

DELEGATED REPORT

SUBJECT: SIBI GIRGENTI HOLDINGS PTY LTD - OPERATIONAL WORKS (BULK EARTHWORKS ONLY) FOR DEVELOPMENT PERMIT RAL/21/0024 - LOT 100 ON SP276719 - MCIVER ROAD, MAREEBA - OPW/22/0004

DATE: 10 August 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	ADDRESS	Mclver Road, Mareeba
DATE LODGED	27 June 2022	RPD	Lot 100 on SP276719
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works (Bulk Earthworks only) for Development Permit RAL/21/0024		

FILE NO	OPW/22/0004	AREA	4.32 ha
LODGED BY	Jim Papas Civil Engineering Designer Pty Ltd	OWNER	Sibi Girgenti Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Preliminary Approval for Low Density Residential		
LEVEL OF ASSESSMENT	Code Assessable		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

PREVIOUS APPLICATIONS & APPROVALS

RAL/21/0024

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operation Works (Bulk Earthworks).

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:

- 6.2.4 Low Density 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 outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below.

Relevant Codes	Comments
Low Density 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/21/0024 - Reconfiguring a Lot - Subdivision (1 into 24 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, 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; 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 for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. Staging of Development

- 3.1 The construction of this development may be staged in accordance with the stage numbering shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22 and as shown in **Table 1** below:

Table 1: Staging

Stage Number	Lots
Stage 1	Lots 17-20
Stage 2	Lots 12-16
Stage 3	Lots 21-24
Stage 4	Lots 9-12
Stage 5	Lots 1-4
Stage 6	Lots 5-8

A balance lot will be created up to the final stage.

- 3.2 Staged development may also be undertaken in any other sequence provided all infrastructure required to service the relevant stage is constructed.
- 3.3 The applicant/developer must comply with each condition of this development approval as it relates to each designated stage, unless otherwise stated in this approval.
- ### 4. General
- 4.1 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.
- 4.2 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, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
- 4.3 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.
- 4.4 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.
- 4.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 4.6 Charges

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

4.7 Bushfire Management

A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

5. Infrastructure Services and Standards

5.1 Access

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

5.2 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.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.
- (k) To complete the subject site's Tilse Street frontage to a reasonable standard to service the stormwater catchment, Council will credit the cost difference for the additional design and construction of the following required works against infrastructure charges associated with the proposed development:
 - (i) Fill the existing open drain with approved material, including compaction and testing, reprofiling and vegetation with suitable grass species
 - (ii) Provide underground drainage in Tilse Street connecting the existing Council infrastructure in Mclver Road to an outlet in Tilse Street generally in accordance with layout shown on Drawing No. 1470 - SK03 Amendment B dated 10.04.22. The works shall include manholes, kerb inlet pits, headwall and wingwalls at outlet, outlet protection and any excavation required for any outlet drain together with revegetation of this drain.
 - (iii) The design drawings for the above must be lodged with Council for approval, and once approved, included in the tender documentation under a separate scheduled item for cost identification purposes.

5.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

5.4 Roadworks - Internal

- (a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) A two (2) metre wide concrete footpath must be installed on at least one (1) side of the internal road. The horizontal alignment of the footpath is to be determined at operational works stage.

5.5 Roadworks - External

Mclver Road and Tilse Street must be upgraded for the full frontage of Lot 100 on SP276719 to the general extent shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22.

These works should generally include the following:

- The widening of the development side of Mclver Road and Tilse Street;

- the installation of kerb and channel on the development side of Mclver Road and Tilse Street for the full frontage of Lot 100 on SP276719; and
- All required underground stormwater infrastructure.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

5.6 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.

5.7 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage 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).

5.8 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 **underground** power reticulation.

5.9 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.

5.10 Lighting

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

5.11 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

5.12 Agricultural Buffering

5.12.1 As part of Stage 1, a 10 metre wide vegetation buffer is to be planted within the proposed residential allotments along the alignment of McIver Road generally indicated on Drawing No. 1470 - SK01 Amendment C dated 10.04.22. The vegetation must have a minimum height at maturity of 4 metres. The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval prior to the issue of a development permit for operational works. The buffer must be planted in accordance with the approved plan.

5.12.2 As part of Stage 1, a colourbond fence of 1.8 metres in height shall be erected along the entire McIver Road frontage on the southern side of the vegetation buffer required by Condition 5.12.1.

5.12.3 The vegetation buffer and fence must be maintained by the applicant and any subsequent owner of any part of the land affected by this condition. Statutory covenant/s must be created over vegetation buffer to ensure it is maintained by the applicant and any subsequent owner of respective allotment.

FNQROC Regional Development Manual

All development works will be carried out in accordance with FNQROC Development Manual standards and in accordance with the Earthworks Notes shown on the submitted plan.

REFERRALS

Internal Consultation

Technical Services

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), relevant period in (D) and further approvals from Council listed in (E);

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works (Bulk Earthworks) for Development Permit RAL/21/0024

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1470-C03 Amdt A	Bulk Earthworks Plan	Jim Papas Civil Engineering Designer Pty Ltd	17/06/22

(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) Upon completion of excavation and filling works, a statement of compliance of works endorsed by a Registered Professional Engineer of Queensland (RPEQ) must be submitted to Council.

(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

Date Prepared: 10 August 2022

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 10TH day of AUGUST 2022



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

APPROVED PLANS

