

**DELEGATED REPORT****TO:** SENIOR PLANNER**FROM:** Planning Officer**DATE:** 22 July 2019

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICATION NO:	OPW/19/0003		
RPD:	Lot 3 on RP804493	ADDRESS:	2 - 4 Thongon Street, Kuranda
APPLICANT:	J Selke	OWNER:	J, J & N Selke
LODGED BY:	J Selke	DATE LODGED	21 June 2019
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Operational Works (Vegetation Clearing and Earthworks)		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Medium Density Residential		

**ATTACHMENTS:**

1. Proposal Plan/s
2. Slope Stability Assessment dated 30 May 2019

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**THE SITE**

The subject site is situated at 2-4 Thongon Street, Kuranda, and is described as Lot 3 on RP804493. The site is regular in shape with an area of 2,003m<sup>2</sup> and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has frontage of approximately 43 metres to Thongon Street which is constructed to bitumen sealed standard including kerb and channel.

The site is unimproved and remains vegetated. Approximately 12 metres into the allotment from the front boundary the land slopes off steeply downhill to the rear of the lot. This land is included within the hill and slope area on the Hill and slope overlay mapping. The landowner/applicant proposes to clear a portion of the site and cut and bench the land to provide a level, stable building pad suitable for future dwelling construction.



**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.

## DESCRIPTION OF PROPOSED DEVELOPMENT

J Selke (a landowner) proposes to carry out vegetation clearing and subsequent earthworks (cut and fill works) to create a building pad for future dwelling construction as depicted on the submitted plan shown in **Attachment 1**.

Rodgers Consulting Engineers have provided construction guidelines/procedures for the proposed cut and fill earth works as well as a statement of compliance with the provision contained within the Hill and slope overlay code **Attachment 2**.

## MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

### 8.2.8 Hill and slope overlay code

#### 8.2.8.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is located within a 'Hill and slope area' identified on the **Hill and slope overlay maps (OM-008a-o)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Natural hazards are appropriately reflected in Overlay Maps 3, 6 and 8 and are required to be mapped by State Government in response to Hazard and Safety State Interests.

#### 8.2.8.2 Purpose

- (1) The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.

- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) Development is located to avoid sloping land where practical; and
  - (b) Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.

### 8.2.8.3 Criteria for assessment

**Table 8.2.8.3 – Hill and slope overlay code - For assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comment
<b>For assessable development</b>			
<b>Slope stability</b>			
<b>PO1</b> Where clearing of vegetation, building work or filling or excavation occurs on land within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> , a geotechnical report is prepared in accordance with Planning Scheme Policy 5 - Preparation of Geotechnical Reports that demonstrates: <ul style="list-style-type: none"> <li>(a) the long term stability of the development site;</li> <li>(b) development will not be adversely affected by landslide activity originating on sloping land above the development site; and</li> <li>(c) development will not adversely affect other property outside the development site through landslide activity or alterations to surface or groundwater.</li> </ul>	<b>AO1</b> No acceptable outcome is provided.	✓	<p>The land has a slope of approximately 26-27% where the proposed cut and fill (benching) work will be carried out.</p> <p>The proposed cut and fill work has been designed by Rodgers Consulting Engineers to ensure the long term stability of the development site (see Slope Stability Assessment prepared by Rodgers Consulting Engineers dated 30/5/2019 (<b>Attachment 2</b>))</p> <p>The site will not be affected by landslip activity originating above the site which is Thongon Street.</p> <p>The development will not adversely affect other property outside the development site.</p> <p>The proposed development will comply with PO1 and conditions will be attached to the approval ensuring the operational works is carried out as per the advice and standards contained within the Slope Stability Assessment.</p>
<b>PO2</b> Development is designed and located to ensure that the use can appropriately function in the 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> having regard	<b>AO2.1</b> Development for a Child care centre or Educational establishment is not located on land in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> .	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comment
to: (a) the nature and scale of the proposed use; (b) the gradient of the land; (c) the extent of land disturbance proposed; (d) stormwater discharge and its potential for erosion.	<b>AO2.2</b> Development is not located on land with a gradient of greater than 25%.	✓ Complies with PO2	Complies with PO2 - refer to comment for AO1/PO1. The earthworks are proposed to provide a level building platform on site which will allow for the construction of a dwelling house/s on the site which is consistent with its intended use being situated within the medium density residential zone.
	<b>AO2.3</b> No lot less than 2,000m <sup>2</sup> is created in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> .  Note – Where a minimum lot size of less than 2,000m <sup>2</sup> applies under the Reconfiguring a lot code, the lot size requirements of the Hill and slope overlay code prevail.	n/a	Not applicable.
<b>Community infrastructure and essential services</b>			
<b>PO3</b> Community infrastructure and essential services located within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> are able to function effectively during and immediately after landslide events.	<b>AO3</b> No acceptable outcome is provided.	n/a	Not applicable.

**OFFICER'S RECOMMENDATION**

1. That in relation to this operational works development application:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT:</b>	J Selke	<b>ADDRESS:</b>	2 - 4 Thongon Street, Kuranda
<b>DATE LODGED</b>	21 June 2019	<b>RPD:</b>	Lot 3 on RP804493
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works (Vegetation Clearing and Earthworks)		

and in accordance with the Planning Act 2016, as amended, the applicant be notified that the application for operational works is:

Approved subject to the following assessment manager conditions:

(A) APPROVED DEVELOPMENT: Operational Works (Vegetation Clearing and Earthworks)

(B) APPROVED PLANS:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
190053 Dwg No: SK.01	Earthworks Guidelines	Rodgers Consulting Engineers	4/07/2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

**(a) General**

- (i) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (ii) 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;
  - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
  - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) The operational works, including vegetation clearing must avoid those areas mapped as "wildlife habitat" as shown on the submitted plan (as "wildlife habitat overlay").

- (v) The operational works must be carried out in accordance with the design guidelines and construction procedures/standards included within the Slope Stability Assessment prepared by Rodgers Consulting Engineers dated 30/05/2019.
- (vi) Appropriate erosion and sediment control methods must be implemented on site to minimise off-site run-off, to the satisfaction of Council's delegated officer. The works must be inspected for sign-off by Council's delegated officer after completion to ensure appropriate erosion and sediment control measures have been put in place.

**(b) Hours of Work**

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - 7.00am to 6.00pm, Monday to Friday;
  - 7.00am to 1.00pm Saturdays;
  - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

**(c) Transportation of Soil**

- (i) 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 pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

**(D) RELEVANT PERIOD**

When approval lapses if development not started (s.85)

- Two (2) years (starting the day the approval takes effect).

**(E) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

- Nil

**Date Prepared:** 22 July 2019

## 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 22<sup>ND</sup> day of JULY 2019

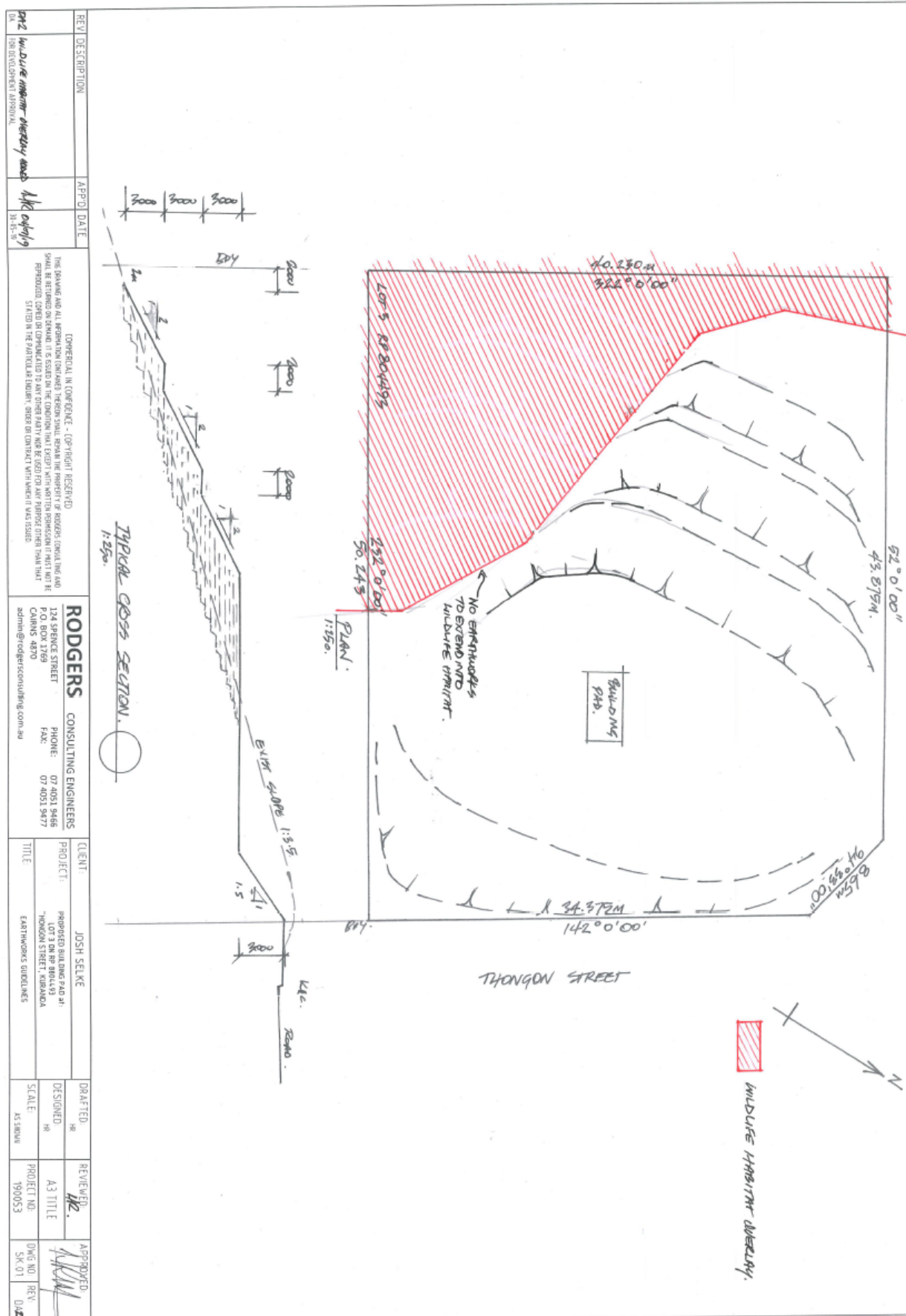


**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL



## ATTACHMENT 1





## ATTACHMENT 2

**RODGERS** CONSULTING ENGINEERS

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190053 HR/PM

30-05-2019

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To Whom It May Concern

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Heath Rodgers Consulting Engineers Pty Ltd

ABN: 30 610 855 368

RE: **Slope Stability Assessment**At **Lot 3 / RP 804493 – 2-4 Thongon Street, Kuranda**

We, being Professional Structural Engineers, hereby advise that we conducted a visual assessment of the subject site from a walk over on site and aerial survey contours. The site has a uniform slope to the west, away from Thongon Street of 1:3.5. There are no watercourses on the site.

From local experience, we can confirm that construction of fill batters of up to 1:2 and cut batters of 1:1.5 (providing a max height of 3m is adhered to) the slope will remain stable long term.

Refer Drawing 190053 / SK.01 for an indicative building pad construction.

- Strip top soil and any organic material from the site
- Key all fill into natural ground 300mm minimum
- Compact natural soils to 98% SRDD in layers not exceeding 200mm and using a 10t roller.
- Conduct compaction testing of all fill in accordance with AS3798
- Install sediment fences to downstream side of earthworks extent.

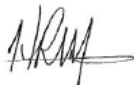
We further certify that following the above guidelines:

- a) The stability of the site will be maintained during the course of the works and will remain stable for its life;
- b) Development of the site will not increase the risk of landslide activity on other land including land above the site;
- c) The development will not adversely influence existing ground water and surface water paths;

Please do not hesitate to contact this office should you require clarification of any of the above.

Yours faithfully

RODGERS CONSULTING ENGINEERS



Heath P Rodgers

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