

**DELEGATED REPORT**

**SUBJECT:** A & J TUCKER - OPERATIONAL WORKS - BULK EARTHWORKS (WATER STORAGE DAM) - LOT 310 ON SP270093 - BELLEVUE CLOSE, MAREEBA - OPW/22/0003

**DATE:** 27 June 2022

**REPORT OFFICER'S TITLE:** Planning Officer

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	A & J Tucker	<b>ADDRESS</b>	Bellevue Close, Mareeba
<b>DATE LODGED</b>	17 June 2022	<b>RPD</b>	Lot 310 on SP270093
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works - Bulk Earthworks (Water Storage Dam)		

<b>FILE NO</b>	OPW/22/0003	<b>AREA</b>	2.179 hectares
<b>LODGED BY</b>	A & J Tucker	<b>OWNER</b>	A & J Tucker
<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		

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

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**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	
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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
TUC_001_A3	Proposed Hillside Dam Plan View and General Arrangement	North Australian Water Strategies	April 2022
TUC_002_A3	Proposed Hillside Dam Detail and Section Drawings	North Australian Water Strategies	April 2022
TUC_003_A3	Proposed Hillside Dam Works Area and Set-out Data	North Australian Water Strategies	April 2022

(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 the dumping of rock adjacent the common boundary with Lot 309 on SP270093) 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 plans 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

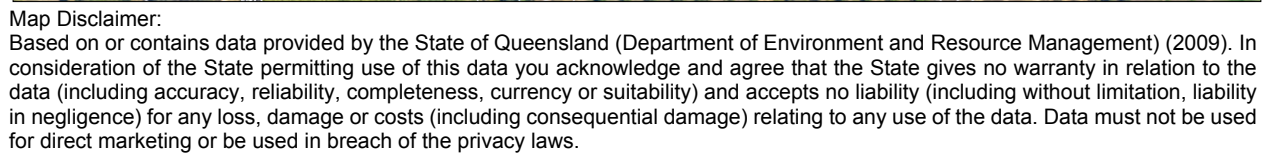
(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject site is situated at Bellevue Close, Mareeba and is described as Lot 310 on SP270093. The site has an area of 2.179 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is accessed from Bellevue Close via a single bitumen sealed crossover and is currently unimproved.



## Nil

## Nil

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 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 as containing:

- *Wetland 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 Airport environs overlay Bushfire hazard overlay Environmental significance overlay Residential dwelling house and outbuilding overlay code 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 June 2022

## 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 27th day of JUNE 2022

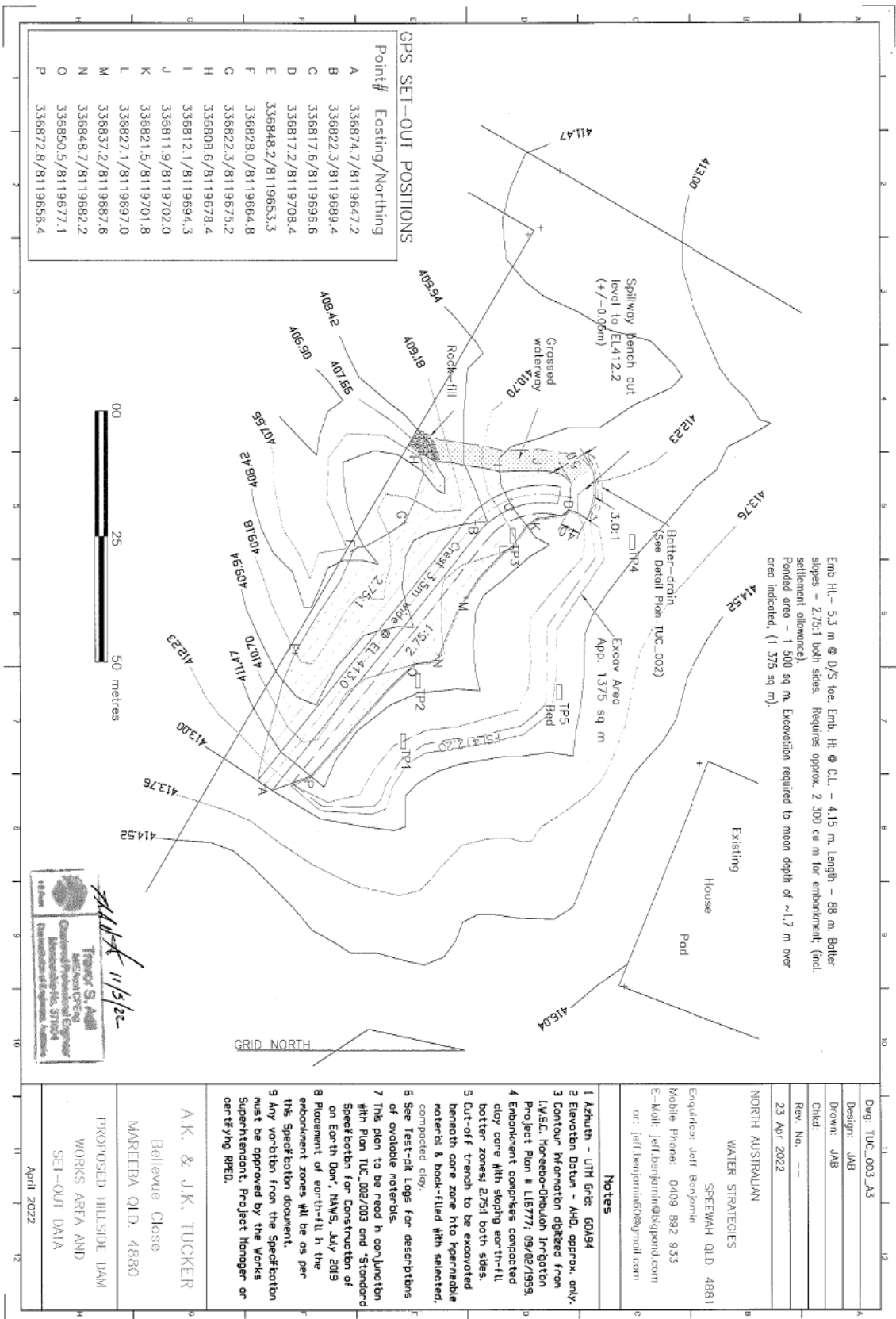


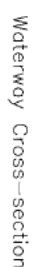
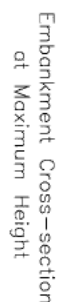
**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL



## PROPOSAL PLANS





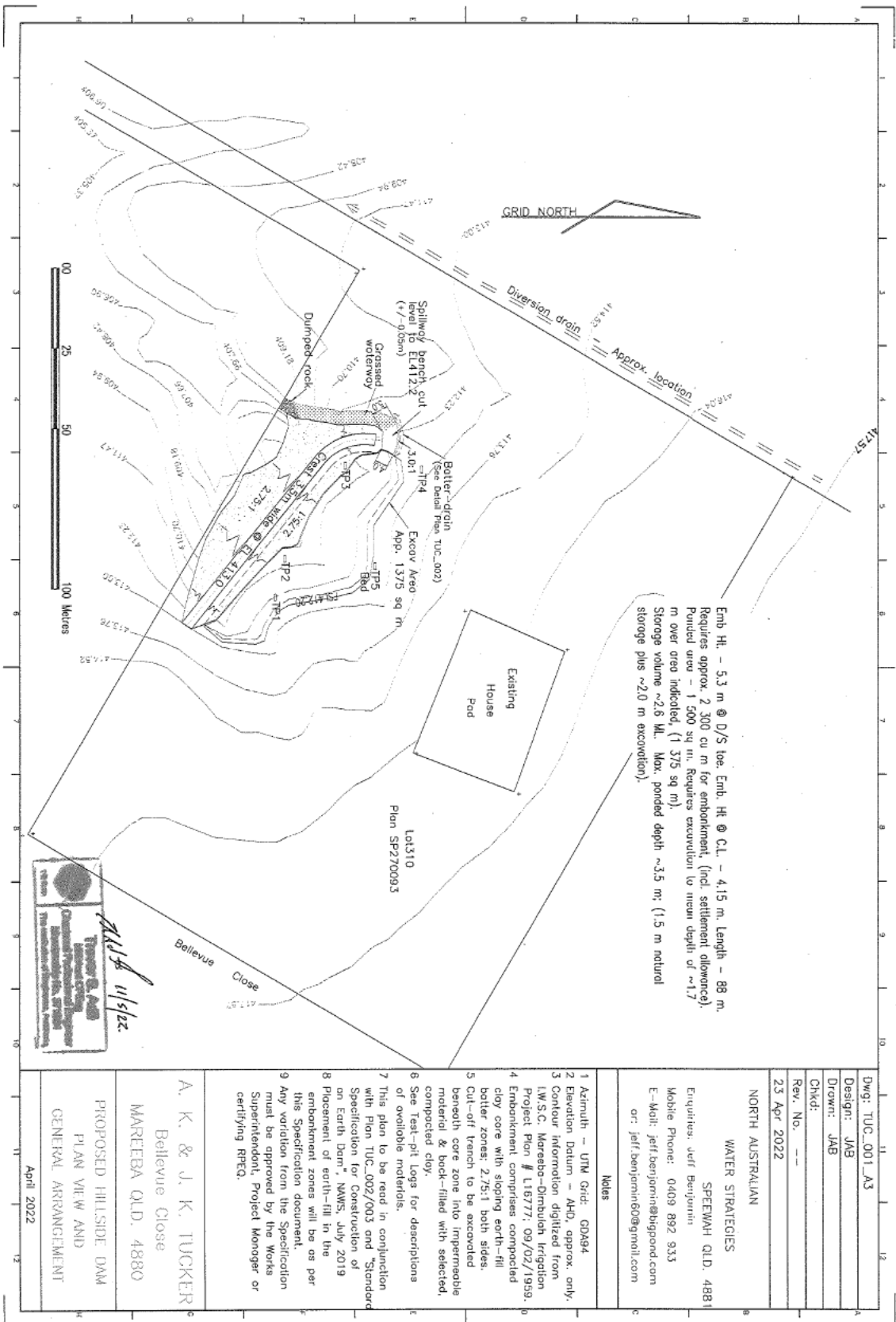
RIGHT BANK (North-east)  
11/5/22

or: [jart.benjamin@gmail.com](mailto:jart.benjamin@gmail.com)

## Notes

- on Earth Dom", NAWIS, July 2019

April 2022



Dwg: TUC\_001\_A3  
Design: JAB  
Drawn: JAB  
Checked:  
Rev. No. ---  
23 Apr 2022

NORTH AUSTRALIAN  
WATER STRATEGIES  
SPEERMAN QLD. 4881  
Enquiries: Jeff Benjamin  
Mobile Phone: 0409 892 933  
E-Mail: jeff.benjamin@higpond.com  
or: jeff.benjamin60@gmail.com

#### Notes

- 1 Azimuth - UTM Grid: GDA94
- 2 Elevation Datum - AHD, approx. only.
- 3 Contour information digitized from LW.S.C. Mareeba-Dimboola Irrigation Project Plan # L16777, 09/02/1959.
- 4 Embankment comprises compacted clay core with sloping earth-fill boiler zones: 2.75:1 both sides.
- 5 Cut-off trench to be excavated beneath core zone into impermeable material & back-filled with selected, compacted clay.
- 6 See Test-pit Logs for descriptions of available materials.
- 7 This plan to be read in conjunction with Plan TUC\_002/003 and Standard Specification for Construction of an Earth Dam, NWS, July 2019
- 8 Placement of earth-fill in the embankment zones will be as per this Specification document.
- 9 Any variation from the Specification must be approved by the Works Superintendent, Project Manager or certifying RPEQ.

A. K. & J. K. TUCKER

Bellevue Close  
MAREEBA QLD. 4880

PROPOSED HILLSIDE DAM  
PLAN VIEW AND  
GENERAL ARRANGEMENT

April 2022