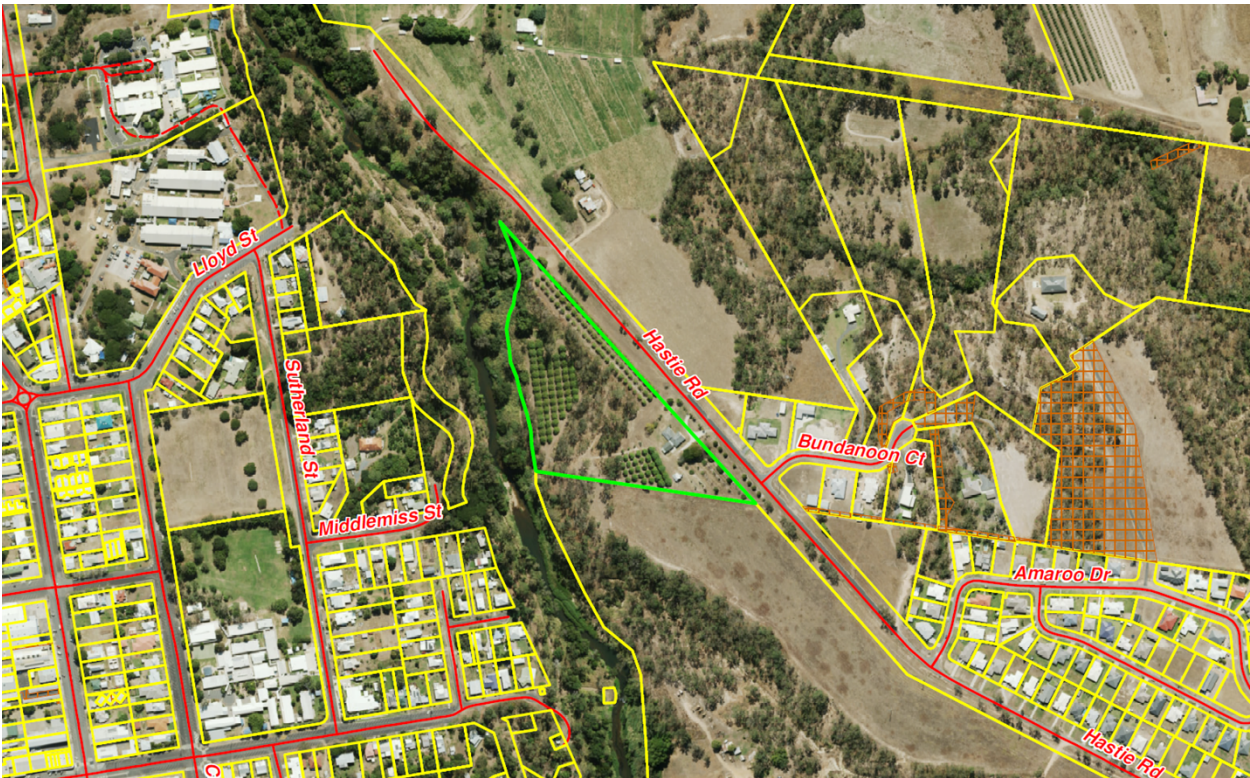
The land is triangular in shape, having an area of 3.685 hectares with a frontage of approximately 446 metres to Hastie Road. Hastie Road is formed to bitumen sealed standard for the entire frontage with the subject land.

The land is improved by a single storey dwelling house and shed, both of which are sited in the south-eastern corner. Approximately one (1) hectare of the land is planted with mature fruit trees, which are scattered in three distinct clusters.

The Barron River forms the western boundary of the land. Some vegetation remains along the Barron River bank and also along a second low order waterway which centrally traverses the subject land in a north-south direction. The subject land contains a narrow flat area adjacent to Hastie Road with the remainder of the site sloping down to a small river flat beside the Barron River.

The subject land is able to be serviced by the Mareeba reticulated town water supply and sewer which extend along the Hastie Road frontage. Reticulated electricity and telecommunication infrastructure is connected to the existing dwelling house.

Land adjoining to the south is zoned Emerging Community under the planning scheme, whilst Bundanoon Estate (directly to the east) is zoned Low Density Residential.



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

The details of the proposed allotments are as follows:

- Lot 1 - 3,024 square metres, 80.352 metres frontage to Hastie Road;
- Lot 2 - 6,068 square metres, 10.272 metres frontage to Hastie Road;
- Lot 3 - 4,834 square metres, 52.876 metres frontage to Hastie Road;
- Lot 4 - 4,397 square metres, 42.154 metres frontage to Hastie Road;
- Lot 5 - 6,097 square metres, 45 metres frontage to Hastie Road;
- Lot 6 - 5,198 square metres, 45 metres frontage to Hastie Road;
- Lot 7 - 4,168 square metres, 45 metres frontage to Hastie Road;
- Lot 8 - 3,073 square metres, 125.946 metres frontage to Hastie Road.

All proposed lots will be accessed via the Hastie Road frontage. Hastie Road will be widened with layback kerb for the full frontage of the subject land. The access handle of proposed Lot 2 will be constructed from Hastie Road to the main body of Lot 2.

All proposed lots will be connected to reticulated water and sewer, electricity and telecommunications. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

The site is designated as containing areas of Extreme to Low Flood Hazard by the planning scheme's Flood Hazard Overlay mapping. From the flood model data, it is understood that the defined flood event (100 year) height for the subject land is 395 metres AHD. Each allotment will be provided with a building area/pad of at least 395.5 AHD. Some controlled filling of proposed Lots 5 to 8 will be undertaken to achieve the required flood immunity.

The established dwelling house will be retained within proposed Lot 3. All remaining lots will be vacant at the time of creation.

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 as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3 - 'Areas of Ecological Significance' also identifies the site is:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Urban Expansion Area
Zone:	Emerging Community
Mareeba Local Plan:	Mareeba North-eastern Expansion
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Regional infrastructure corridors and substations 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

Strategic Framework

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

- (1) *Urban expansion areas* and *investigation areas* are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.
- (2) Well-serviced and designed greenfield residential development occurs in *urban expansion areas* of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.
- (3) *Urban expansion areas* in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

3.3.8.2 Land use strategies

- (1) *Investigation areas* are to be investigated to accommodate future development beyond the life of the planning scheme. *Investigation areas* are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an *investigation area* should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of *activity centres*. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:
- (a) need for land for the proposed land use;
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;
 - (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and
 - (ii) the need for future development represents a public benefit.
 - (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance
 - (e) consistency with the Strategic Framework.
 - (f) consistency with State and Regional Planning requirements.

Comment

A structure plan has not been prepared for this development application. The potential for the subject land to be developed together with neighbouring land is limited due to the hard constraints posed by the Barron River and its associated flood hazard, the irregular shape of the land, the topography of the land and its location at the far end of Hastie Road.

The proposed lot density and lot layout is considered to be the maximum reasonably achievable from the land due to the beforementioned constraints. The subject land has an area of 3.685 hectares. Of the total site area, only 1.34 hectares is outside the mapped hazard areas of the Flood Hazard overlay.

Excluding the mapped flood hazard area, proposed development would represent 1 dwelling per 1,675m², or 6 dwellings per hectare.

Further, all of the subject land is covered by the Bushfire Hazard overlay mapping. Based on the planning scheme's interpretation note, all of the land outside of the 8 likely future dwelling houses could be excluded from the calculation of accommodation density.

All proposed lots will be connected to reticulated water and sewerage. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

No new roads will be created. Hastie Road will be widened for the frontage of the subject land.

No non-residential development is proposed.

The proposed development is of a similar nature to that already established in Bundanoon Estate, located directly to the east on the opposite side of Hastie Road.

The proposed development appropriately addresses density, the availability of urban services and the constraints of the land. The development does not compromise the potential for future residential development in the vicinity.

Relevant Development Codes

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

- 6.2.4 Emerging community 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
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations 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.

Relevant Codes	Comments
Emerging community zone code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> ▪ Performance Outcome PO7 Refer to planning discussion section of report.
Mareeba local plan code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> ▪ Performance Outcome PO18 Refer to planning discussion section of report.
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> ▪ Performance Outcome PO3 Refer to planning discussion section of report.
Flood hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:

	<ul style="list-style-type: none"> Performance Outcome PO13 <p>Refer to planning discussion section of report.</p>
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Transport infrastructure overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> Performance Outcome PO1 <p>Refer to planning discussion section of report.</p>
Works, services and infrastructure code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> Performance Outcome PO7 <p>Refer to planning discussion section of report.</p>

(e) Planning Scheme Policies

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) Additional Trunk Infrastructure Condition

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

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The development will create seven (7) additional allotments and will place additional demand on Council's trunk infrastructure (transport, open space, water supply and sewer).

The developer must pay a one-off payment of \$18,000.00 (per additional lot) 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.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,500.00)
- The trunk open space infrastructure servicing the land (\$4,500.00)
- The trunk water supply infrastructure servicing the land (\$4,500.00)
- The trunk sewer infrastructure servicing the land (\$4,500.00)

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

This application did not trigger a referral.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 27 April 2018 to 22 May 2018. The applicant submitted the notice of compliance on 23 May 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with the Performance Outcomes of the Emerging Community Zone Code, Mareeba Local Plan Code, Environmental Significance Overlay Code, Flood Hazard Overlay Code, Reconfiguring a Lot Code and the Works, Services and Infrastructure Code are summarised as follows:

Emerging Community Zone Code

PO7

Development occurs as outlined in a Structure Plan that:

- (a) is prepared in accordance with Planning Scheme Policy 8 Structure Planning;*

- (b) *takes into consideration land use need and the type, scale, density of proposed urban development;*
- (c) *includes a road network that:*
 - (i) *is logically designed;*
 - (ii) *can be delivered sequentially;*
 - (iii) *includes an urban morphology that is consistent with the surrounding area;*
 - (iv) *provides pedestrian links to centres and open space;*
- (d) *locates any non-residential development:*
 - (i) *on major roads;*
 - (ii) *where not introducing non-residential traffic to residential streets; and*
 - (iii) *to provide the day to day needs of the immediate residential community;*
- (e) *scales any non-residential development to:*
 - (i) *be consistent with the scale of surrounding residential development;*
 - (ii) *not undermine the viability of nearby centres or the centres network; and*
 - (iii) *not unduly detract from the amenity of nearby residences.*

AO7

No acceptable outcome provided.

Comment

A structure plan has not been prepared as part of this development application.

The potential for the subject land to be developed together with neighbouring land is limited due to the hard constraints posed by the Barron River and its associated flood hazard, the irregular shape of the land, the topography of the land and its location at the far end of Hastie Road.

The proposed lot density and lot layout is considered to be the maximum reasonably achievable from the land due to the beforementioned constraints.

All proposed lots will be connected to reticulated water and sewerage. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

No new roads will be created. Hastie Road will be widened for the frontage of the subject land.

No non-residential development is proposed.

The proposed development is of a similar nature to that already established in Bundanoon Estate, located directly to the east on the opposite side of Hastie Road.

The proposed development does not compromise the fulfilment of Performance Outcome PO7.

Mareeba Local Plan Code**PO18**

Development provides an average net accommodation density of at least 12 dwellings or accommodation units per hectare.

Note—Calculation of accommodation density excludes areas not developed as a result of provisions of an overlay.

AO18

No acceptable outcome is provided.

Comment

The subject land has an area of 3.685 hectares.

Of the total site area, only 1.34 hectares is outside the mapped hazard areas of the Flood Hazard overlay.

Excluding the mapped flood hazard area, proposed development would represent 1 dwelling per 1,675m², or 6 dwellings per hectare.

All of the subject land is covered by the Bushfire Hazard overlay mapping. Based on the interpretation note for PO18, all of the land outside of the 8 likely future dwelling houses could be excluded from the calculation of accommodation density.

The proposed development is of a similar density to already developed and adjacent Bundanoon Estate.

The proposed density appropriately addresses the availability of urban services and the constraints of the land

Environmental Significance Overlay Code

PO3

*Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the **Environmental Significance - Waterway Overlay Maps (OM-004p-z)** is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.*

Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.

Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)

AO3.1

*A minimum setback in accordance with **Table 8.2.4.3B** is provided between development and the top of the high bank of a 'Waterway' identified on the **Environmental Significance - Waterway Overlay Maps (OM-004p-z)**.*

Comment

A stream order 1 waterway is mapped on the subject land. Table 8.2.4.3B calls for a 10 metre setback from the high bank of a stream order 1 waterway.

The proposed development will occur over the previously disturbed (by farming) areas of the subject land.

Building pads for proposed Lots 5, 6, 7 and 8 will be constructed in a 30 metre wide band along the Hastie Road frontage. No future building works will be able to occur outside this 30 metre wide band due to flood hazard constraints.

Regulated vegetation will remain on proposed Lots 5, 6, 7 and 8 outside the building pad area. Proposed Lot 3 will contain the existing dwelling and proposed Lots 1, 2 and 4 have sufficient existing cleared area to accommodate a future dwelling.

With the exception of proposed Lot 2, all other lots will have dwelling houses in close proximity to the Hastie Road frontage.

The habitat connectivity function provided by the Barron River will continue.

No significant clearing of native vegetation is proposed to facilitate the development

Flood Hazard Overlay Code

PO13

Development, where involving Reconfiguring a lot, is located and designed to:

- (a) maintain hydrological function of the premises;*
- (b) not increase the number of people calculated to be at risk from flooding;*
- (c) minimises the flood impact on adjoining premises;*
- (d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;*
- (e) reduce the carriage of debris in flood waters;*
- (f) reduce property damage; and*
- (g) provide flood immune access to buildings.*

*Note—Where the development is located in a 'Potential flood hazard area' identified on the **Flood hazard overlay maps (OM006a-o)** and there is no defined flood level a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of an alternative outcome is required or the defined flood level from the adjacent representative hazard zone is used.*

AO13

No acceptable outcome is provided.

Comment

Where necessary, filling will be carried out in order to construct building pads to a height of 395.5m AHD. Filling for this purpose is expected over a 30 metre wide band along the Hastie Road frontages of proposed Lots 5, 6, 7 and 8.

The minor filling will not impact on the hydrological function of the premises. Each proposed lot will contain a building pad/area above the defined flood level. Access to each proposed lot is through low or no flood hazard areas.

The development will comply.

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) allow the site to be provided with sufficient access;*
- (e) considers the proximity of the land to:*
 - (i) centres;*

- (ii) *public transport services; and*
- (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

For acceptable outcome AO1.1, Table 9.4.4.3B nominates a minimum lot size of ten (10) hectares. The proposed lots will not comply with AO1.1, therefore must demonstrate compliance with PO1.

In response to PO1:

- (a) The design of the lots is consistent with that of those established lots in Bundanoon Court (opposite the subject land);
- (b) The proposed lots, most with Barron River frontage and full urban services, will provide a very high level of amenity;
- (c) Each proposed lot will contain a building pad of sufficient area and dimensions to accommodate buildings and structures.
- (d) Each lot will be provided with good access via the Hastie Road frontage.
- (e) The subject land neighbours Bundanoon Estate and is proximate to Amaroo Park Estate. The developing Amaroo Park neighbourhood centre is conveniently located to service the subject land.
- (f)(g) Due to flood hazard constraints associated with the Barron River, development of each lot will be confined to specific building pads/areas. This allows for the protection of environmental features over the balance of each allotment.

The development will satisfy PO1.

Works, Services and Infrastructure Code**PO7**

Excavation or filling must not have an adverse impact on the:

- (a) *streetscape;*
- (b) *scenic amenity;*
- (c) *environmental values;*
- (d) *slope stability;*
- (e) *accessibility; or*
- (f) *privacy of adjoining premises.*

Comment

All filling proposed for the subject land will be conditioned to require appropriate engineering supervision and certification.

These works will be assessed in detail as part of the future operational works application.

The extent of the filling proposed will not cause permanent negative impacts to the streetscape and scenic amenity.

The filling proposed for the site will comply with PO7.

Date Prepared: 1 June 2018

PROPOSAL PLANS

