

**DELEGATED REPORT**

**SUBJECT:** D & E HICKS - RECONFIGURING A LOT - SUBDIVISION (3 LOTS INTO 5 LOTS) IN TWO STAGES - LOT 8 ON SP101840, LOT 2 ON MPH25215 & LOT 39 ON RP896886 - 5 & 7 ADAMS STREET AND 50 DOYLE STREET, MAREEBA - RAL/18/0023

**DATE:** 11 April 2019

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	D & E Hicks	<b>ADDRESS</b>	5 & 7 Adams Street and 50 Doyle Street, Mareeba
<b>DATE LODGED</b>	10 July 2018	<b>RPD</b>	Lot 8 on SP101840, Lot 2 on MPH25215 and Lot 39 on RP896886
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (3 lots into 5 lots) in two stages		

<b>FILE NO</b>	RAL/18/0023	<b>AREA</b>	Lot 8 - 1,703m2 Lot 2 - 875m2 Lot 39 - 1,063m2
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	D & E Hicks
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Medium Density Residential zone		
<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 applicants propose the rearrangement of boundaries and subdivision of 3 existing lots within the Medium Density Residential zone to create 5 lots total (2 additional) over two stages. The*

*application and supporting material has been assessed against the Planning Scheme and is not in conflict with any aspect of the assessment benchmarks contained within the Planning Scheme.*

*Each of the 5 lots will meet the Planning Scheme's minimum size and frontage requirements for new lots within the Medium Density Residential zone, and will be conditioned to meet minimum service requirements, including the upgrade of Adams Street. 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:

APPLICATION		PREMISES	
<b>APPLICANT</b>	D & E Hicks	<b>ADDRESS</b>	5 & 7 Adams Street and 50 Doyle Street, Mareeba
<b>DATE LODGED</b>	10 July 2018	<b>RPD</b>	Lot 8 on SP101840, Lot 2 on MPH25215 and Lot 39 on RP896886
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (3 lots into 5 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 (3 lots into 5 lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8193-LL Rev B	Hicks Development Plan	Twine Surveys Pty Ltd	2019.3.19

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

(a) Development assessable against the Planning Scheme

For Stage 1 & 2

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 for each Stage must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each, 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.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

- 4.1.1 An access crossover for each allotment, must be constructed and maintained, from the edge of the road pavement, to the property boundary of each respective allotment, in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback kerbing along the frontage of each lot will satisfy this requirement.

- 4.1.2 Prior to the endorsement of a survey plan for Stage 1, a reinforced concrete driveway shall be constructed to Lot 4 (from the edge of the Adams Street Kerbing to the body of Lot 4), to the satisfaction of Council's delegated officer. The driveway must include:

- a minimum formation width of 3 metres
- one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

##### 4.2 Frontage works - Adams Street

- 4.2.1 Prior to the signing of the plan of survey for Stage 1, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- (i) The development side of Adams Street only, for the full frontage of the subject land, must be widened and layback kerb and channel installed, to match the existing formation width of the northern sections of Adams Street (approx. 8.5 metre formation width).

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

- (ii) The end of Adams Street must be upgraded/constructed to include a turn-around facility ("t" head) designed to allow vehicles to turn around within the road reserve only. The detailed design of the turn around facility should be approved by Council's delegated officer prior to the lodgement of any subsequent operational works application.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

- 4.2.2 The agreed cost of works and land required under Condition 4.2.1(ii) will be credited against the infrastructure charges payable under the Adopted Infrastructure Charges Notice. A written itemised quote from a

civil contractor to determine the cost of the works must be provided and accepted by Council's delegated officer.

#### 4.3 Stormwater Drainage

- 4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of each stage 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.
- 4.3.2 All stormwater drainage must be discharged to an approved legal point of discharge.

#### 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.
- 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 lot 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 lot 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) 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.

- (f) 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.

- (g) 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.

- (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

- Development Permit for Operational Works

(G) 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
	\$ per Lot	Lots		Lots	
For Stage 1 (1 Additional Lot)					
Residential	\$18,340.00	4	\$73,360.00	3 lot (\$18,340.00)	\$18,340.00
For Stage 2 (1 Additional Lot)					
Residential	\$18,340.00	2	\$36,680.00	1 lot (\$18,340.00)	\$18,340.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$36,680.00</b>

## THE SITE

The subject land is described as follows:

- Lot 39 on RP896886, area of 1,063m<sup>2</sup>, approximately 46 metres of frontage to Adams Street;
- Lot 2 on MPH25215, area of 875m<sup>2</sup>, approximately 47.9 metres of frontage to Adams Street.
- Lot 8 on SP101840, area of 1,703m<sup>2</sup>, approximately 31.905 metres of frontage to Doyle Street.

Lot 39 is improved by a dwelling and shed situated on its northern half. The southern half remains vacant.

Lot 2 is vacant and is informally used by vehicles to turn around at the end of Adams Street. This informal use is due to the lack of a cul-de-sac head at the end of Adams Street. The large mature tree previously established on the common boundary of Lots 39 and 2 has been removed.

Lot 8 is developed with a dwelling house and a newly erected shed. The dwelling house presents to the Doyle Street frontage.

Reticulated water and sewerage infrastructure services the three lots and can be made available to the proposed development.

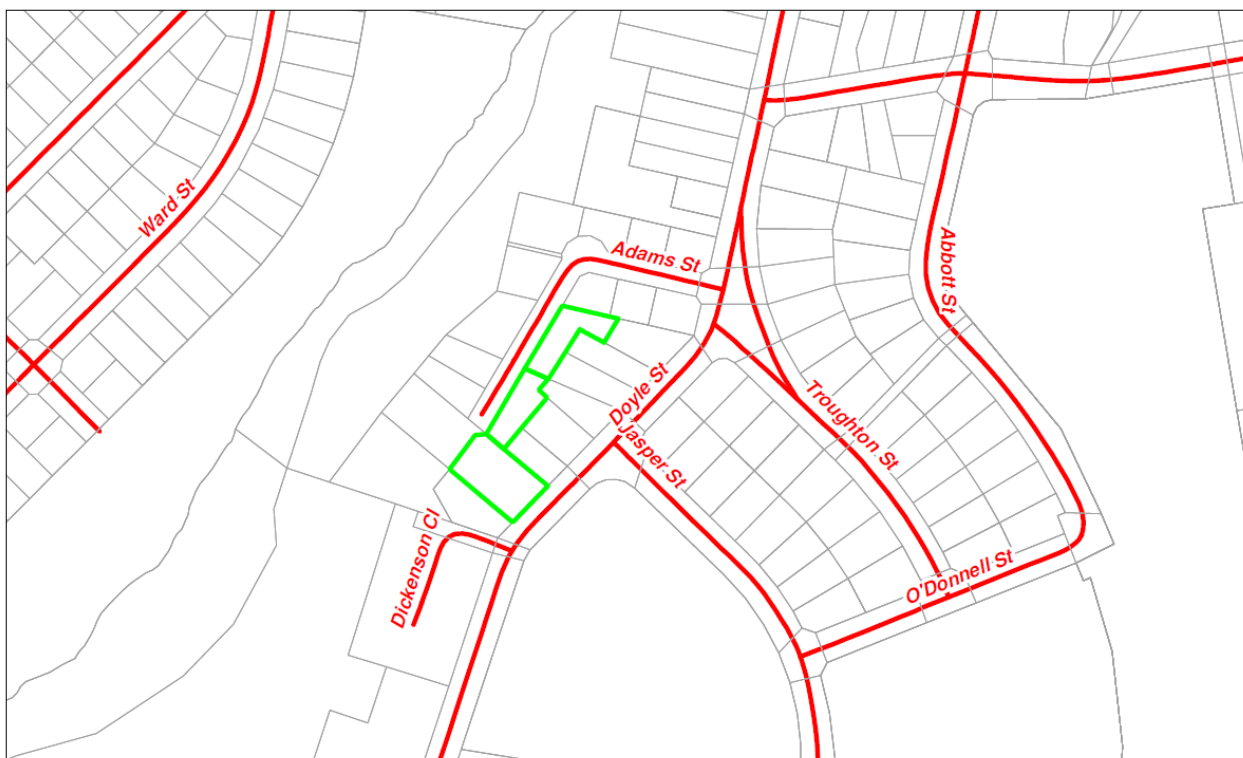
Lots surrounding the subject land are zoned Low Density Residential and primarily contain single detached dwellings.



**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 (3 lots into 5 lots) in accordance with the plans shown in **Attachment 1**.

The proposed allotments are:

- Lot 1, area of 684 square metres, frontage of approximately 21.589 metres to Adams Street;
- Lot 2, area of 494 square metres, frontage of approximately 30.542 metres to Adams Street;
- Lot 3, area of 697 square metres, frontage of approximately 45.216 metres to Adams Street;
- Lot 4, area of 674 square metres, frontage of approximately 9.12 metres to Adams Street;
- Lot 5, area of 1,039 square metres, frontage of approximately 31.905 metres to Adams Street.

Lots 1 and 5 will both contain established dwellings, while Lot 1 will also contain an existing shed. Lots 2, 3 and 4 will be vacant at the time of their creation.

Each lot will be fully serviced with a connection to the reticulated water supply, reticulated sewerage network, access to telecommunications and electricity infrastructure.

## 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*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b>
	<ul style="list-style-type: none"> <li>▪ Residential Area</li> </ul>
Zone:	Medium Density Residential zone
	<ul style="list-style-type: none"> <li>▪ Airport environs overlay</li> <li>▪ Bushfire hazard overlay</li> <li>▪ Environmental significance overlay</li> <li>▪ Transport infrastructure overlay</li> </ul>
Overlays:	

## 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
- 8.2.2 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.

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).
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 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	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).

#### (e) Planning Scheme Policies

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) 2019, a charge of \$18,340.00 will apply to each additional residential allotment created.

The \$18,340.00 charge was derived from a \$4,585.00 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 two (2) additional residential lots.

$\$18,340.00 \times 2 \text{ (lot)} = \underline{\underline{\$36,680.00}}$

**REFERRALS**

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

**Internal Consultation**

Technical Services

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 11 April 2019

## DECISION BY DELEGATE

## DECISION

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

Dated the 11<sup>TH</sup> day of APRIL 2019



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## ATTACHMENT 1

## PROPOSAL PLANS

