DELEGATED REPORT

TO: SENIOR PLANNER

FROM: Planning Officer FILE: OPW/22/0006 (Stage 3)

DATE: 10 November 2022

APPLICATION DETAILS

APPLICATION		PREMISES	
FILE NO:	OPW/22/0006	ADDRESS: Catherine	
	(The Rise Stage	Atherton	
	3)	Drive,	
		Mareeba	
APPLICANT:	The Rise Unit	RPD: Lot 100 o	
	Trust	SP306259	
LODGED BY:	Freshwater	AREA: 48.77	
	Planning Pty Ltd	hectares	
DATE LODGED:	7 September 2022	OWNER: D Pollock	
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Operational Works (Road work, Stormwater,		
	Water infrastructure, Drainage work and		
	Earthworks for Stage 3 (5 Lots) of Development		
	Permit REC/07/0074)		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Rural Residential zone		
LEVEL OF	Code Assessment		
ASSESSMENT:			

PREVIOUS APPLICATIONS & APPROVALS

REC/07/0074

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works (Road work, Stormwater, Water infrastructure, Drainage work and Earthworks for Stage 3 (5 Lots) of Development Permit REC/07/0074) - **The Rise Stage 3**

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
- 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 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

REC/07/0074

B. Issue a Development Permit for the application made by The Rise Unit Trust for the reconfiguration of land formerly described as Lot 3 on RP739487, Parish of Tinaroo, situated at 146 Emerald End Road, Mareeba into 54 Rural Residential lots generally as indicated on Drawing No. 7429 - LL1 Rev A, SP235319, SP250068, SP265015 and SP268686, subject to:

COUNCIL CONDITIONS

1. (i) For Lots 201 to 205 and 301 to 306 on SP235319, Lots 206 and 298 to 300 on SP250068, Lot 207 on SP265015, Lot 208 on SP268686 and Lot 209 only

To cover extra traffic movements created by this development, the applicant must contribute per additional allotment created to enable Council to upgrade roads adjacent and external to this proposed development (currently \$3,000 per additional allotment). This contribution is to be paid prior to the signing and sealing of the Plan of Survey.

(ii) For all lots

At the same time as the contribution is paid, a copy of the Plan of Survey and the Form 6 that is lodged with the Department of Natural Resources and Mines for each permanent survey mark installed must also be lodged with Council prior to the signing and sealing of the Plan of Survey.

- 2. External Works Emerald End Road
 - (i) The applicant is to construct kerb and channel on Emerald End Road for the full frontage of Lot 3 on RP739487.
 - (ii) The applicant is to widen the existing bitumen on Emerald End Road to the new kerb and channel as mentioned in (i) above. This bitumen widening is to be a minimum of 3m.

(iii) The above operational works and all other operational works approved for this development must be undertaken as per the following requirements.

3. General

- All operational works relating to this development will be as per the FNQROC (i) Development Manual, including the following.
- Prior to the submission of any documentation, Council draws your attention to (ii) AP 1 Application Procedures with particular reference to:-

AP 1.02	Pre-Lodgement Discussion
AP 1.07	Supporting Information, in particular:-
	9 (xi) Erosion and Sediment Control Strategy (ESCS)
	9 (xvii) Landscaping Design Plan
AP 1.08-1.14	Plan Presentation
AP 1.15-1.31	Design Drawings (including asphalt intersection/ cul-de-sac details with bitumen road)

- (iii) Documentation including Engineering Drawings, as detailed in AP 1 should be submitted for approval at least one (1) month prior to the proposed starting date for construction. Construction work cannot commence until the Documentation and Engineering Drawings have been approved and a Prestart Meeting held.
- (iv) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings, including crossfall of 4% on all roads.
- All aspects of construction works must be undertaken to the satisfaction of the (v) Manager Civil Works.
- Council wishes to advise the applicant of the Aboriginal Cultural Heritage Act 2003 and the Environment Protection and Biodiversity Conservation Act 1999 which may impact on this development.
- No work may commence on site until Council has approved both the: -
 - Erosion and Sediment Control Strategy; and (a)
 - Principal Contractor's Sediment Control Plan. (b)

4. Roadworks and Access

For Lots 201 to 205 and 301 to 306 on SP235319, Lots 206 and 298 to 300 on SP250068, Lot 207 on SP265015, Lot 208 on SP268686 and Lot 209 only

Roadworks are to be designed and constructed in accordance with (i) FNQROC Development Manual with particular reference to the following sections:

DP 1	Development Principles
D1	Road Geometry
D2	Site Regrading
D3	Road Pavements (Design)
S1	Earthworks
S2	Road Pavements (Specification)
TableD1.1	Street and Road Hierarchy

(ii) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings.

4.2 For all other allotments

(i) Access

Access must be constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

A bitumen sealed driveway shall be provided within any battleaxe lot access handle. The driveway will:-

- have a minimum formation width of three (3) metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- Conduits within access strip service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

(ii) Roadworks – Internal

Internal roads must be constructed to Access 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.

A temporary turnaround area, with gravel surface, must be provided at the end of the new road construction adjacent to the balance area of the overall subdivision to allow traffic manoeuvring.

(iii) Access/Services/Drainage Easement - Lots 33 and 34

An easement must be established over the access handles of Lots 33 and 34 for the purposes of access, drainage, maintenance and servicing in favour of Lots 33 and 34.

The easement documents must be submitted to Council's delegated officer for approval at the same time the applicant/developer seeks endorsement of the plan of survey and must be lodged and registered in the Department of Natural Resources and Mines in conjunction with the plan of survey.

Stormwater Drainage

(i) Stormwater drainage is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.

DP 1 Development Principles
D4 Stormwater Drainage (Design)

D5 Stormwater Quality Management

S4 Stormwater Drainage (Specification)

- (ii) The design be such so as to minimise concentrated stormwater drainage flows. Where such flows occur drains shall be lined and treated to minimise and capture silt and other contaminants prior to discharge.
- (iii) Refer also to Mareeba Shire Council specific requirements and site drawings.
- (iv) For each culvert to be installed, a detail plan and long section (upstream and downstream) of the waterway involved must be submitted as part of the "Detailed Engineering Drawings" to Council. This is to enable Council to ensure the culvert is in the correct location.

6. Water Supply

- 6.1 For Lots 201 to 205 and 301 to 306 on SP235319, Lots 206 and 298 to 300 on SP250068, Lot 207 on SP265015, Lot 208 on SP268686 and Lot 209 only
 - (i) Water reticulation is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.
 - D5 Water Reticulation (Design)
 - S5 Water Reticulation (Specification)
 - (ii) Refer also to Mareeba Shire Council specific requirements and standard drawings, as listed in the FNQROC Manual.
 - (iii) All work mentioned above including laying and installation, is to be carried out to the specific requirements of Mareeba Shire Council and the satisfaction of Council's delegated officer.
 - (iv) The applicant shall contribute to the cost of water headworks in accordance with the adopted policy of Council existing at the time of payment (currently \$3,000 per additional allotment). This payment to be made prior to the signing and sealing of the Plan of Survey.
 - (v) The applicant is to undertake a water supply analysis to determine if the existing water supply has sufficient capacity to service this development. The results of the analysis are to be submitted to Council at the Operational Works stage.

6.2 For all other allotments

- (i) Water reticulation is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.
 - D5 Water Reticulation (Design)
 - S5 Water Reticulation (Specification)
- (ii) Refer also to Mareeba Shire Council specific requirements and standard drawings, as listed in the FNQROC Manual.

- (iii) All work mentioned above including laying and installation, is to be carried out to the specific requirements of Mareeba Shire Council and the satisfaction of Council's delegated officer.
- (iv) The applicant is to undertake a water supply analysis to determine if the existing water supply has sufficient capacity to service this development. The results of the analysis are to be submitted to Council at the Operational Works stage.

7. Wastewater Disposal

The developer shall provide a Site and Soil Evaluation Report prepared by a suitably qualified Registered Professional Engineer acceptable to Council, for the proposed development. The report shall be prepared in accordance with the requirements of AS1547.2000 and shall specifically address those issues pertaining to the planning, rezoning and subdivision of land. The developer shall warrant that each lot within the proposed subdivision is of sufficient size and soil classification to dispose of wastewater generated by any development consistent with the zoning of the land without impacting on any adjoining lands. The report will include a detailed investigation of problem lots within the development. AS1547.2000 provides direction on the preparation of such a report and guidance on the minimum level of testing required to produce such a report.

This evaluation must also investigate the depth to groundwater and permeability of the vadose zone to avoid contamination of the underlying aquifer.

8. Construction

(i) As well as the requirements set out in the Design Guidelines and Specifications of the FNQROC Development Manual, Council draws your attention to CP 1 Construction Procedures which details minimum requirements acceptable to Council. Particular reference is made to the following sections.

CP 1.04	Inspection and Test Plan
CP 1.06	Contractors Erosion & Sediment Control Plan
CP 1.08	Notice to Commence Works
CP 1.09	Pre-Start Meeting

- (ii) Before any contractor can proceed on site, the applicant is to complete and submit for signing of approval to the Manager Civil Works, the "Notice of Appointment of Principal Contractor" form, stating who is to be the Principal Contractor for this development.
- (iii) All construction works are to be carried out to the requirements of the FNQROC Development Manual and the specific Mareeba Shire Council requirements.
- (iv) All aspects of construction works must be undertaken to the satisfaction of the Manager Civil Works.
- 9. For Lots 201 to 205 and 301 to 306 on SP235319, Lots 206 and 298 to 300 on SP250068, Lot 207 on SP265015, Lot 208 on SP268686 and Lot 209 only

The Applicant shall make a contribution per additional allotment towards public open space in accordance with the adopted policy of Council existing at the time of payment

- (currently \$3,000 per additional allotment). This payment to be made prior to the signing and sealing of the Plan of Survey.
- 10. The applicant shall provide written advice from Ergon Energy that satisfactory arrangements have been made for an electricity supply to be provided to the proposed allotments.
- 11. The applicant shall provide written advice from Telstra that a telephone can be made available to the proposed allotments.
- 12. A stormwater management plan and a sediment and erosion control plan are developed prior to any operational works. The sediment erosion control plan should detail measures during and post construction to minimise erosion and runoff from this proposal.
- 13. 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 and at the rate applicable at the time of payment.

DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING CONDITIONS

Department of State Development, Infrastructure and Planning conditions dated 14 July 2015.

FNQROC Regional Development Manual

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

REFERRALS

Nil

Internal Consultation

Technical Services

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT:	The Rise Unit Trust	ADDRESS:	Catherine Atherton Drive,
			Mareeba
DATE LODGED	7 September 2022	RPD:	Lot 100 on SP306259
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Operational Works (Road work, Stormwater, Water infrastructure,		
DEVELOPMENT	Drainage work and Earthworks for Stage 3 (5 Lots) of Development Permit REC/07/0074)		

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 (Road work, Stormwater, Water infrastructure, Drainage work and Earthworks for Stage 3 (5 Lots) of Development Permit REC/07/0074)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
TR21-001-C01 B	Cover Sheet	Benchmark Survey & Design	24/05/22
TR21-001-C02 A	Conceptual Plan	Benchmark Survey & Design	24/06/21
TR21-001-C03 A	Site Plan - Stage 3	Benchmark Survey & Design	24/06/21
TR21-001-C04 B	Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C05 A	Typical Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C06 A	Catherine Atherton Drive - Longitudinal Section	Benchmark Survey & Design	24/06/21
TR21-001-C07 A	Catherine Atherton Drive - Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C08 A	Catherine Atherton Drive - Cross Sections	Benchmark Survey & Design	24/06/21
TR21-001-C09 B	Stormwater Drainage Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C10 A	Stormwater Drainage Longitudinal Sections - Stage 3	Benchmark Survey & Design	24/06/21
TR21-001-C11 B	Earthworks Layout Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C12 B	Erosion & Sediment Control Strategy Plan - Stage 3	Benchmark Survey & Design	24/05/22
TR21-001-C13 B	Water Reticulation Layout Plan - Stage 3	Benchmark Survey & Design	01/06/22

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(b) General

- (i) This development permit applies to Stage 3 of The Rise Estate <u>only</u>, as depicted on Plan TR21-001-C01 Issue B (Cover Sheet) dated 24/05/22.
- (ii) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (iii) 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, Queensland Urban Drainage Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iv) 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.
- (v) The drainage reserve shown on the submitted plans must remain as private freehold land covered by a drainage easement of the same dimensions. This drainage easement, as well as the drainage easement within Lot 3 must be in favour of Council and the Form 20 must exclude Council from having responsibility for the routine mowing and upkeep of the land within the easement area. The Form 20 must also ensure that any boundary fencing or gates that pass across the easement area must be designed to allow for the free and uninterrupted passage of water through the easement area.

Domestic uses established within each lot are able to discharge stormwater to the easement area as a lawful point of discharge, provided sufficient scour protection is implemented at the outlet.

(vi) Amended Drainage Plan/Works

Prior to the pre-start meeting occurring, amended stormwater drainage plans must be submitted to Council for review and endorsement by Council's delegated officer. The amended stormwater drainage plans must include the following details:

(a) A 2 metre wide reinforced concrete invert drain, with a minimum thickness of 150mm must be installed for the full length of the large drain at the rear of Lots 1, 2 and 3 in order to protect the drain from future scour and ensure ease of maintenance for responsible landowners.

- (b) Water slowing devices (number, design and location to be approved by Council's delegated officer) must be included within the drain to ensure that water velocity is adequately reduced so as to not cause damage to any part of Lot 209 on SP306259.
- (c) Rock protection must in included on the outside edge drain batters at any bends in the drain to reduce the risk of scour.
- (d) A 1 metre wide concrete invert drain must be included along the full length of the smaller open drain running through Lot 3. Where this drain discharges into the larger drain a water slowing device must be installed to ensure that water velocity is adequately reduced before being discharged into the larger drain. Alternatively, the end of the Lot 3 drain can be redesigned, and concrete sealed so as to direct water into the larger drain in a downstream direction instead of perpendicularly. In either case, rock protection must be installed on both batters of the larger drain at this discharge location to protect against scour.

(vii) Catherine Atherton Drive Reserve Width

The Catherine Atherton Drive road reserve width must be increased to 20 metres for the full length of the works, with the road formation remaining centred within the reserve.

(viii) The 'temporary loop main connection' shown on drawing C13 must be installed using ductile iron piping (DICL) and must be maintained as a permanent component of the water supply network.

(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.

(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 a delegate of Council, the application subject to the conditions listed in the report.

Dated the IOTH day of NOVEMBER 2022

BRIAN MILLARD SENIOR PLANNER

MAREEBA SHIRE AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

























