

ORDINARY MEETING 5 MAY 2015	5.2
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RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 2 LOTS & ACCESS EASEMENT) - 53 ENDEAVOUR STREET PORT DOUGLAS
Neil Beck, Planning Officer: ROL 722/2015 #452592

PROPOSAL: RECONFIGURING A LOT (1 LOT INTO 2 LOTS & ACCESS EASEMENT)

APPLICANT: A VIOLA & S A VIOLA
C/- RPS AUSTRALIA EAST PTY LTD
PO BOX 1949
CAIRNS QLD 4870

LOCATION OF SITE: 53 ENDEAVOUR STREET PORT DOUGLAS

PROPERTY: LOT 144 ON RP747296

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: RESIDENTIAL 1

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: NONE APPLICABLE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: 7 MAY 2015

APPLICATION DATE: 5 MARCH 2015

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. INFRASTRUCTURE CHARGES NOTICE

LOCALITY PLAN



RECOMMENDATION:

That Council approves the development application for Reconfiguration of a Lot (1 Lot into 2 Lots and Access Easement) over land described as Lot 144 on RP747296, located at 53 Endeavour Street, Port Douglas, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Reconfiguration of a Lot prepared by RPS Group	PR125276-1	2/3/2015

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Amendment to Design

3. Demonstrate by way of swept path diagrams that a vehicle can enter and exit proposed Lot 2 in forward gear. This may require amendment to the internal boundaries between proposed Lot 1 and 2, and/or an alternative car accommodation arrangement within proposed Lot 2.

Relocation of Services

4. Provide written evidence from a licensed surveyor that all services (water, storm water, telecommunications and power) are contained within each respective lot.

Sewerage Works Internal

5. Undertake the following sewerage works internal to the land:
 - a. Augment the existing sewer main to provide Lot 2 with an internal sewer connection and connect the house drain to this new location point;
 - b. Provide Lot 1 with a separate internal sewer and connect the house drain to this new location point for the existing building.

The above works constitutes Operational Works. The above works must be designed and constructed in accordance with a Development Permit for Operational Works and the *FNQROC Development Manual*.

Access Easement/s

6. Create an access easement to allow vehicle access over proposed Lot 2 in favour of proposed Lot 1. The approved easement documents must be submitted at the same time as seeking a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Lawful Point of Discharge

7. All stormwater from proposed Lot 1 must be directed to a lawful point of discharge, being Endeavour Street, to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

9. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

Building & Plumbing Works

10. Evidence of a Development Permit for Building Work and Plumbing Work and associated Final Certificates for the self-contained residential dwelling unit on proposed Lot 1 must be provided to Council prior to issue of a Compliance Certificate for the Plan of Survey.

Alternatively, in the absence of a Development Permit for Building & Plumbing Work, retrospective approvals and certificates must be obtained and supplied to Council prior to the issue a Compliance Certificate for the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 2 years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

3. A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

4. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

EXECUTIVE SUMMARY:

Application has been made to subdivide a self-contained residential unit from a lot located at 53 Endeavour Road, Port Douglas. The proposed lot that contains the existing self-contained residential unit does not meet the minimum lot size for subdivision in the Residential 1 Planning Area as detailed in the Planning Scheme. However, the proposed subdivision will not have any significant impacts on the infrastructure, environment or amenity of the surrounding area.

Approval of the application is therefore recommended, subject to conditions.

TOWN PLANNING CONSIDERATIONS:**Background**

The proposed allotment is developed with two independent residential dwelling units. The dwelling at the rear of the premises is the primary dwelling on the allotment and was approved for construction in November 2001.

In November 2001, the owners lodged an application for a material change of use to convert a garage at the front of the premises into a dwelling house / attached flat (MCU 3B 041/02).

Under the 1996 Planning Scheme, the proposed development was deemed to be permitted development, subject to conditions (ie. a column 3B use). At Council's Ordinary Meeting held on 10 December 2002, Council refused the application, contrary to the officer's recommendation to grant an approval, subject to conditions.

A building application was also lodged for the dwelling house/attached flat in November 2002. However this application was subsequently withdrawn and the application fee refunded. There is no record of a planning appeal against Council's decision to refuse the application, or any evidence of further approvals with respect to the dwelling unit that is now established at the front of the premises. The allotment has subsequently been on-sold to new owners.

Proposal

The proposal is to excise the self-contained residential dwelling unit located on the front of the premises from the detached dwelling house at the rear of the allotment. Each dwelling will be located on its own freehold allotment, with access provided by a 4 metre wide access easement to the rear dwelling house. The rear allotment will contain 1150m² (with 1000m²) clear of the access easement and the front allotment will contain 600m². No further building works are necessary to achieve the subdivision.

Douglas Shire Planning Scheme Assessment

The land is included with the Residential 1 planning area with the reconfiguration of land being code assessable development.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs	✓	Complies
Planning Area	Residential 1	✓	Complies
Defined Use	House	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✓	Complies (No works are proposed that would interfere with acid sulfate soils)
	Cultural Heritage and Valuable Sites Code	✗	
	Natural Hazards Code	✗	
General Codes	Design and Siting of Advertising Devices Code	✗	
	Filling and Excavation Code	✗	
	Landscaping Code	✗	
	Natural Areas and Scenic Amenity Code	✗	
	Reconfiguring a Lot Code	✓	See below
	Vehicle Parking and Access Code	✗	
	Sustainable Development Code	✗	

Compliance Issues

Reconfiguring a lot code

Lot size

The front allotment is 600m² in area. The minimum acceptable lot size in the Residential 1 planning area is 800m². For all intents and purposes, the two dwelling houses and their access arrangement have functioned as independent entities on the land for a number of years. No further works are proposed to achieve the proposed subdivision and therefore the proposed development will not have any impact on infrastructure, appearance or the amenity of the area, despite the non-compliance.

Open space contribution

Open space was dedicated as part of the original subdivision – no further monetary contribution is deemed to be necessary to facilitate this development.

Servicing

Evidence of separate service connections is required prior to Council endorsing a survey plan for the subdivision.

Building works

Council has no evidence of any building or plumbing works approval for the site. Prior to endorsing a survey plan for the proposed subdivision, evidence of such approvals must be supplied to Council or, alternatively, retrospective approvals obtained and associated final certificates supplied to Council.

Public Notification / Submissions

The application is code assessable and is not subject to public notification.

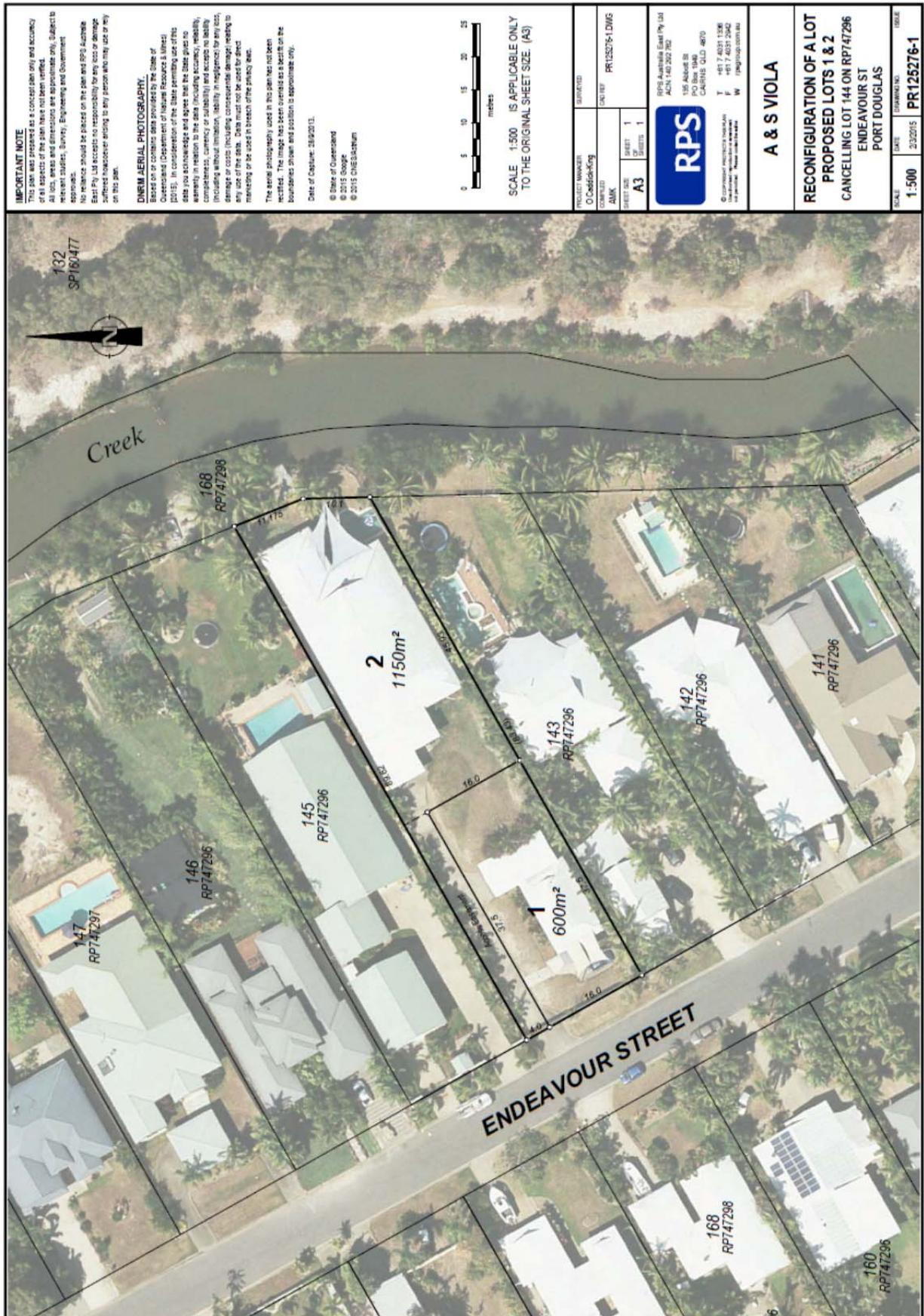
ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 2 to view calculations.

COUNCIL'S ROLE

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the Assessment Manager for the application.

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)



APPENDIX 2: INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications				
INFRASTRUCTURE CHARGES NOTICE						
A Viola & S A Viola		N/A				
DEVELOPERS NAME		ESTATE NAME				
53 Endeavour Street		Port Douglas				
STREET No. & NAME		LOT & RP No.s				
ROL		31-Dec-14				
DEVELOPMENT TYPE		COUNCIL FILE NO.				
452957		1				
DSC Reference Doc. No.		VERSION No.				
		R&B INDEX QUARTER ENDING				
		This logsheet is indexed appropriately only for payments made within the quarter noted above.				
		VALIDITY PERIOD				
DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
WATER						
Existing	11 6,547.95 X	1.00	0.00	\$6,547.95		861GL 07470.0135.0823
Proposed	11 647.61 X	1.00	0.00	\$647.61		875 GL 07470.0135.0824
Port Douglas Water sub - total				\$7,195.56		
SEWERAGE						
Existing	5 3,806.13 X	1.00	0.00	\$3,806.13		885 GL 07480.0135.0823
Proposed	5 314.84 X	1.00	0.00	\$314.84		891 GL 07480.0135.0824
Pt D Portions 10% Sewerage sub - total				\$4,120.97		
OPEN SPACE						
DSC Area				\$0.00		894 GL 07230.0135.0825
Off-Site Car Parking				\$0.00		
TOTAL				\$11,316.53		
Prepared by	Neil Beck		on	22-Apr-15	Amount Paid	
Checked by	J Elphinstone		on	23-Apr-15	Date Paid	
Date Payable			Date			
Amendments			Date		Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au