

DELEGATED REPORT

**SUBJECT:** L & R SMITH - OPERATIONAL WORKS - BULK EARTHWORKS (WATER STORAGE DAM) - LOT 115 ON SP224659 - MACADAMIA STREET, ARRIGA - OPW/22/0001

**DATE:** 27 April 2022

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	L & R Smith	<b>ADDRESS</b>	Macadamia Street, Arriga
<b>DATE LODGED</b>	20 April 2022	<b>RPD</b>	Lot 115 on SP224659
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works - Bulk Earthworks (Water Storage Dam)		

<b>FILE NO</b>	OPW/22/0001	<b>AREA</b>	2.3369 hectares
<b>LODGED BY</b>	L & R Smith	<b>OWNER</b>	L & R Smith
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

**ATTACHMENTS:** 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	L & R Smith	<b>ADDRESS</b>	Macadamia Street, Arriga
<b>DATE LODGED</b>	20 April 2022	<b>RPD</b>	Lot 115 on SP224659
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works - Bulk Earthworks (Water Storage Dam)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works - Bulk Earthworks (Water Storage Dam)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Erosion Plan	-	-
-	Cross section of dam wall	Levi Smith	-
-	Position of dam on block, showing full view of spillway into the current existing drain along the roadside	Levi Smith	-
-	Diagram showing existing dam and the new proposed extension	Levi Smith	-

(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) Note, this approval is for a water storage dam only. The dam is NOT to be used for swimming. If it is to be used for swimming then a separate Development Permit will need to be obtained for building work.
  - (b) Filling or excavation (excluding access roads and where necessary to repair and raise the existing spillway) is not permitted within 1.5 metres of any property boundary.
  - (c) 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.
  - (d) 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.
  - (e) Dam Construction
    - (i) Dam construction must be undertaken in accordance with design plan submitted with the application.
    - (ii) Within three (3) months following the completion of construction of dam works, any disturbed areas are grassed to provide a coverage of at least 8m<sup>2</sup> in every 10m<sup>2</sup> to minimise the potential for erosion or dust.
- (D) ASSESSMENT MANAGER'S ADVICE
- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

- Any other development – two (2) years (starting the day the approval takes effect).

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

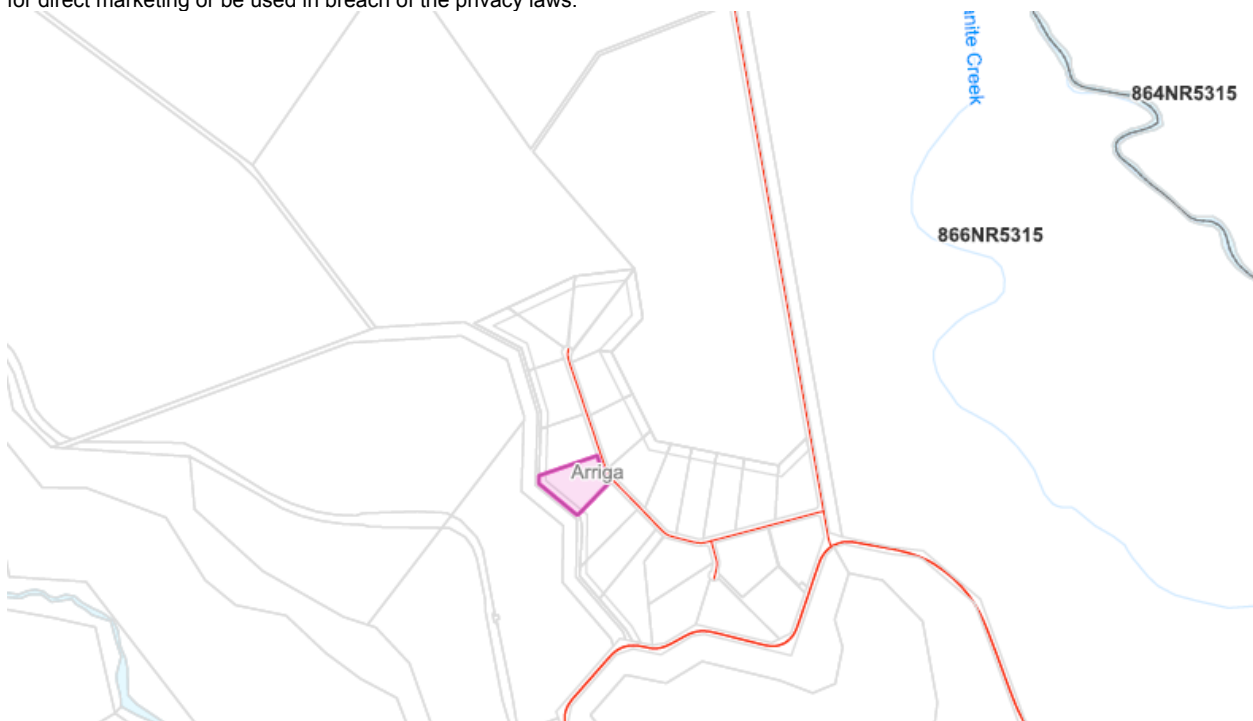
The subject site is situated at Macadamia Street, Arriga and is described as Lot 115 on SP224659. The site has an area of 2.3369 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is accessed from Macadamia Street and is currently used for rural residential living purposes. A dwelling house and domestic outbuilding are established on Lot 115.



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.



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The south-western boundary of Lot 115 adjoins Sunwater's irrigation channel. Immediately beyond the Sunwater channel is the Tableland Sugar Mill. All other lots on Macadamia Street are zoned Rural Residential and used for similar rural residential living purposes.

## BACKGROUND AND CONTEXT

In early 2022, Council received a report of water discharge concerns associated with a water storage dam located in the north-western corner of Lot 115 on SP224659.

Council officers investigated the report and determined that the water storage dam was assessable development under the Mareeba Shire Council Planning Scheme 2016.

Contact was subsequently made with the owners of Lot 115 on SP224659 and this application has been made to Council to obtain the required development approval.

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works - Bulk Earthworks (Water Storage Dam) in accordance with the plans shown in **Attachment 1**.

The applicants propose to increase the size of the existing inground dam by excavating material to the south-east. The dam's water level will be maintained at ground level. The estimated maximum water depth is 2.2 metres.

A new spillway will be installed at a lower level than the existing problematic spillway, ensuring water is discharged within the subject land and away from neighbouring lots. A raised earth mound will separate the new spillway from the northern boundary.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> • Rural Residential Area
Zone:	Rural Residential zone
Overlays:	Agricultural land overlay Transport infrastructure overlay

## RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

### (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

### (b) 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.

### (c) Mareeba Shire Council Planning Scheme 2016

#### 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
- 9.4.5 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 outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

## REFERRALS

This application did not trigger referral to a referral agency.

**Internal Consultation**

Not applicable.

**PLANNING DISCUSSION**

Nil

***Date Prepared:***            *27 April 2022*

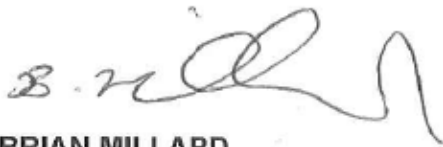


## DECISION BY DELEGATE

## DECISION

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

Dated the 27<sup>th</sup> day of APRIL 2022



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



**ANTHONY ARCHIE**  
**MANAGER DEVELOPMENT & GOVERNANCE**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

Levi Smith - Lot 115 Macadamia Street, Arriga

The proposed extension works to the dam will be constructed by digging the new section and leaving a wall between the new and old storage. Once the new dam has been prepared and rolled the wall between the two will be removed.

All work will be undertaken by a licensed professional operator.

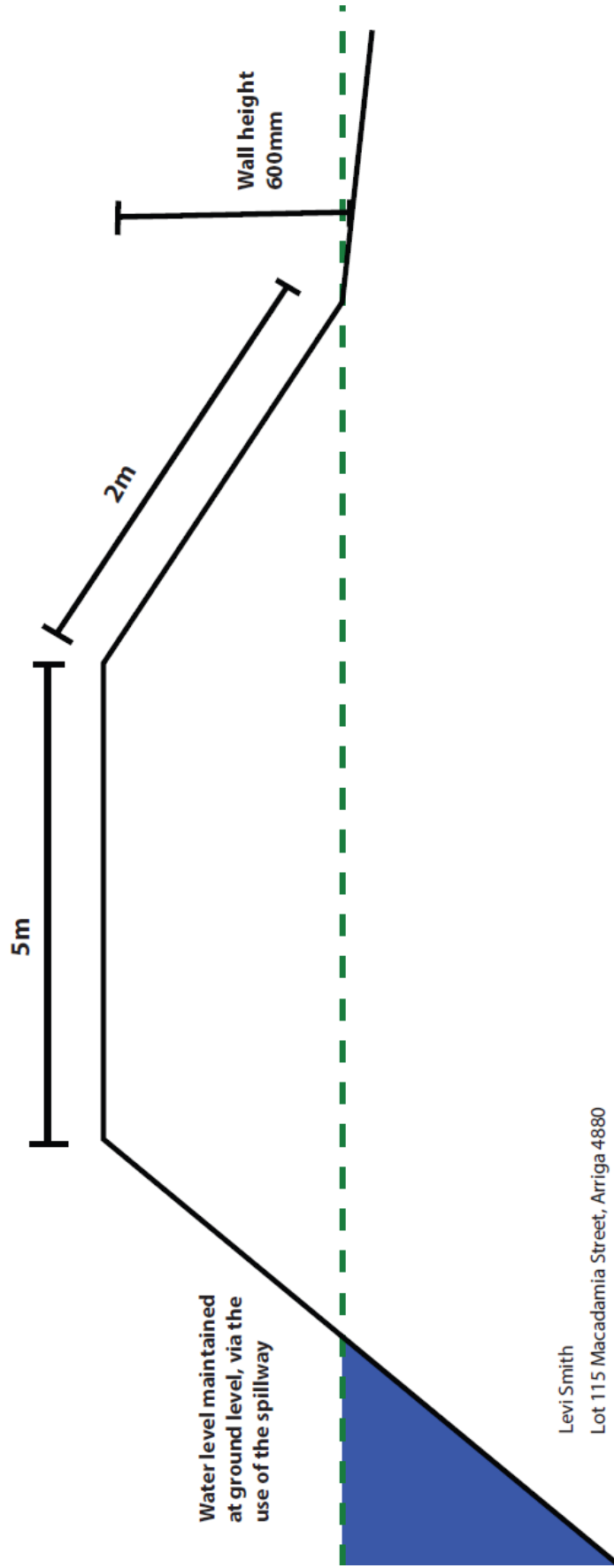
Clay, (which our soil contains deeper under the surface) will be used to repair and raise the existing spillway. The new spillway will be lower and wider than the existing one, to ensure that once it is repaired no future erosion will occur.

Potential erosion to the new proposed spillway will be managed with the use of rocks.

A levy wall (mound) will be used to direct water from the new spillway to the front of the block utilising the natural lay of the land, and into the main drain between the property boundary and the road.

The dam will be fenced off from livestock and grass and native land cover planned to aid in the control of erosion.

# Cross section of dam wall



Water level maintained at ground level, via the use of the spillway

Wall height 600mm

2m

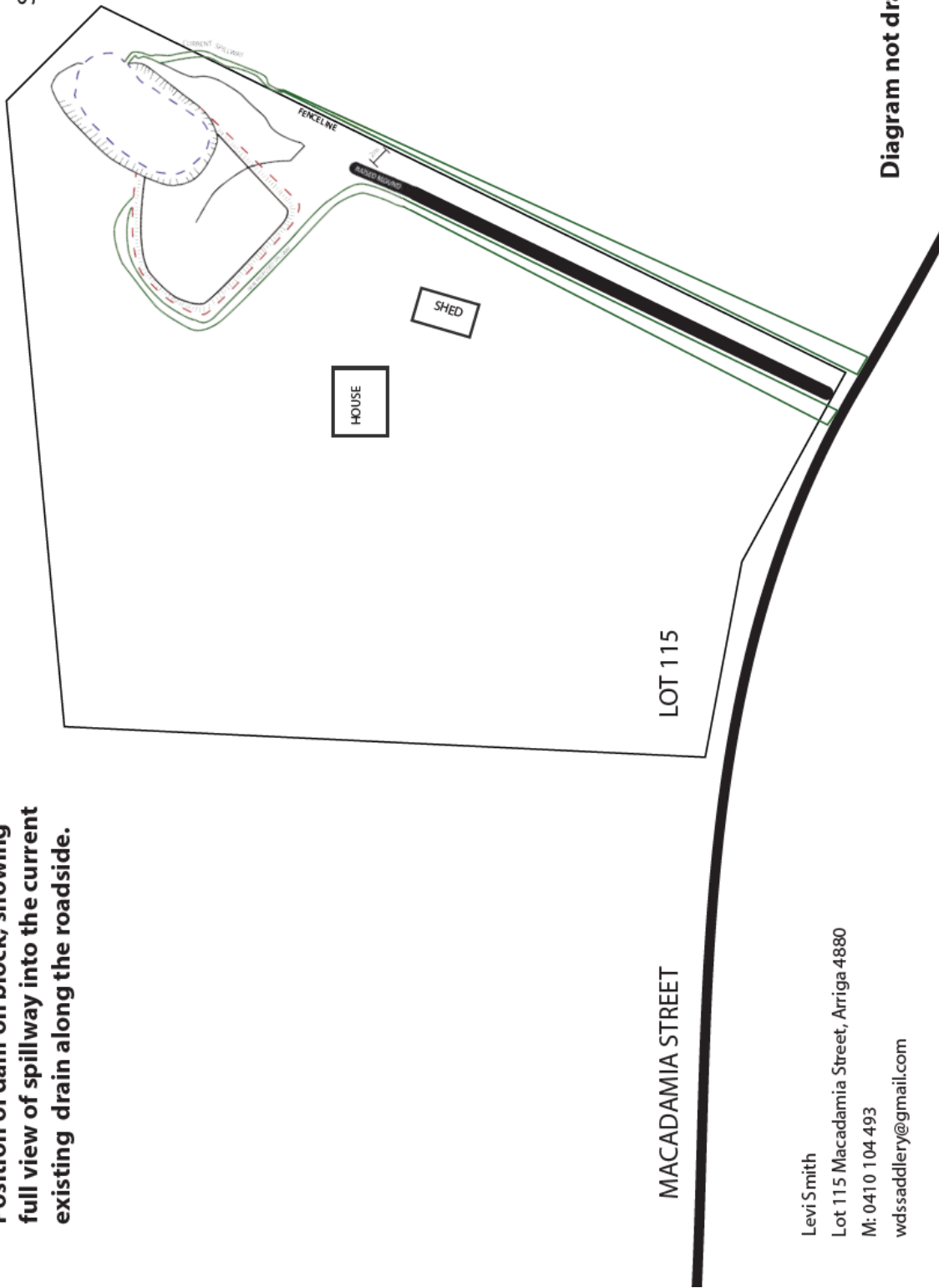
5m

Levi Smith  
Lot 115 Macadamia Street, Arriga 4880  
M: 0410 104 493  
wdssaddlery@gmail.com

Diagram not drawn to scale



**Position of dam on block, showing full view of spillway into the current existing drain along the roadside.**



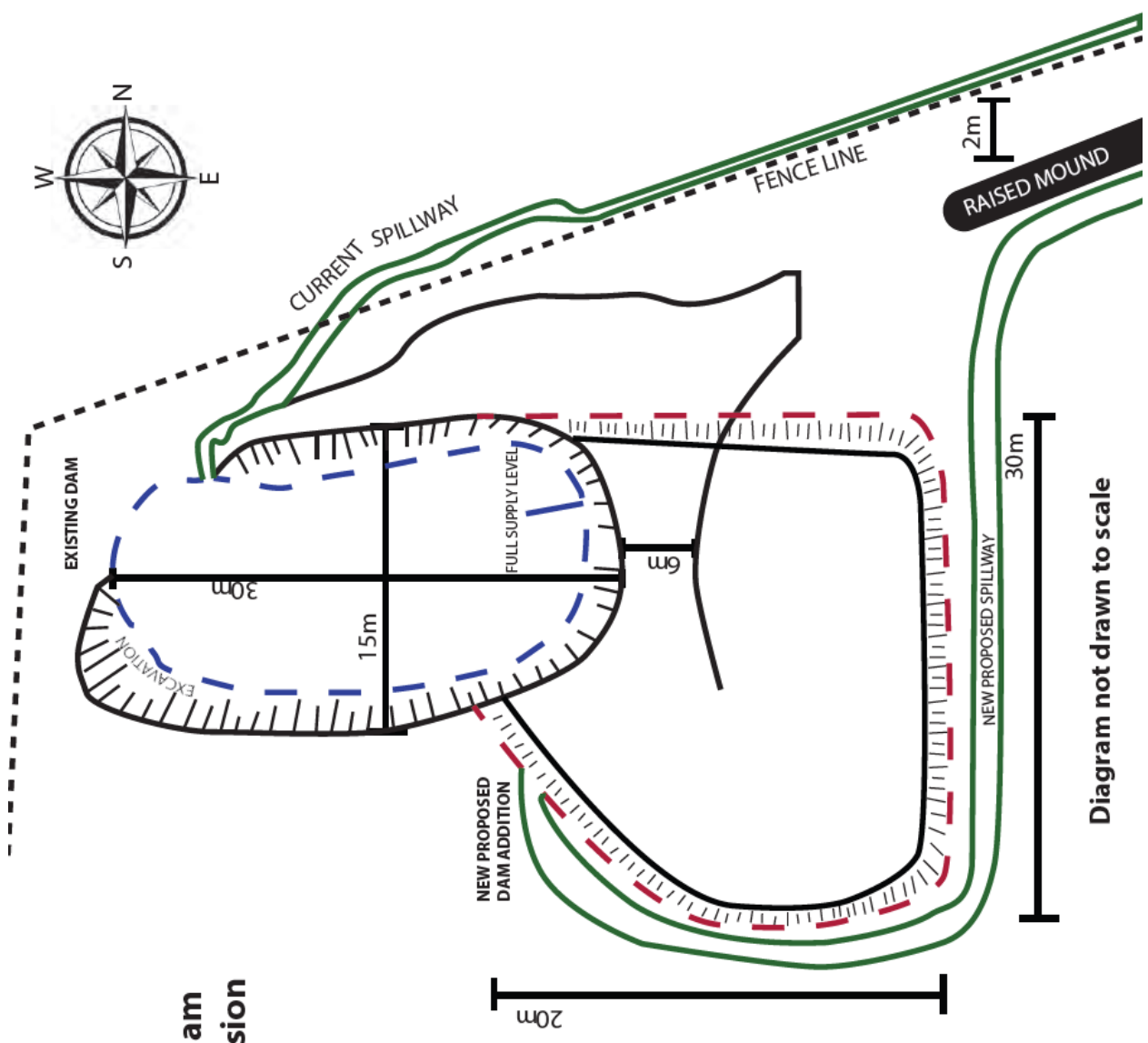
**Diagram not drawn to scale**

MACADAMIA STREET

LOT 115

Levi Smith  
Lot 115 Macadamia Street, Arriga 4880  
M: 0410 104 493  
wdssaddlery@gmail.com

### Diagram showing existing dam and the new proposed extension



#### EXISTING DAM

- Maximum water height is at ground level
- Depth 2.2 meters

Levi Smith  
 Lot 115 Macadamia Street, Arriga 4880  
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 wdsaddlery@gmail.com