

**DELEGATED REPORT**

**SUBJECT:** F HARVIE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP729648 - 38 ATHERTON STREET, MAREEBA - RAL/18/0020

**DATE:** 29 June 2018

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	F Harvie	<b>ADDRESS</b>	38 Atherton Street, Mareeba
<b>DATE LODGED</b>	6 June 2018	<b>RPD</b>	Lot 2 on RP729648
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

<b>FILE NO</b>	RAL/18/0020	<b>AREA</b>	9,580m <sup>2</sup>
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	F Harvie
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Medium Density Residential		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:** 1. Proposal Plan/s

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**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 Mareeba Shire Council Planning Scheme 2016 and is not considered to be in conflict with any relevant aspect of the Planning Scheme.*

*Draft conditions were provided to the applicant 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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	F Harvie	<b>ADDRESS</b>	38 Atherton Street, Mareeba
<b>DATE LODGED</b>	6 June 2018	<b>RPD</b>	Lot 2 on RP729648
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	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
8169-LL1 Rev A	Proposed Reconfiguration of a Lot (1 lot into 2 lots)	Twine Surveys Pty Ltd	19.5.2018

(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, 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 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.6 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.

### 3.7 Charges

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

- 3.8 All future buildings on either lot must be located and designed such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI flood level.

- 3.9 No filling is to occur below the 100 ARI flood level.

### 3.10 Landslide

For any future building works on land with a slope of 15% or greater, the developer 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. Infrastructure Services and Standards

##### 4.1 Access

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 Lot 22 will satisfy this condition.

##### 4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

##### 4.3 Easement for Drainage Purposes

A drainage easement must be registered over the full extent of the drainage feature within Lot 22 in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council and submitted for endorsement by Council with the plan of survey.

##### 4.4 Water Supply

4.4.1 The developer must provide each proposed allotment with a water service connection in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Each lot is required to be separately metered and the connection for Lot 22 must be provided from Quill Street.

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

#### 4.5 Sewerage Connection

4.5.1 The developer must provide a connection for each proposed allotment to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.5.2 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 each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an electricity service provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

#### 4.7 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.

### (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) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(d) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request. The Property Connection Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(e) 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.

(f) 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.

(g) Notation on Rates Record

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

- a registered easement over the subject site (Lot 22 only)
- flood immunity
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(h) 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)

(i) 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) 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

- Nil

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$18,000.00	2	\$36,000.00	1 lot (\$18,000)	\$18,000.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$18,000.00</b>

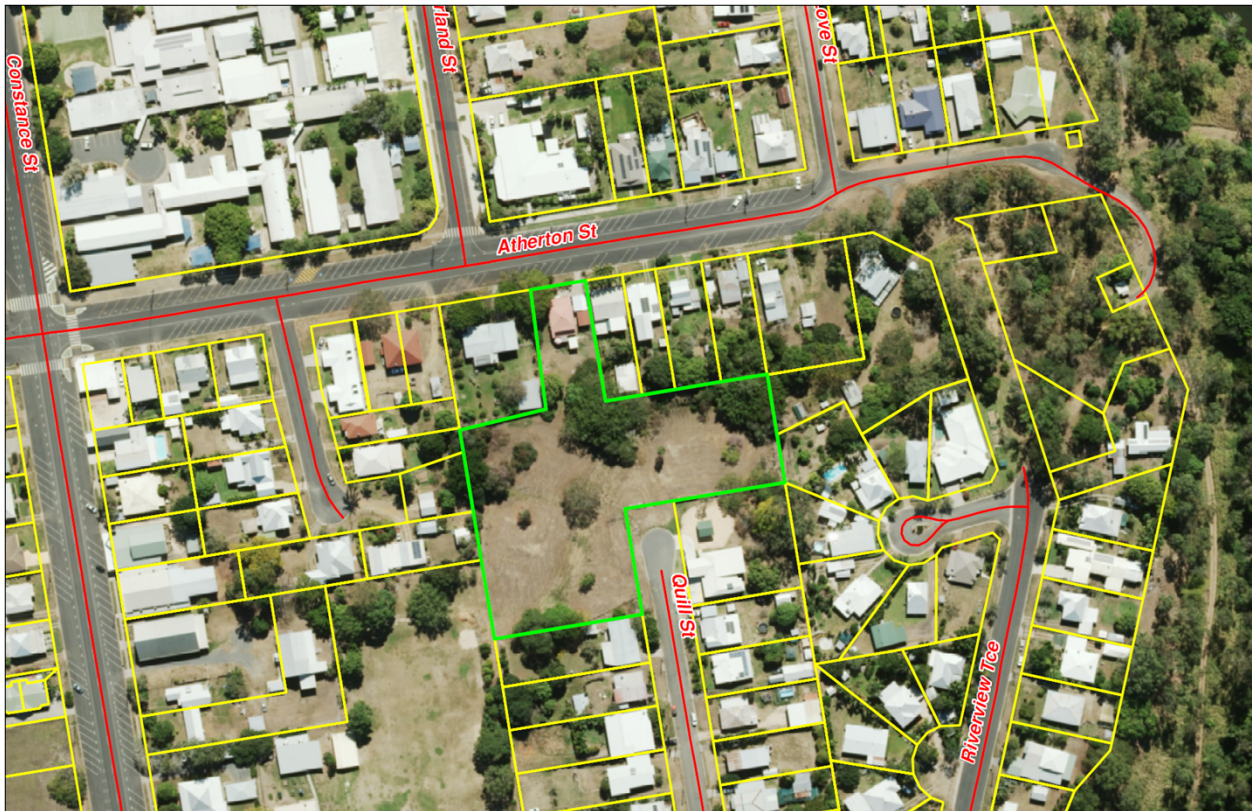
**THE SITE**

The subject site is situated at 38 Atherton Street, Mareeba, and is more particularly described as Lot 2 on RP729648. The site is irregular in shape, with an area of 9,580m<sup>2</sup> and is zoned Medium density residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains 22.8 metres of frontage to Atherton Street and a further 63.8 metres of frontage to Quill Street. Both Streets are constructed to bitumen sealed standards including kerb and channel. Formal access to the site is gained via a concrete sealed crossover from Atherton Street, while informal access to the rear of the site is gained via Quill Street.

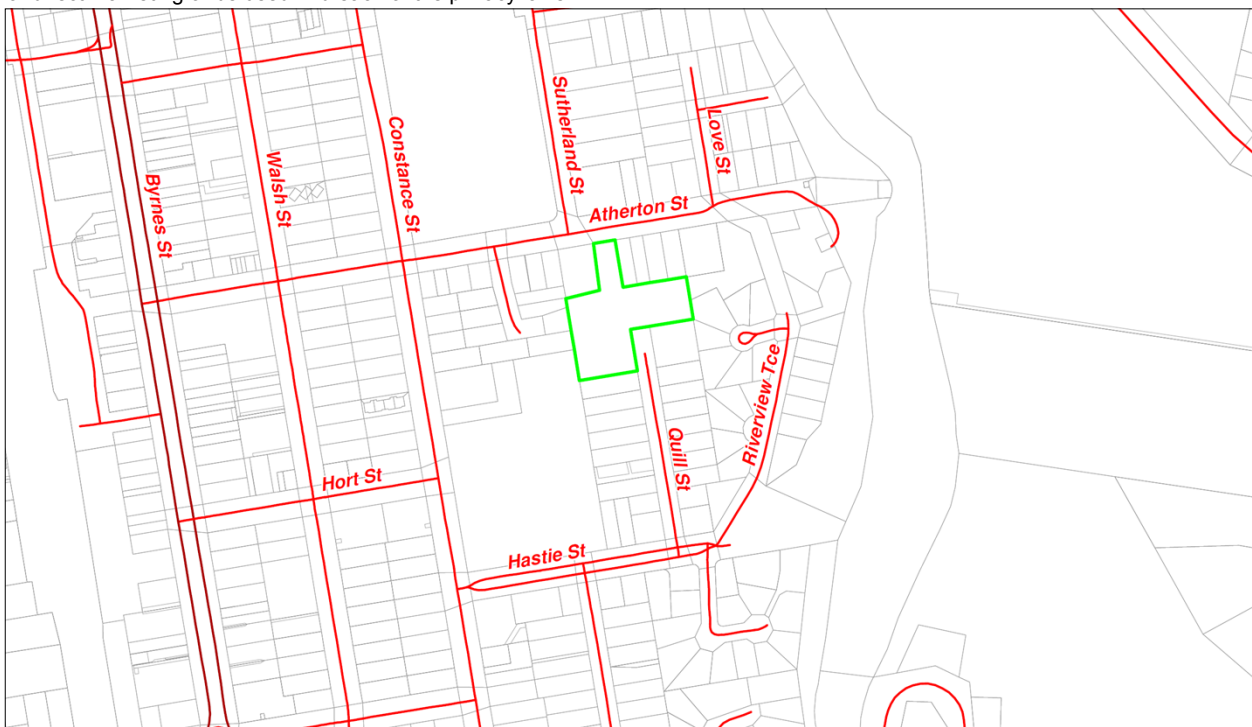
The sites only improvements are situated at the northern end of the site fronting Atherton Street and include a dwelling and 3 outbuildings. The rear of the site remains unimproved and is mostly cleared with some mature vegetation scattered across the site. The rear of the site has an undulating topography with a large drain/waterway running through it from the southern end of the site through to the eastern side of the site which is responsible for draining water from a number of properties to the south of the site. All surrounding lots are zoned Medium density residential and contain a mix of uses including dwelling houses, units, a respite centre and Primary School (Saint Thomas's).





**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

Council has previously issued the following approvals over the subject land:

- REC/08/0102 - Reconfiguring a Lot - Subdivision (1 into 2 lots only) - October 2008
- REC/10/0030 - Reconfiguring a Lot - Subdivision (1 into 2 lots only) - February 2011

Both development approvals were not acted upon and have lapsed.

## 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 lots are as follows:

- Lot 21 - area of 1,174m<sup>2</sup>, 22.83 metres of frontage to Atherton Street; and
- Lot 22 - area of 8,407m<sup>2</sup>, approximately 68 metres of frontage to Quill Street.

Both lots will be connected to all urban services.

## 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 Regional Activity Centre in the Regional Plan. The subject site contains no areas of ecological significance.

## PLANNING SCHEME DESIGNATIONS

	<b>Land Use Categories</b>
	<ul style="list-style-type: none"><li>▪ Residential Area</li></ul>
Strategic Framework:	<b>Natural Environment Elements</b>
	<ul style="list-style-type: none"><li>▪ Biodiversity Area</li></ul>
Zone:	Medium Density Residential zone
Overlays:	<ul style="list-style-type: none"><li>▪ Airport environs overlay</li><li>▪ Environmental Significance Overlay</li><li>▪ Flood Hazard Overlay</li></ul>

## 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:

- 6.2.7 Medium density residential zone code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard 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
Medium density residential zone 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 can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood 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).
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	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

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

A condition will be attached to any approval requiring all development works 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 residential 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 one (1) additional residential lot.

\$18,000.00 x 1 (lot) = **\$18,000.00**

**REFERRALS**

The application did not trigger a referral to a Referral Agency.

**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 27 June 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 29TH day of JUNE 2018



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## ATTACHMENT 1

## PROPOSAL PLANS

