

5.3. RECONFIGURING A LOT (1 LOT INTO 4 LOTS) 142R TATI ROAD MIALLO

REPORT AUTHOR(S)	Neil Beck, Planning Officer
GENERAL MANAGER	Nicholas Wellwood
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Reconfiguring a Lot (1 lot into 4 lots)
APPLICANT	J Marano & S Marano c/- Veris, PO Box 7627 CAIRNS QLD 4870
LOCATION OF SITE	142R Tati Road Miallo
PROPERTY	Lot 73 on RP240928

LOCALITY PLAN

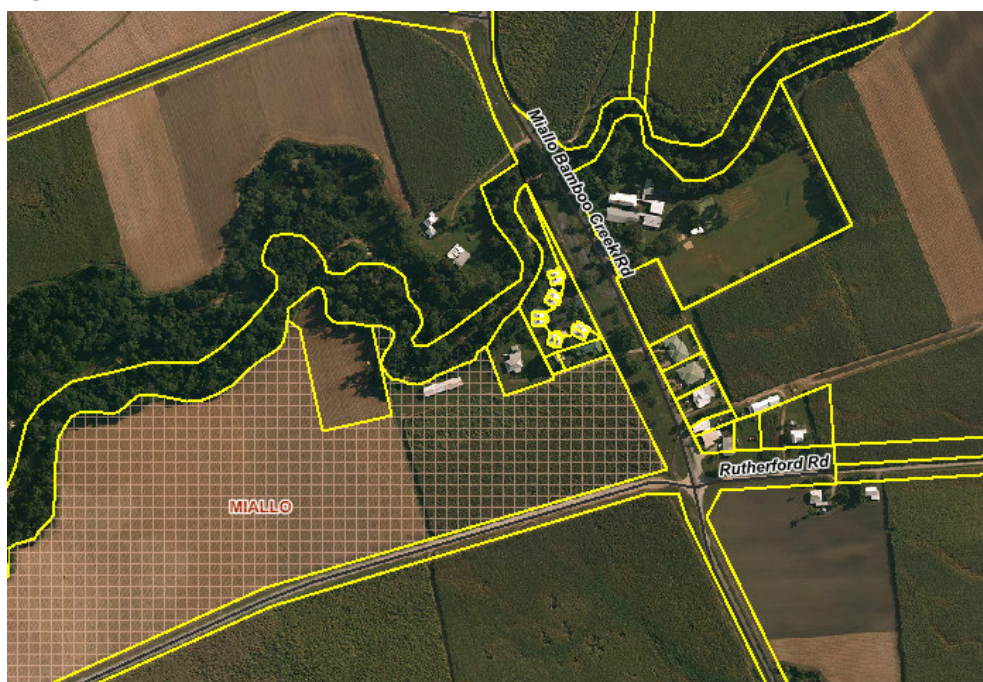


Figure 2 - Locality Plan

LOCALITY	Rural Areas and Rural Settlements
PLANNING AREA	Part Rural & Part Rural Settlement
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	None Applicable
NUMBER OF SUBMITTERS	Not Applicable
STATUTORY ASSESSMENT DEADLINE	12/12/2017
APPLICATION DATE	17/03/2017

RECOMMENDATION

- A. That Council approves the development application for (1 lot into 4 lots) over land described as Lot 73 on RP240928, located at 142R Tati Road Miallo, 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
Proposed Lots 1-3 & 5	Drawing No. 32204PP-01 Revision E	16 September 2017

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; and
 - 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 Council endorsing the Plan of Survey, except where specified otherwise in these conditions of approval.

Drainage

- 3. Undertake drainage investigations of the site and surrounds to determine the following:-**
 - a. The finished surface levels of the lots to achieve immunity from a 100 year ARI event and extent of earthworks required to achieve the required immunity;**
 - b. Detail the lawful point of discharge for each allotment along with any necessary drainage easements, the profile of the drainage easement and supporting stormwater calculations;**
 - c. Nominate the minimum floor level for the future houses to provide immunity to the 100 year ARI flood event including the appropriate freeboard as required by the Queensland Urban Drainage Manual; and**
 - f. Information on the drainage outlet(s) from the proposed development.**

The above investigations must be endorsed by an RPEQ and submitted to Council as supporting documentation to an Operational Works application. All works must be undertaken in accordance with approved plans prior to Council endorsing the Plan of Survey.

Fencing

- 4. A timber paling fence having a minimum height of 1.8 metres is to be installed along the rear boundary of proposed Lots 1 – 3 inclusive. The height of the fence will need to increase in the south western portion of Lot 3 to maintain a minimum height of 1.8 metres above finished lot levels. Details of the fence are to be provided as part of the Operational Works application.**

Stockpiling and Transportation of Fill Material

- 5. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.**

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or**
- b. before 7:00 am or after 6:00 pm Monday to Friday; or**
- c. before 7:00 am or after 1:00 pm Saturdays; or**
- d. on Sundays or Public Holidays.**

6. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

7. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

8. An erosion and sediment control plan (ESC Plan) must be submitted prior the issue of a Development Permit for Operational Works for any filling proposed on the land. The measures detailed on the ESC Plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Existing Services

9. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with seeking Council endorsement of the Plan of Survey creating the lot.

Electricity Supply

10. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to Council endorsing the Plan of Survey.

Electricity and Telecommunications

11. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both electricity supply and telecommunications service will be provided to the development prior to Council endorsing the Plan of Survey.

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act 2009*.**
- 2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.**
- 3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**

Infrastructure Charges Notice

- 4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.**

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

- B. The following notation will be placed on Council's future rates record in respect of the proposed Lots 1-3 inclusive:**

A cane railway line exists along the frontage of the lot which may give rise to noise and dust issues during times of cane harvesting.

- C. The following notation will be placed on Council's future rates record in respect of the proposed Lot 2:**

The vehicle crossing over the cane railway line must be constructed in accordance with the Cane Railway - Standard Road Crossing (#831679)

EXECUTIVE SUMMARY

Application has been made to subdivide land at 142R Tati Road Miallo into four (4) lots. The land is formally described as Lot 73 on SP240928 with a total site area of 27.18 hectares.

The application has been assessed against applicable codes within the Planning Scheme and found to be consistent with the desired outcomes sought by the codes.

The application was lodged under the Sustainable Planning Act 2009 and therefore will be determined under SPA.

Approval of the application is recommended subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The land is located at 142R Tati Road Miallo and is described as Lot 73 on SP240928. The site is irregular in shape with road frontage of approximately 140 metres to Miallo Bamboo Creek Road and approximately 1.6 kilometres to Tati Road.

The property is, for the most part, relatively level with a slight fall from east to west. The majority of the site is used for sugar cane production.

The parcel of land has a split zoning with the area of land fronting Miallo Bamboo Creek Road being contained within the Rural Settlement Planning Area. The balance of the land is contained within the Rural Planning Area. The eastern boundary of proposed Lot 5 aligns with the different designations of the land.

The proposed reconfiguration seeks to subdivide the land contained within the Rural Settlement Planning Area from the parent parcel and further reconfigure that land to create an additional three (3) lots. The balance of the rural zoned land will be contained within proposed Lot 5.

A cane railway line is present along Miallo Bamboo Creek Road adjacent the frontage of the site. Overhead power lines are also present along the frontage of the site and traverse through a section of proposed Lot 1. Both these items are discussed in the body of the report.

Proposal

The layout plan is included in Attachment 1.

The application involves the subdivision of the land into four (4) lots as follows:

Lot 1 – 2919m²

Lot 2 – 2919m²

Lot 3 – 2829m²

Lot 5 – 25.98 hectares

Lot 1 will be accessed from the existing driveway adjacent the northern boundary. New accesses will be constructed to service the other two lots. The location of the accesses will be determined at the time houses are developed on the lots.

Proposed Lot 5 will contain the existing dwelling and sheds which are located in the far western portion of the site and accessed via Tati Road.

State Planning Requirements

The proposed development is consistent with State Planning Policy Requirements and the Far North Queensland Regional Plan.

Douglas Shire Planning Scheme Assessment

The site is zoned part Rural Settlement and part Rural and is located within the Rural Areas and Rural Settlements Locality. Lot reconfiguration in the Rural and Rural Settlement Planning Area is code assessable development.

Given the split zoning of the land, an assessment has been undertaken against the outcomes sought for the Rural Settlement Planning Area and the further reconfiguration of that area of land to create additional lots.

Table 1.

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applic- ability	Compliance
Locality	Rural Areas and Rural Settlements	✓	Complies
Planning Area	Part Rural & Part Rural Settlement	✓	Complies
Defined Use			
Overlay Codes	Acid Sulfate Soils Code	✓	The triggers in the code do not apply to the proposed reconfiguration
	Natural Hazards Code	✓	The triggers in the code do not apply to the proposed reconfiguration, with the land being part of the Low Risk Bushfire Hazard area
General Codes	Design and Siting of Advertising Devices Code	x	Not applicable
	Filling and Excavation Code	x	Not applicable
	Landscaping Code	x	Not applicable
	Natural Areas and Scenic Amenity Code	x	Not applicable
	Reconfiguring a Lot Code	✓	See comment below

Compliance Issues

The nominated minimum lot size for the Rural Settlement Planning Area is 4000m². While the proposed lot sizes are below 4000m², the proposed lot sizes satisfy the Performance Criteria applicable to the reconfiguration of the land in that:

- The rear boundary of the proposed lots aligns with Rural and Rural Settlement Planning Areas which is a logical location for the lot boundaries;
- The residential enclave at Miallo is characterised by a range of large residential lots that are typically smaller than the minimum lot size specified in the Rural Settlement Planning Area. The proposed lots are consistent with the character of the existing pattern of development in Miallo;
- The lots are of a sufficient size to provide for rural settlement type living. The lots are regular in shape and are of a sufficient size to accommodate a dwelling, associated outbuildings and onsite effluent facilities while providing for a high level of amenity.
- The land is relatively flat and unconstrained with respect to landscape features such as vegetation and slope; and
- A condition of approval requires a fence be installed at the rear of the lots separating the cane land from residential allotments.

Cane Railway

During the assessment of the application, the applicant was requested to liaise with Mackay Sugar in relation to the new access required for proposed Lot 2. Mackay Sugar advised there is no issue with the proposed access provided the access is constructed in accordance with the standard road crossing detail. The standard drawing is attached to the approval – see Attachment 3.

Mackay Sugar also raised the issue of cane railway operations during harvesting may be an inconvenience to the proposed lots and understandably, advised that it would take no responsibility for this circumstance. Mackay Sugar suggested fencing and landscaping be installed to reduce potential impacts. While the suggestion from Mackay Sugar is valid, the installation of front fencing and landscaping would be best served once houses are placed on the site. However, to ensure future owners are aware of the cane railway, a rates notation is proposed to be placed on each of the proposed allotments bringing their attention to the presence of the cane railway.

An additional notation regarding the construction of vehicle access over the cane rail has been added to proposed Lot 2.

Overhead Power Line

The Applicant was requested to liaise with Ergon as an overhead power line traverses the northern portion of Lot 1. Ergon raised no issues with the location of the line and requested

that a wayleave agreement be entered into to protect the ongoing use of the power line for the adjoining allotments.

A condition of approval adequately covers the issue of the provision of power supply to the proposed development and protection of the service to adjacent allotments.

Referral Agency Requirements

The proposed development did not trigger referral to State agencies.

Public Notification / Submissions

The application is code assessable development under the Planning Scheme and therefore public notification is not required.

ADOPTED INFRASTRUCTURE CHARGES

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

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

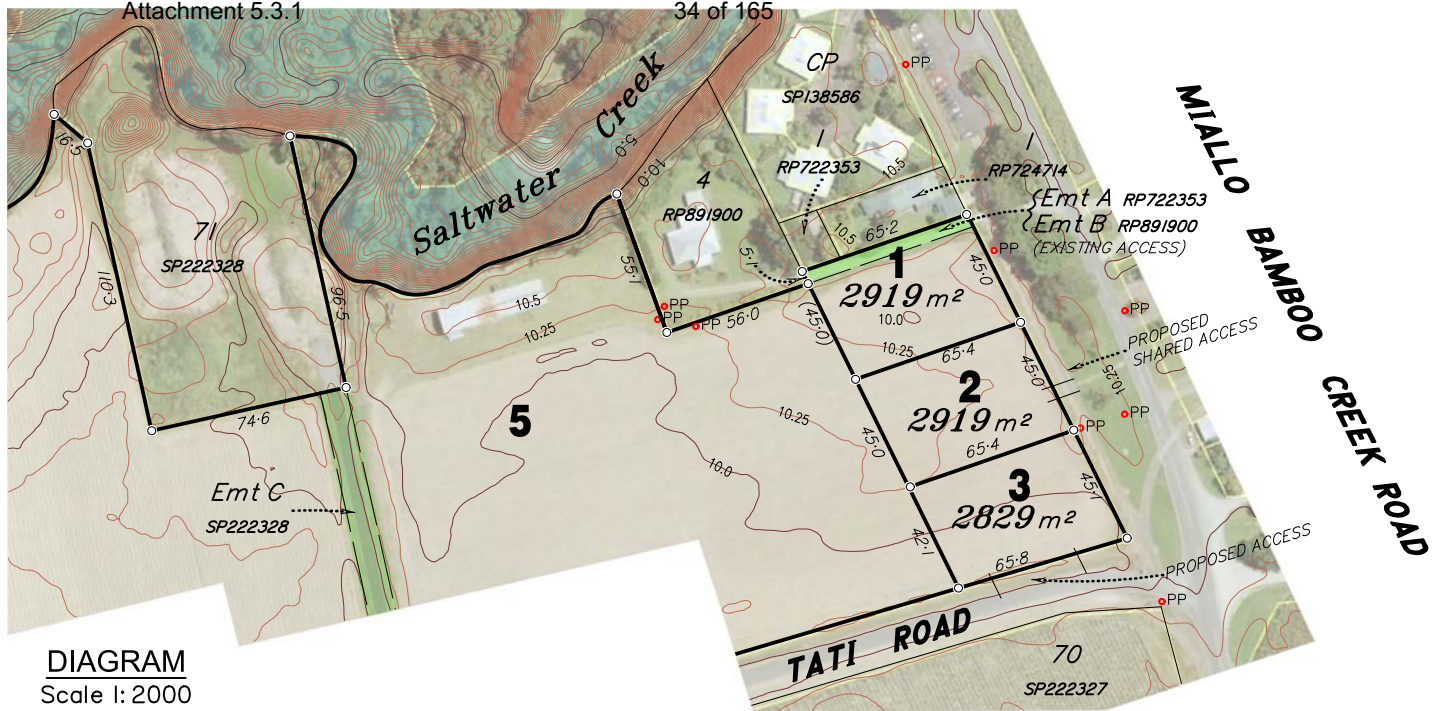
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

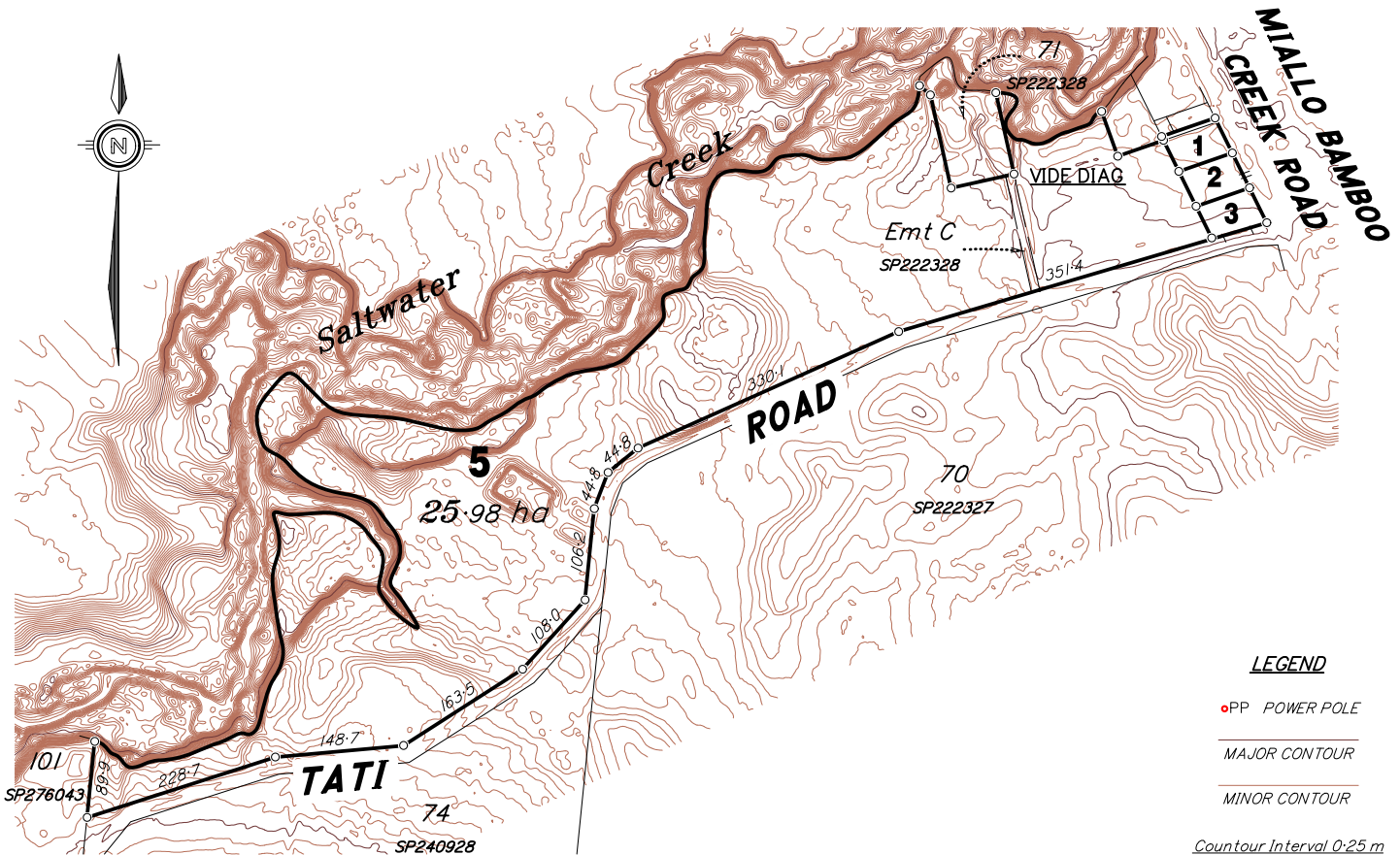
ATTACHMENTS

1. Attachment 1 - Approved Plan **[5.3.1]**
2. Attachment 2 - Infrastructure Charges - Tati Road **[5.3.2]**
3. Attachment 3 - Cane Railway - Standard Road Crossing **[5.3.3]**



Scale 1:2000 - Lengths are in Metres

20 0 20 40 60 80 100 120 140 160 180 200 220 240 260 280



Scale 1:6000 - Lengths are in Metres

100 0 100 200 300 400 500 600 700 800

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IMPORTANT NOTES:
(These notes are an integral part of this plan)
This plan has been prepared for Salvatore & Joseph Marano for the purposes of a proposal plan.
It is not to be used by any other person or corporation or for any other purposes and is subject to the following limitations:
The dimensions, areas and total number of lots shown hereon are subject to Local Authority approval, field survey and preparation of final plan of survey.

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February 2017

Data Sources
Cadastral Boundaries SP240928
Contours / Topographic DNRM LIDAR 2010
Aerial Images
Flood Level
Engineering Design
Architectural Design
Landscape Design

E	Remove proposed Lot 4	16/9/2017	MAT
D	Add LIDAR Contours	20/04/2017	SRL
C	Additional lot	06/04/2017	MAT
B	Amend boundary		
A	Original issue	17/02/2017	EN
Issue	Revisions	Date	Drawn

Locality: MIALLO
Local Authority: DOUGLAS SHIRE
Horizontal Meridian: SP240928
Vertical Level Datum:
Level Origin:
Scale: 1:6000 @A3
Surveyed:
Designed:
Drawn:
Checked:
Plot Date: 16/9/17
Computer File Ref: 32204PP-02E.dwg

**Proposed Reconfiguration
of a Lot**
For
Salvatore & Joseph Marano

Proposed Lots 1-3 & 5
Cancelling Lot 73 on SP240928



BRISBANE (07) 3666 4700
PROSERPINE (07) 4945 1722
MACKAY (07) 4951 2911
CAIRNS (07) 4051 6722

veris.com.au
ACN 604 671 374
Queenstand Surveying Pty Ltd, a Veris Company

Drawing No 32204PP-01
Issue E



2006 & 2008 Douglas Shire Planning Schemes Application

INFRASTRUCTURE CHARGES NOTICE

S & J Marano		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
142R Tati Road	Miallo	Lot 73 on RP240928	155751
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL	1967/2017	8-Nov-17	Four (4)
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (years)	
833428	1		
DSC Reference Doc . No.	VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	4	14,263.83	57,055.32		
			0.00		
existing	1	14,263.83	14,263.83		
Total			42,791.49		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
proposed	11				
existing	0	0.00			
Total					
TOTAL			42,791.49		

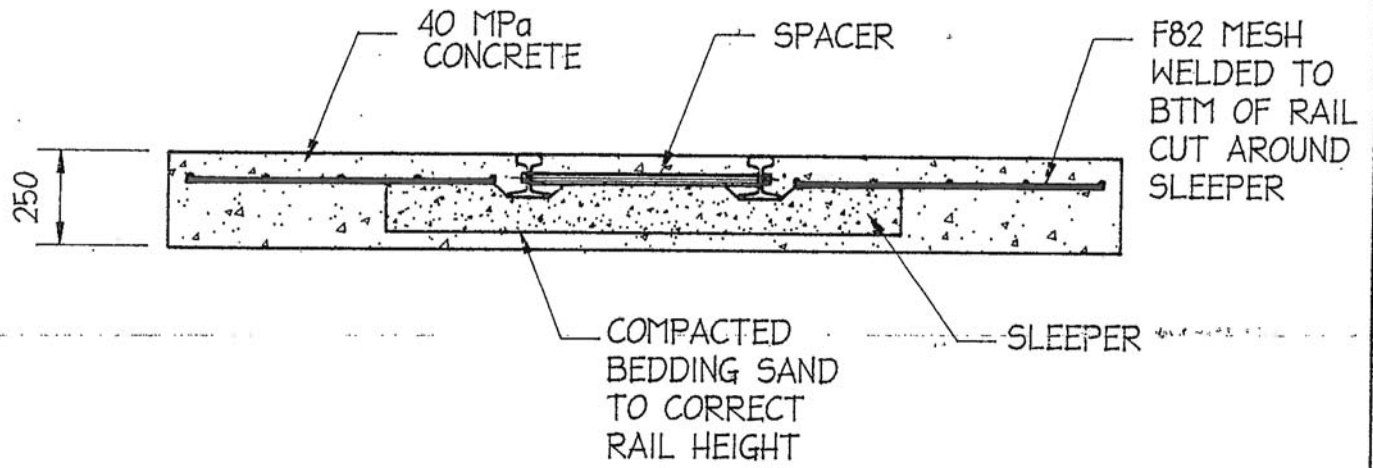
Prepared by	Neil Beck	8-Nov-17	Amount Paid	
Checked by	Dan Lamond	8-Nov-17	Date Paid	
Date Payable				
Amendments	Date	Receipt No.		
		Cashier		

Note:

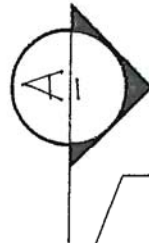
The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the *Sustainable Planning Act 2009 (SPA)*.

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

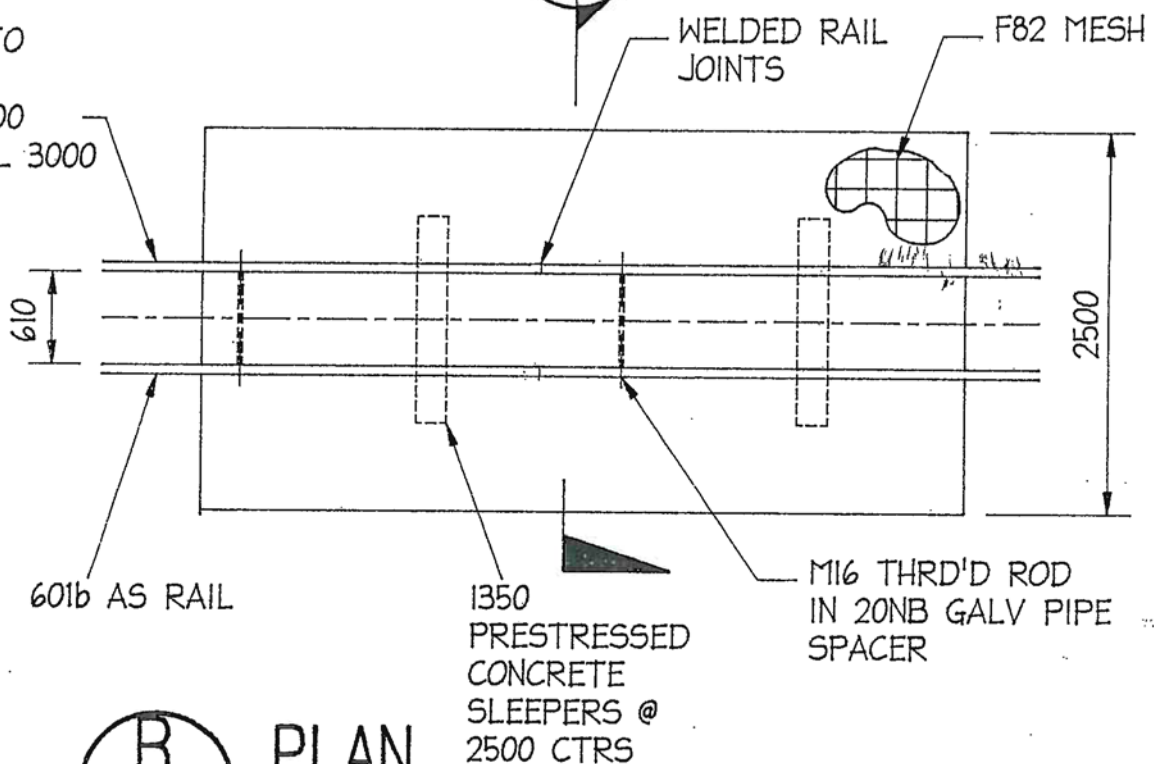
Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au



A SECTION
SCALE 1:20



MIN DIST TO RAIL JOINT
WELDED 1000
MECHANICAL 3000



B PLAN
SCALE 1:50

ORIGINAL



A.C.N. 009 657 103

Raw Sugar Manufacturing
Aquaculture

Telephone (070) 98 1400
Facsimile (070) 981628

PO Box 97
Mossman 4873
Queensland
Australia

Ordinary Council Meeting 21 November 2017

**CANE RAILWAY
STANDARD ROAD
CROSSING**

A	REDRAWN ISSUED FOR CONSTRUCTION	DF	2/4/97	
Rev	Description	By	Date	App
TITLE		Scale: 1:20, 1:40		
		Drn	HOLLOWAY	8/4/96
		Chk		
		App		
		DRG No	19/145	REVA