

DELEGATED REPORT**TO:** SENIOR PLANNER**FROM:** Planning Officer**FILE:** OPW/17/0005**DATE:** 19 December 2017

APPLICATION DETAILS

APPLICATION		PREMISES	
FILE NO:	OPW/17/0005	ADDRESS:	3 Hilltop Close, Kuranda
APPLICANT:	CJ Emery	RPD:	Lot 84 on SP237138
LODGED BY:	Cardno	AREA:	4.475 hectares
DATE LODGED:	5 December 2017	OWNER:	CJ Emery
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Operational Works associated with reconfiguring a lot (REC/06/0108) – Early Works (Vegetation Clearing)		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Rural Residential zone – 4,000m2 precinct		
LEVEL OF ASSESSMENT:	Code Assessment		

PREVIOUS APPLICATIONS & APPROVALS

REC/06/0108

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works associated with reconfiguring a lot (REC/06/0108) – Early Works (Vegetation Clearing).

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
- 8.2.8 Hill and slope overlay 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 outcomes where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Compliance with conditions of earlier related approval

REC/06/0108 - Reconfiguring a Lot - Subdivision (2 into 6 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, and 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

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 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.
 - 3.2 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.

- 3.3 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.

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.

- 3.4 Where approved existing buildings and structures are to be retained, setbacks to property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

- 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual (as amended) and to the satisfaction of Council's delegated officer.

- 3.6 Environmental Covenant - Proposed Lots 1 to 5 only

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation, protection and maintenance of regrowth vegetation.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to all areas of High Value Regrowth Vegetation. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.

The covenant shall require the registered owners of the site to obtain approval of the Council prior to undertaking any earthworks, clearing of vegetation, fencing or placement of water pumps and pipelines within or across the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

Each Covenant must stipulate:

- (i) That it is for the express purpose of vegetation and habitat preservation, including the preservation of plants and the natural features of the lot;
- (ii) A building envelope of no more than 1,500 square metres can be cleared to accommodate a dwelling house and associated infrastructure. All buildings must be located within the 1,500 square metre envelope;

(iii) No construction to take place outside the 1,500 square metre building envelope with the exception of a single access driveway to each dwelling, where construction of the driveway within the 1,500 square metre envelope is not possible;

(v) No fences permitted on site, with the exception of a small domestic fence which does not exceed the building envelope;

(vi) Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.

The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.

3.7 Building Envelope

- (a) Prior to the issue of a development permit for building works, a plan to scale which designates a 1,500 square metre building envelope on the respective lot, must be submitted to Council for approval.
- (b) Unless the owner can demonstrate that the overall outcome is better, the building envelope should be located on the area of least slope within the allotment.
- (c) The building envelope must be selected to minimise the need for cut and fill earthworks and to ensure no batter height exceeds two (2) metres.
- (e) A driveway is to be constructed from the edge of the new road to the building envelope generally in accordance with the requirements of the FNQROC Development Manual and to the satisfaction of Council's delegated officer.
- (f) Prior to issue of a development permit for building works, the approved building envelope must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.

3.8 Bushfire Management

Buildings and Structures (Lots greater than 2, 500m²):

- are sited within approved building envelopes;
- achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater or in accordance with an approved Bushfire Management Plan;
- are 10 metres from any retained vegetation strips or small areas of vegetation or in accordance with an approved Bushfire Management Plan;
- are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard; and
- are connected to a reticulated water supply with a minimum flow and pressure of 10 litres a second and 200kPa.

3.9 Landslide

- (i) All development and works on the subject land must be carried out in accordance with the engineering comments outlined in the report titled Geotechnical Investigation Proposed Subdivision Lots 83 and 84, Hilltop Close Kuranda (Report - J090502), specifically:

(a) Drainage

- Provision of concrete lined cut-off drains (or similarly lined drains) to intercept run-off on the uphill side of retaining walls and unsupported batters greater than 1.5 m high.
- Provision of subsurface drainage behind retaining walls.
- Provision of kerbing on any new access driveways.

All stormwater must be collected and discharged from the site via pipes into designated drainage paths and not allowed to flow on to the ground.

(b) Cut and Fill Earthworks

Any new permanently unsupported cut batters formed predominantly in the overlying colluvial soils must be limited to 2.5 m in height at 1V:1.5H. Proposed new unsupported cut batters formed within weathered rock may be formed up to a maximum height of 3 m at 1V:1H. Higher or steeper cut batters must be supported by engineer designed retaining walls.

Areas of new filling should be limited. If required, new fill batters must be limited to a maximum of 2.0 m in height at no steeper than 1V:1.5H. Higher or steeper fill batters, or filling proposed in areas steeper than 25 degrees must be supported by engineer designed retaining walls.

All loose uncontrolled filling must be removed from the site and replaced with engineered fill in accordance with the following procedures, particularly in areas of proposed residential construction or adjacent to roads/driveways.

Where filling is required, site preparation and earthworks procedures must involve the following:

- Strip and remove topsoil and soil containing significant amounts of organic materials;
- Compact the subgrade with a heavy roller to reveal soft or loose materials. Soft or loose material that can not be improved by compaction must be removed and replaced with engineered fill;
- Place fill where required in uniform horizontal layers not exceeding 200 mm loose thickness and compact to achieve a density ratio of at least 95% using Standard Compaction.

Each layer of filling must be keyed into natural ground. Filling must be placed at least 2 m beyond the design profile and then trimmed to the design profile.

It is considered that the material generated from cut earthworks at the site should comprise material similar to sandy gravelly clay. This material may be suitable for use as engineered fill subject to the removal of any organic material and material greater than 150 mm in size. If required, imported fill must have a Plasticity Index less than 20. Compaction levels must be checked by field density testing during filling.

(c) Retaining Structures

Where retaining walls form part of a residence or other structure such as swimming pools or access roads, the retaining wall must be designed using an earth pressure coefficient of 0.6, plus surcharge loads imposed on the wall. Other stand alone retaining walls where they form a boundary or for landscape purposes must be designed using an earth pressure coefficient of 0.4, plus surcharge loads imposed on the walls. Footings for retaining walls must be founded at least 0.5 m into the highly weathered argillite/greywacke rock unless otherwise approved by a geotechnical engineer.

Footings for retaining walls founded in this manner must be designed using allowable bearing pressures up to 250 kPa. All retaining walls must be engineer designed structures.

(d) Footings

Portions of any proposed buildings located over the natural slopes or cut/fill batters, must be supported on bored pier footings. Bored pier footings must extend at least three times their diameter into the very low strength or stronger rock. Bored pier footings constructed in this manner must be designed using an allowable end bearing pressure of 400 kPa and an allowable shaft adhesion of up to 40 kPa, neglecting the contribution of the upper 1.0 m of the shaft.

Continuous footings must not span the transition between differing founding material unless the potential for differential settlement is considered in the footing and structural design.

- (ii) A site specific geotechnical investigation must be carried out for each allotment upon completion of building construction design and planning and prior to the issue of a Development Permit for Building Works.

3.10 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

Access to each proposed allotment must be provided at the building stage (from the edge of the road pavement to the property boundary of each proposed allotment) generally in accordance with FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Earthworks

As part of a subsequent application for Operational Works, an earthworks plan is to be submitted, prepared by a suitably qualified RPEQ demonstrating compliance with the Filling and Excavation Code including the following detail:

- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary;
- Preservation of all drainage structures from the effects of structural loading generated by the earthworks;
- Protection of adjoining properties and roads from ponding or nuisance from stormwater.

All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the As Constructed information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).

4.3 Stormwater Drainage

- (i) The design and construction of stormwater drainage for the proposed subdivision is to be in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) 1992 (or as amended) and the FNQROC Development Manual. A Stormwater Management Plan, prepared and certified by a suitably qualified person, including an erosion and sediment control plan satisfying these requirements must be lodged with Council prior to the issue of a development permit for operational works and is to be to the satisfaction of Council's Delegated Officer.
- (ii) No net increase in stormwater discharge rate will be permitted from the Development. Where appropriate the applicant must use Water Sensitive Urban Design solutions for the management of stormwater within the subject-site.
- (iii) Any minor stormwater drainage corridors not part of open space areas will be required to be incorporated into the individual allotments and restricted from development by way of easements/statutory covenants.
- (v) Where Council is party to a proposed easement and/or if the proposed easement is in favour of Council the applicant/developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents, using Council's standard form of easement. The approved easement documents must be submitted at the same time the applicant/developer seeks endorsement of the plan of survey and must

be lodged and registered in the Department of Environment and Resource Management in conjunction with the plan of survey.

4.4 ~~Frontage Works~~

~~4.4.1 The developer is required to upgrade the existing Hilltop Close cul-de-sac head to include an asphalt overlay for the full width of the Hilltop Close cul-de-sac head in accordance with the FNQROC Development Manual and to the satisfaction of Council's delegated officer. Deleted~~

~~4.4.2 Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.~~

4.5 Roadworks – Internal

4.5.1 The internal road must be constructed to Residential Street standard in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer.

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

4.6 Water Supply

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

4.6.2 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 the reticulated water supply infrastructure (including additional fire hydrants where required) 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).

4.6.3 Each lot is required to be separately metered.

4.7 On-Site Wastewater Management

The on-site effluent disposal system for the proposed lots must be designed and constructed generally in accordance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of Council's delegated officer.

4.8 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.

4.9 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. Contributions/Headworks

5.1 Roadworks Contribution

The developer must pay a contribution for roadworks to Council in accordance with Mareeba Shire Transitional Planning Scheme for the equivalent of four (4) additional lots at the rate applicable at time of payment.

5.2 Water Headworks

The developer must pay a contribution for four (4) additional lots for water supply headworks to Council in accordance with Mareeba Shire Transitional Planning Scheme at the rate applicable at time of payment.

5.3 Open Space/Parks Contribution

The developer must pay a contribution for four (4) additional lots for open space/park to Council in accordance with Mareeba Shire Transitional Planning Scheme at the rate applicable at time of payment.

5.4 Street Lighting Contribution

A monetary contribution must be made to Council equal to the tariff charge of two (2) years provision of street lighting for each street with the number of lights being as per the recommendation of the Electricity Service Provider.

REFERRALS

Internal Consultation

Technical Services

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT:	CJ Emery	ADDRESS:	3 Hilltop Close, Kuranda
DATE LODGED	5 December 2017	RPD:	Lot 84 on SP237138
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works associated with reconfiguring a lot (REC/06/0108) – Early Works (Vegetation Clearing)		

and in accordance with the Planning Act 2016, 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 associated with reconfiguring a lot (REC/06/0108) – Early Works (Vegetation Clearing)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q174188-005-0001 Revision 01	Vegetation Clearing Plan	Cardno	01.12.2017
Q174188-005-0002 Revision 01	Erosion and Sedimentation Control Strategy	Cardno	30.11.2017

(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 (refer to (b) below).
- (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.

(b) Extent of Approved Vegetation Clearing

Vegetation clearing is approved for the full extent of the proposed future road reserve and a maximum area of 1,500m² on each of the proposed Lots 1 to 5.

(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) Prevention of the spread of weeds and pests

- (i) The applicant must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

(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

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 19TH day of DECEMBER 2017



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE COUNCIL
AS A DELEGATE OF THE COUNCIL



