

DELEGATED REPORT**TO:** SENIOR PLANNER**FROM:** Planning Officer**FILE:** OPW/20/0001**DATE:** 25 August 2020

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|------------------------------|---|-----------------|----------------------------------|
| FILE NO: | OPW/20/0001 | ADDRESS: | 2-6 Black Mountain Road, Kuranda |
| APPLICANT: | N Derakshan | RPD: | Lot 1 on RP743970 |
| LODGED BY: | Trinity Engineering and Consulting | AREA: | 3.036 ha |
| DATE LODGED: | 9 June 2020 | OWNER: | N Derakshan |
| TYPE OF APPROVAL: | Development Permit | | |
| PROPOSED DEVELOPMENT: | Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit RAL/18/0025 | | |
| PLANNING SCHEME: | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE: | Rural Residential zone (no precinct) | | |
| LEVEL OF ASSESSMENT: | Code Assessment | | |
| SUBMISSIONS: | n/a | | |

PREVIOUS APPLICATIONS & APPROVALS

RAL/18/0025 - Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 Lots)

DESCRIPTION OF PROPOSED DEVELOPMENT

Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit RAL/18/0025.

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:

- 6.2.10 Rural residential 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 residential 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

RAL/18/0025 - Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 Lots)

1. Development must be carried out generally 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.
3. 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.
 - 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 must be made prior 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 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. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.7 All development works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Charges
- All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the endorsement of a plan of survey.
- 3.9 Building Envelopes
- (a) The approved building envelopes for proposed Lots 1, 2, 3 and 4 are the building envelopes as defined on the Proposal Plan of Reconfiguration July 2018.
 - (b) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
 - (c) All future buildings must be located within the approved building envelopes.

4. Infrastructure Services and Standards

4.1 Access

- (a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) A bitumen, asphalt or concrete driveway shall be provided within the access easements to the satisfaction of Council's delegated officer. 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 crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle;
 - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

4.2 Roadworks – External Construction - Black Mountain Road for full frontage of Lot 1 on RP743970

The development side of Black Mountain Road must be widened from the existing centreline to an overall sealed width of 4.5 metres, with barrier kerb constructed on

the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

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

The new section of barrier kerb must connect to the existing kerb at the intersection of the Kennedy Highway and Black Mountain Road.

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

4.3 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening 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 collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being

taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.4 Water Supply

- (a) 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).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on each lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS1547) 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 to each lot.

4.7 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

- 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 \$10,155.00 (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 water supply infrastructure servicing the land (\$5,570.00 per additional lot)

- The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)
- 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.

FNQROC Regional Development Manual

The submitted plans have been checked for compliance against the FNQROC Development Manual and the conditions of the reconfiguring a lot approval.

REFERRALS

Internal Consultation

The Manager Technical Services has provided the following comments in relation to the development:

- *Roadworks: Narrowed Verge – this will not be acceptable. Minimum width requirements need to be provided to ensure safe access path for pedestrians.*
- *Driveways: Steep driveways will need to be constructed in accordance with D2.12.2 – Steep Allotments.*
 - *Generally this will align them with FNQROC Access S1110E – Type 2.*
 - *Steep Driveways to be constructed of Concrete – not bitumen or asphalt.*
 - *Where driveways cross the verge, they are to be compliant with AS1428 for safe pedestrian access.*
 - *Performance measure – D2.16 Footpaths / Verge Crossfall.*
- *Earthworks: Earthworks are required to achieve;*
 - *Adequate Site Distance for entry/exit of property*
 - *Verge width to allow safe pedestrian access is required.*
 - *A reduction in verge width from the FNQROC Manual of 4.5m to 2m clear width will be considered, however design showing embankment stabilisation to ensure erosion into verge is required.*
- *All batters steeper than 1 in 2 and higher than 1.5m shall require certification as to stability by a Geotechnical Engineer.*

IMPORTANT: we need a safe verge for pedestrian access, this means they will need to undertake excavation activities to their batter to ensure a safe verge. We can accept less than the 4.5m (FNQROC V2017 Table D1.1) however it should be no less than 2m as batter settlement/erosion will result in loss of some width. If the consultant designers integrate stability mitigation structures, then can potentially be reduced to 1.5m on application.

These comments were communicated to the applicant by way of email on 7 July 2020.

On 10 August 2020, Trinity Engineering provided an email response:

Hi Sam and Brian

With reference to the application (OPW/20/0001) currently before Council for Operational Works assessment, the Client is seeking Council's in principle agreement for the verge and consequential works requested by Council to be considered as creditable works. The Client has advised that additional works required over and above the planning conditions has rendered the development uneconomical and therefore is seeking Council's position in relation to this matter.

If Council is in agreement with the verge and consequential works being considered creditable, then we understand that TEC will be engaged to work with Council to develop a solution that meets Council's requirements.

We look forward to your advice.

*Regards
Scott*

On 11 August 2020, an email response was provided to Trinity Engineering:

Hi Scott,

I confirm that there is in principle agreement for the agreed cost of the verge and consequential works to be credited against the infrastructure charge under Condition 5 of development approval RAL/18/0025.

Any credit will not exceed the charge payable under Condition 5.

Regards

Brian Millard
Senior Planner

On 21 August 2020, Elizabeth Taylor Town Planner wrote to Council requesting that a development permit for operational works be immediately issued to her client. The applicant has refused the suggested verge works on the basis that they are in addition to the works required under condition 4.3 of RAL/18/0025.

The suggest verge works have been removed from the officer's recommendation.

OFFICER'S RECOMMENDATION

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

| APPLICATION | | PREMISES | |
|-------------------------|--------------------|-----------------|----------------------------------|
| APPLICANT: | N Derakshan | ADDRESS: | 2-6 Black Mountain Road, Kuranda |
| DATE LODGED | 9 June 2020 | RPD: | Lot 1 on RP743970 |
| TYPE OF APPROVAL | Development Permit | | |

| | |
|-----------------------------|---|
| PROPOSED DEVELOPMENT | Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit RAL/18/0025 |
|-----------------------------|---|

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 (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit RAL/18/0025

(B) **APPROVED PLANS:**

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---|------------------------------------|------------|
| 1415-005 Rev. A | Locality Plan and Drawing Index | Trinity Engineering and Consulting | 22/05/2020 |
| 1415-006 Rev. A | General Arrangement Plan | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-007 Rev. A | Roadworks and Earthworks Plan | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-008 Rev. A | Typical Cross Sections and Miscellaneous Details | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-009 Rev. A | Black Mountain Road Longitudinal Section and Annotated Cross Sections | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-010 Rev. A | Black Mountain Road Annotated Cross Sections Sheet 2 of 2 | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-011 Rev. A | Lots 1 and 2 Concrete Driveway Setout and Details | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-012 Rev. A | Lots 3 and 4 Concrete Driveway Setout and Details | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-013 Rev. A | Water Reticulation Plan | Trinity Engineering and Consulting | 27/05/2020 |
| 1415-014 Rev. A | Erosion and Sediment Control Strategy | Trinity Engineering and Consulting | 27/05/2020 |

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

1. 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.

2. Driveways

All steep driveways will need to be constructed in accordance with D2.12.2 – Steep Allotments. Generally, this will align them with FNQROC Access S1110E – Type 2.

All steep driveways are to be constructed of concrete, not bitumen or asphalt.

All driveways must achieve safe site distance for entry/exit of each proposed allotment.

3. Batters

All batters steeper than 1 in 2 and higher than 1.5m must be certified as stable by a Geotechnical Engineer.

4. Water Service Infrastructure

The water service infrastructure shown on Drawing No. 1415-013 (Rev. A) (excluding the water meters) must be installed by and at the expense of the applicant/developer in accordance with FNQROC Development Manual Standards, to the satisfaction of Council's delegated officer.

Individual water meters will be installed by Council at the request and expense of the developer/landowner as per Council's standard water meter installation procedures. Water meters are not required to be installed as part of the operational works.

Note: The applicant/developer should ensure that the water hydrants are suitably located to service all lots during an emergency.

5. Sediment Control

At time of installation of erosion and sediment control measures, the type, location and scale of erosion and sediment control should, where possible, comply with Council's Standard Erosion and Sediment Control Plans (*Drawing No. QT 150 dated 30/04/99* and *Drawing No. QT 154 dated 30/04/99*), to the satisfaction of Council's delegated officer. Drawing No. QT 150 and QT 154 are available from Council upon request.

6. 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.

7. Inspections

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

8. 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.

9. 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.

10. 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

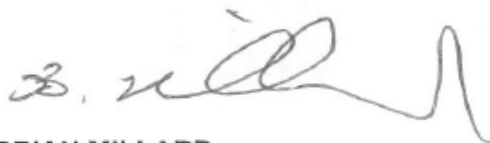
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DECISION BY DELEGATE

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 *25TH* day of *AUGUST* 2020



**BRIAN MILLARD
SENIOR PLANNER**

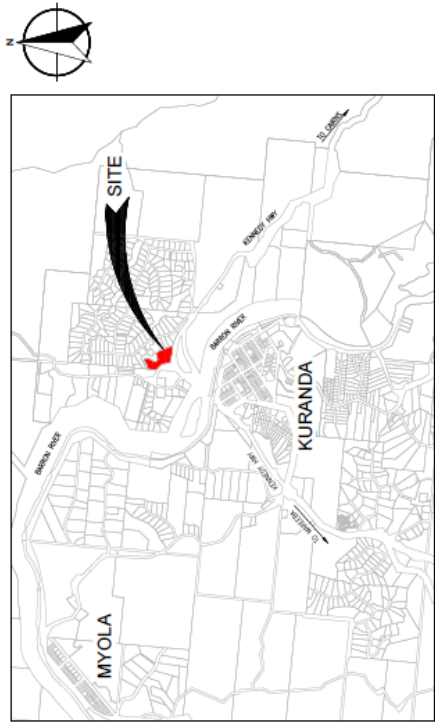
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AS A DELEGATE OF THE COUNCIL



2 - 6 BLACK MOUNTAIN ROAD DEVELOPMENT (LOT 1 RP743970)

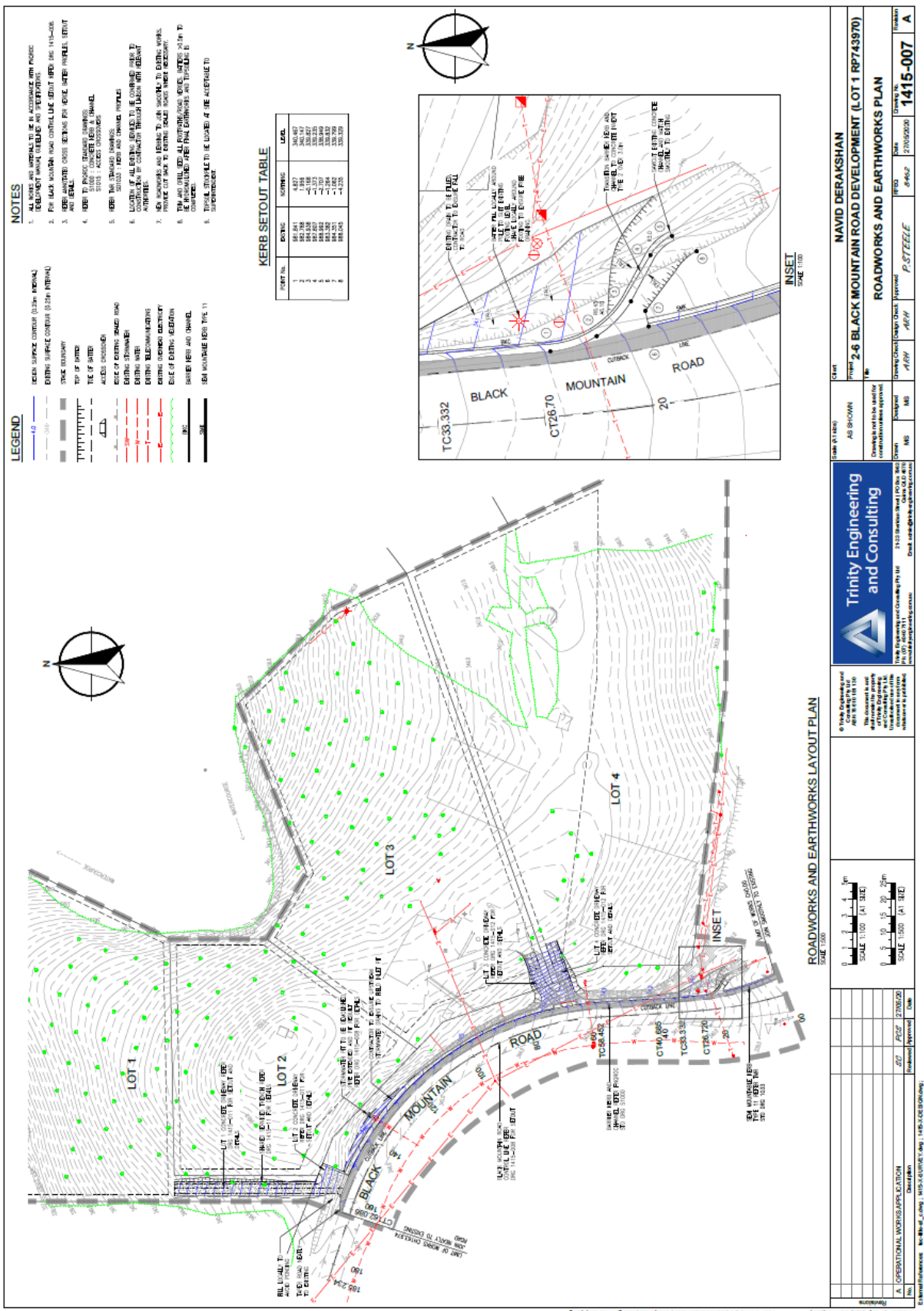
for

NAVID DERAKSHAN



SCHEDULE OF PROJECT DRAWINGS

| | |
|----------|---|
| 1415-005 | LOCALITY PLAN AND DRAWING INDEX |
| 1415-006 | GENERAL ARRANGEMENT PLAN |
| 1415-007 | ROADWORKS AND EARTHWORKS PLAN |
| 1415-008 | TYPICAL CROSS SECTIONS AND MISCELLANEOUS DETAILS |
| 1415-009 | BLACK MOUNTAIN ROAD LONGITUDINAL SECTION AND ANNOTATED CROSS SECTIONS |
| 1415-010 | BLACK MOUNTAIN ROAD ANNOTATED CROSS SECTIONS SHEET 2 OF 2 |
| 1415-011 | LOTS 1 AND 2 CONCRETE DRIVEWAY SETOUT AND DETAILS |
| 1415-012 | LOTS 3 AND 4 CONCRETE DRIVEWAY SETOUT AND DETAILS |
| 1415-013 | WATER RETICULATION PLAN |
| 1415-014 | EROSION AND SEDIMENT CONTROL STRATEGY |



BLACK MOUNTAIN ROAD SETOUT TABLE

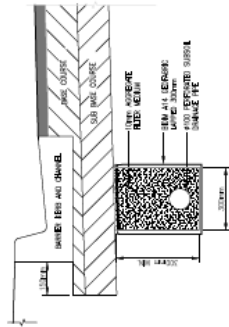
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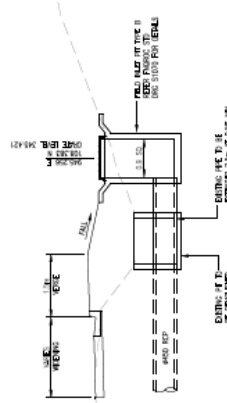
1. ALL WORKING AND MATERIALS TO BE IN ACCORDANCE WITH PROPOSED SPECIFICATIONS AND STANDARDS.
2. PROPOSED SETOUT IS BASED ON AN ASSUMED SURFACE OF 10.0% GRADE.
3. THE CONSTRUCTION OF THE PROPOSED SETOUT IS TO BE COMPLETED WITHIN THE PROPOSED SETOUT AREA.
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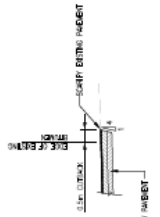
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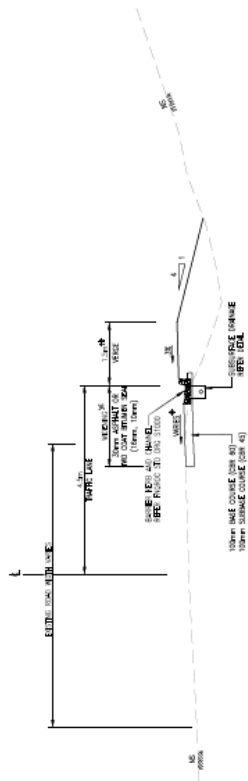
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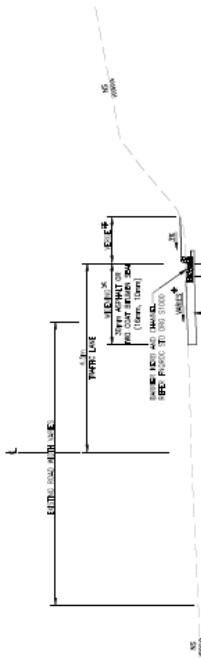
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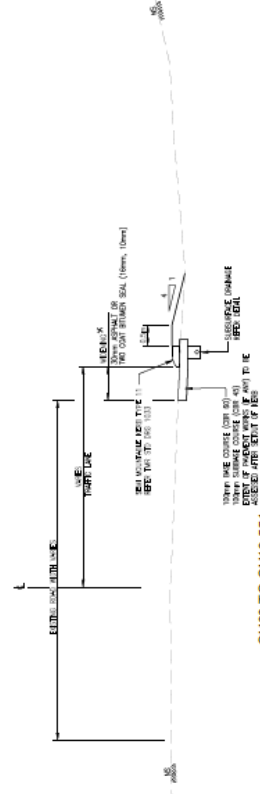
PAVEMENT CUTBACK DETAIL
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TYPE CROSS SECTIONS
SCALE 1:50

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| Project: 24 BLACK MOUNTAIN ROAD DEVELOPMENT (LOT 1 RP743970) | | Client: NAVID DERAKSHAN | |
| Title: TYPICAL CROSS SECTIONS AND MISCELLANEOUS DETAILS | | Drawn: 27/05/2020 | |
| Checked: P. STEELE | | Scale: 1:10 | |
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