

**DELEGATED REPORT****TO:** COORDINATOR PLANNING SERVICES**FROM:** Senior Planner**FILE:** OPW/24/0002**DATE:** 10 June 2024

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>FILE NO:</b>	OPW/24/0002	<b>ADDRESS:</b>	9 Kenneally Road, Mareeba
<b>APPLICANT:</b>	D & K Graham	<b>RPD:</b>	Lot 1 on RP725088
<b>LODGED BY:</b>	Applin Consulting	<b>AREA:</b>	1.808 ha
<b>DATE LODGED:</b>	10 May 2024	<b>OWNER:</b>	D & K Graham
<b>TYPE OF APPROVAL:</b>	Development Permit		
<b>PROPOSED DEVELOPMENT:</b>	Operational Works (Access, Drainage & Stormwater Works, Water Infrastructure and Earthworks for Stage 1 of Development Permit RAL/23/0001)		
<b>PLANNING SCHEME:</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE:</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT:</b>	Code Assessment		

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**PREVIOUS APPLICATIONS & APPROVALS**

RAL/23/0001

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Operational Works (Access, Drainage & Stormwater Works, Water Infrastructure and Earthworks for Stage 1 of Development Permit RAL/23/0001)

**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 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 solutions (or probable solutions/performance criteria where no acceptable solution 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/23/0001

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, 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 relevant to each stage must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
  - 3.2 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.
  - 3.3 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.
  - 3.4 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.

- 3.5 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.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

#### 3.8 Charges

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

#### 3.9 Bushfire Management

- 3.9.1 Any new dwelling erected on the proposed allotments must achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- 3.9.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

### 4. Infrastructure Services and Standards

#### 4.1 Access

- 4.1.1 An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.
- 4.1.2 A reinforced concrete/asphalt driveway shall be provided within access handle of proposed Lot 3. The driveway must:
  - (i) have a minimum formation width of 3 metres;
  - (ii) be constructed for the full length of the access handle and include an access crossover;
  - (iii) be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and
  - (iv) include service and utility conduits provided for the full length of the access handle.

## 4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 The applicant/developer 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.

The Stormwater Management Plan must identify the necessary stormwater management measures for each stage of the development.

Any stormwater channels through private property must be registered, with the easement for drainage purposes in favour of the benefitted lot/s.

4.2.3 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.

4.2.4 All stormwater drainage must be discharged to an approved legal point of discharge.

## 4.3 Water Supply

4.3.1 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).

4.3.2 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.

## 4.4 On-Site Wastewater Management

At the time of construction of any future dwelling on proposed Lots 1 and/or 3, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

## 4.5 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 power reticulation.

#### 4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

### 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	Complies
D9 - Landscaping	Not applicable

### REFERRALS

Nil

#### Internal/External Consultation

Technical Services & Trinity Engineering Consultancy (stormwater modelling & design review)

### OFFICER'S RECOMMENDATION

- That in relation to this operational works development application:

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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 (Access, Drainage & Stormwater Works, Water Infrastructure and Earthworks for Stage 1 of Development Permit RAL/23/0001)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24001-C001 Rev A	Cover Sheet, Locality Plan and Drawing Index	Applin Consulting	3/05/2024
24001-C002 Rev A	Overall Site Plan	Applin Consulting	3/05/2024
24001-C003 Rev A	Property Access and Drainage Plan	Applin Consulting	3/05/2024
24001-C004 Rev A	Setout Plan and Type Sections	Applin Consulting	3/05/2024
24001-C005 Rev A	Longitudinal Sections	Applin Consulting	3/05/2024
24001-C006 Rev A	Water Reticulation Plan	Applin Consulting	3/05/2024

(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) This Development Permit authorises works for Stage 1 only as shown on the submitted plans.
- (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) As outlined on the submitted plans, an erosion and sediment control plan must be prepared by the principal contractor and submitted to Council for review prior to pre-start occurring.
- (vi) Unless it can be demonstrated that the drainage channels provided as part of the development provide a strategic drainage function for properties/road reserve upstream of the site, all easements must be private, and Council **must not be** included as a party on any easement documents.

A notation will be placed on the rates notice for all lots stating that the upkeep and maintenance of the easements is the responsibility of individual landowners and the cost of any repairs or upkeep is the responsibility of the individual landowners.

- (vii) A notation will be placed on the rates notice for Lot 3 regarding the drainage easement/s and that a bridge style crossing will be needed across the open drain constructed within the easement in order to access the rear of Lot 3 and that the cost of the construction of this crossing is the responsibility of the future landowner of Lot 3.
- (viii) The existing access crossover servicing Lot 1 from Kenneally Road must be upgraded to FNQROC Development Manual Standards at the same time all other Stage 1 works occur in order to achieve compliance with Condition 4.1.1 of Development Permit RAL/23/0001.

**(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)

- Two (2) years (starting the day the approval takes effect).

**(E) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

- Nil

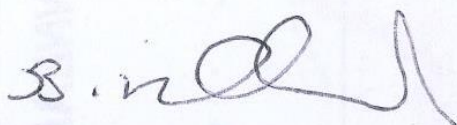


DECISION BY DELEGATE

DECISION

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

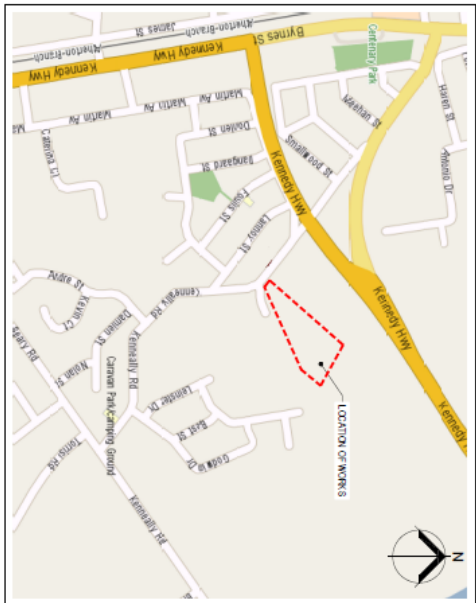
Dated the 10<sup>TH</sup> day of JUNE 2024



**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

**RESIDENTIAL SUBDIVISION**  
**9 KENNEALLY ROAD (LOT 1 RP725088), MAREEBA**  
**STAGE 1**

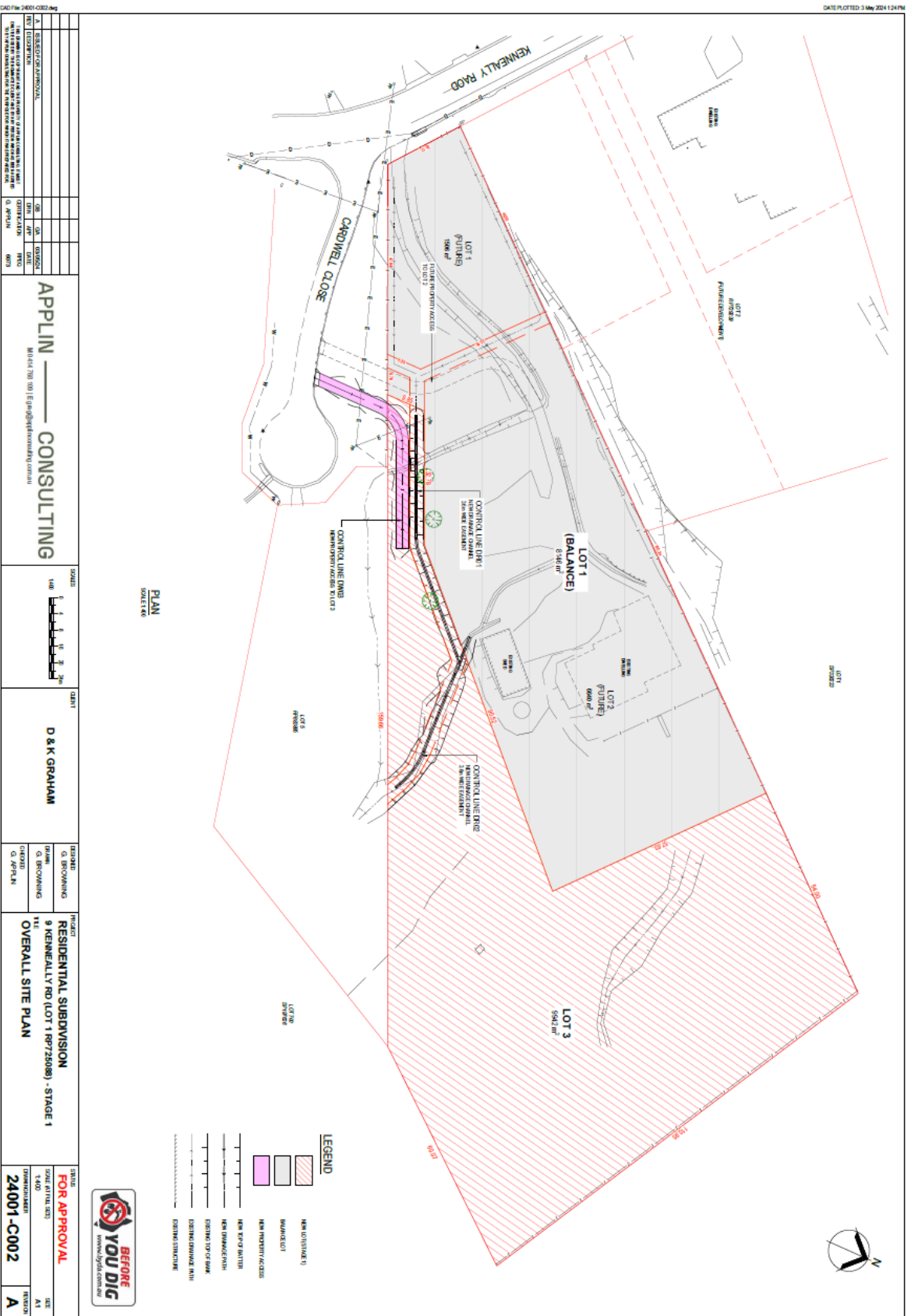


## LOCALITY PLAN

### NOT TO SCALE

DRAWING LIST	
DWG. NO.	DRAWING TITLE
2001-0001	COVER SHEET, LOCALITY MAP, MEASUREMENT SHEET
2001-0002	GENERAL PLAN
2001-0003	PROPOSED TRAIL ALIGNMENT, ELEVATION PLAN
2001-0004	SECTION A-A, PARTIAL SECTION
2001-0005	SECTION B-B, SECTION
2001-0006	SECTION C-C, SECTION

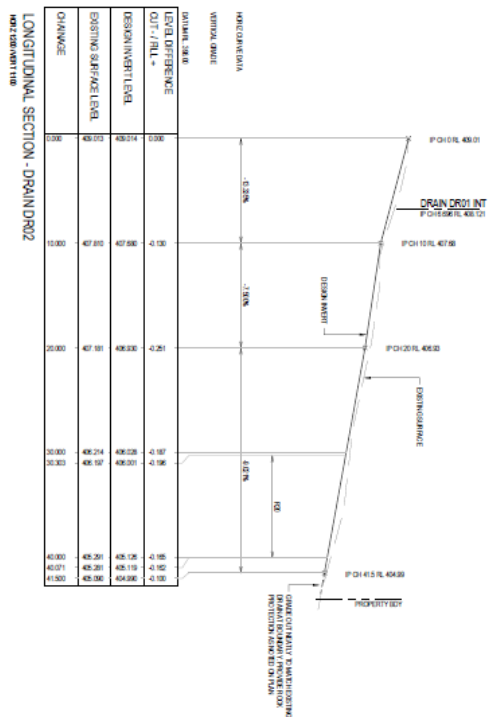
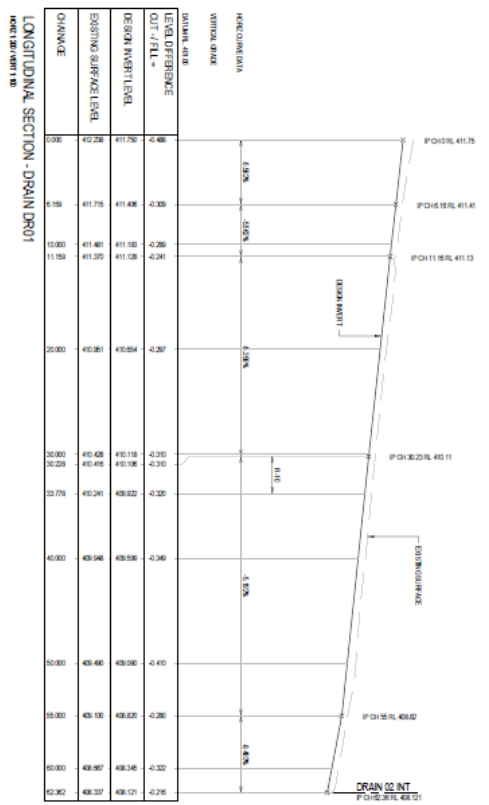
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## NOTES

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