DELEGATED REPORT

TO: SENIOR PLANNER

FROM: Manager Technical Services FILE: OPW/17/0003

DATE: 23 October 2017

APPLICATION DETAILS

APPLICATION		i i	PREMISES		
FILE NO:	OPW/17/0003	ADDRESS:	Mareeba-Dimbulah Road, Mareeba		
APPLICANT:	Rodeo Acres Pty Ltd	RPD:	Lot 12 on SP146292		
LODGED BY:	Trinity Engineering ar Consulting Pty Ltd	d AREA:	17.83 hectares		
DATE LODGED:	14 September 2017	OWNER:	Rodeo Acres Pty Ltd		
TYPE OF APPROVAL:	Development Permit				
PROPOSED DEVELOPMENT:	Operational Works for Reconfiguring a Lot - Subdivision (1 into 8 lots) approval DA/16/0019				
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme - July 2016				
ZONE:	Rural zone				
LEVEL OF ASSESSMENT:	Code Assessment				

PREVIOUS APPLICATIONS & APPROVALS

DA/16/0019

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works for Reconfiguring a Lot - Subdivision (1 into 8 lots) approval DA/16/0019.

ASSESSMENT

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.

Relevant Development Codes

The following Development Codes are considered to be applicable to the assessment of the application:

6.2.9 Rural zone code

- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application did not include 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.

Relevant Codes	Comments		
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.		
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.		
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.		

Compliance with conditions of earlier related approval

DA/16/0019 - Reconfiguring a Lot - Subdivision (1 into 8 Lots)

- 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, subject to any alterations:
 - found necessary by 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.

General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 3.2 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.
- 3.3 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.

- 3.4 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.
- 3.5 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.
- 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 Prior to the endorsement of the plan of survey the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.
- 3.8 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.9 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.

3.10 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.11 Bushfire Management

- 3.11.1 Any new dwelling erected on each lot shall:
 - (a) be sited in locations of lowest hazard within the lot;
 - (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
 - (c) be sited 10 metres from any retained vegetation strips or small areas of vegetation;
 - (d) be sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard; and
 - (e) be provided with a source of water for fire fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

3.12 Charges

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

3.13 Rural Addressing

The applicant must pay a contribution per lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.14 Lot Layout and Building Envelopes

Lot layout and building envelopes shall be generally in accordance with the approved plan, in particular:

- (a) The approved building envelope plan is Drawing No. Sketch 1013-2 G. Prior to endorsement of the survey plan, the approved building envelope area must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (b) All habitable buildings must be located within the approved building envelope area.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of the road pavement of the proposed new internal road, to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

A bitumen sealed driveway shall be provided within any battle-axe lot access handle. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way cross fall 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 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a nonworsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards

of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Roadworks – Internal

Internal roads must be constructed to Rural Road standard, with 4.5 metre seal width, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.

4.4 Water Supply

- 4.4.1 Each Lot must be provided with a potable water supply via bore or by water rights to a perennial stream in accordance with Planning Scheme Policy No. 1 Water Supply (Outside Reticulated Water Supply Area).
- 4.4.2 Supply from a watercourse will be acceptable, provided the following can be demonstrated to the satisfaction of Council's delegated officer:
 - the watercourse has sufficient flow and is perennial in all but the driest years; and
 - the applicant can demonstrate that the Department of Natural Resources and Mines is prepared to grant a water licence for the proposed lot.

- 4.4.3 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.
- 4.4.4 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.
- 4.4.5 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- 4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.3 (minimum sustainable yield only), 4.4.4 and 4.4.5 above.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

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.

4.8 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

- 5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)
 - 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

- 5.2 The developer must pay \$4,425.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk parks and open space network servicing the land (\$4,425.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

REFERRALS

Internal Consultation

Manager Technical Services

OFFICER'S RECOMMENDATION

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

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TYPE OF APPROVAL	Development Permit			
PROPOSED DEVELOPMENT	Operational Works for Reconfiguring a Lot - Subdivision (1 into 8 lots) approval DA/16/0019			

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

Approved subject to the following assessment manager conditions:

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works for Reconfiguring a Lot - Subdivision (1 into 8 lots) approval DA/16/0019

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1013-001	Locality Plan	Trinity Engineering and Consulting	-
1013-002 B	Earthworks, Roadworks and Drainage Plan	Trinity Engineering and Consulting	19/09/17
1013-003 B	Typical Road Cross Sections, Road Longitudinal Section and Road Setout Details	Trinity Engineering and Consulting	19/09/17
1013-004 B	Annotated Road Cross Sections Sheet 1 of 3	Trinity Engineering and Consulting	19/09/17
1013-005 B	Annotated Road Cross Sections Sheet 2 of 3	Trinity Engineering and Consulting	19/09/17
1013-006 B	Annotated Road Cross Sections Sheet 3 of 3	Trinity Engineering and Consulting	19/09/17
1013-007 B	Intersection Details	Trinity Engineering and Consulting	19/09/17
1013-008 B	Stormwater Culvert Details	Trinity Engineering and Consulting	19/09/17
1013-009 B	Erosion and Sediment Control Strategy	Trinity Engineering and Consulting	19/09/17

(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.

(b) Pre-start Meeting

(i) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

(c) Inspections

(i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

(d) Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

(e) 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.

(f) 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)

- Any other development two (2) years (starting the day the approval takes effect).
- (E) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Nil

DECISION BY DELEGATE

DECISION

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

Dated the 2300 day of OCTOBER 2017

BRIAN MILLARD SENIOR PLANNER

ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

















