

**DELEGATED REPORT****TO:** SENIOR PLANNER**FROM:** Planning Officer**FILE:** OPW/21/0003**DATE:** 7 September 2021

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**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>FILE NO:</b>	OPW/21/0003	<b>ADDRESS:</b>	Two Chain Road, Koah
<b>APPLICANT:</b>	M Prein	<b>RPD:</b>	Lot 101 on SP211120
<b>LODGED BY:</b>	Brazier Motti	<b>AREA:</b>	187.8 hectares
<b>DATE LODGED:</b>	16 August 2021	<b>OWNER:</b>	M Prein
<b>TYPE OF APPROVAL:</b>	Development Permit		
<b>PROPOSED DEVELOPMENT:</b>	Operational Works (Roadworks) for Development Permit DA/15/0049		
<b>PLANNING SCHEME:</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE:</b>	Rural zone		
<b>LEVEL OF ASSESSMENT:</b>	Code Assessment		

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**PREVIOUS APPLICATIONS & APPROVALS**

DA/15/0049

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Operation Works (Roadworks) required by Development Permit DA/15/0049

**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/15/0049 - Reconfiguring a Lot - Subdivision (1 into 3 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.
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/contributions contained 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 required to be made to the Council (including contributions, charges and bonds) 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 otherwise 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. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

- 3.7 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.

### 3.8 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.

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

### 3.10 Bushfire Management

3.10.1 Any new dwelling erected on the lots shall:

- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.10.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

### 3.11 Rural Addressing

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

### 3.12 Charges

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

## 4. Infrastructure Services and Standards

### 4.1 Access

- 4.1.1 An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC

Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

- 4.1.2 An access road is to be constructed within the access handle of proposed Lot 3, from Two Chain Road to the main body of proposed Lot 3. The access road must be constructed to a gravel all-weather standard, to the satisfaction of Council's delegated officer.

#### 4.2 Roadworks – External Construction - Two Chain Road

Two Chain Road between chainage 560m to 600m must be constructed to Rural Road gravel <100VPD standard, with improved vertical and horizontal alignments in accordance with FNQROC Development Manual Standards to the satisfaction of Council's delegated officer.

These road works must be designed and certified by a RPEQ (Civil Engineer).

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

#### *Advice:*

*Council officers have concerns with this section of Two Chain Road, immediately to the east of the One Mile Creek crossing. This section of road contains a steep crest and sudden "S" bend that could potentially be a safety issue for road users, particularly considering the additional vehicle traffic associated with the creation of two additional lots serviced from Two Chain Road.*

#### 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) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.4 Landslide

For any new buildings on a slope of 15% or greater, the land owner must provide site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

#### 4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on Lot 1, 2 or 3, 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.

### 5. Additional Payment Condition (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 \$46,762.00 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 transport network servicing the land (\$46,762.00)
- 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.
- 5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$46,762.00.

## FNQROC Regional Development Manual

Section	Assessment
DP1 - Development Principles	Complies
AP1 - Application Procedures	Complies
D1 - Road Geometry	Complies
D2 - Site Regrading	n/a
D3 - Road Pavements	Complies
D4 - Stormwater Drainage	n/a
D5 - Stormwater Quality Management	n/a
D6 - Water Reticulation	n/a
D7 - Sewerage System	n/a
D8 - Utilities	Not part of current application
D9 - Landscaping	Not part of current application

## REFERRALS

Nil

## Internal Consultation

Technical Services

## OFFICER'S RECOMMENDATION

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

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and in accordance with the Planning Act 2016, as amended, 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 (Roadworks) for DA/15/0049

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
K-9309 Sheet C01	General Arrangement	KFB Engineers	31/08/21
K-9309 Sheet C02	Longitudinal Section Along Control Line	KFB Engineers	31/08/21

(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 works 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, Queensland Urban Drainage 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.

**(c) 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.

**(d) Inspections**

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

**(e) 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.

**(f) 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.

**(g) 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.

**(h) Earthwork Batter**

Prior to works being placed 'on maintenance', Council's delegated officer must ensure all batters are finished and treated to minimise scour.

**(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

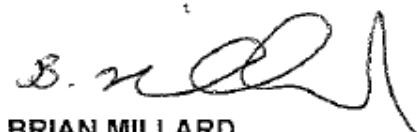


DECISION BY DELEGATE

DECISION

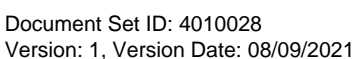
Having considered the Planning Officer's report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 7<sup>th</sup> day of ~~SEPTEMBER~~ 2021



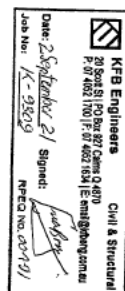
**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL



1. Hous Edge Guide Posts to be installed in Accordance with OTRR Std Drg No. 1356.

## NOTES



**Civil & Structural**  
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JOB NO:	K-9309	
SHEET:	C02	B
SCALE: AS SHOWN @ 1/8" = 1'-0"		

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