

**DELEGATED REPORT**

**TO:** COORDINATOR PLANNING SERVICES

**FROM:** Senior Planner

**FILE:** OPW/24/0004

**DATE:** 16 December 2024

---

**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>FILE NO:</b>	OPW/24/0004	<b>ADDRESS:</b>	Malone Road, Mareeba
<b>APPLICANT:</b>	Sutariya Brothers Pty Ltd	<b>RPD:</b>	Lot 15 on RP846956
<b>LODGED BY:</b>	Clarke and Prince Pty Ltd	<b>AREA:</b>	7,448m <sup>2</sup>
<b>DATE LODGED:</b>	30 July 2024	<b>OWNER:</b>	Sutariya Brothers Pty Ltd
<b>TYPE OF APPROVAL:</b>	Development Permit		
<b>PROPOSED DEVELOPMENT:</b>	Operational Works – Roadworks Associated with MCU/21/0014 (Malone Road Service Station)		
<b>PLANNING SCHEME:</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE:</b>	Rural Residential zone		
<b>LEVEL OF ASSESSMENT:</b>	Code Assessment		

---

**PREVIOUS APPLICATIONS & APPROVALS**

MCU/21/0014 – Material Change of Use – Service Station

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Operational Works – Roadworks Associated with MCU/21/0014 (Malone Road Service Station)

**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
- 9.4.5 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.
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

N/A

### 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	n/a
D7 - Sewerage System	n/a
D8 - Utilities	Complies
D9 - Landscaping	n/a

### REFERRALS

Nil

### Internal/External Consultation

Technical Services (design review)

### OFFICER'S RECOMMENDATION

- That in relation to this operational works development application:

APPLICATION		PREMISES	
<b>APPLICANT:</b>	Sutariya Brothers Pty Ltd	<b>ADDRESS:</b>	Malone Road, Mareeba
<b>DATE LODGED</b>	30 July 2024	<b>RPD:</b>	Lot 15 on RP846956
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works – Roadworks Associated with MCU/21/0014 (Malone Road Service Station)		

and in accordance with the Planning Act 2016, as amended, the applicant be notified that the application for operational works:

Is approved subject to the following assessment manager conditions:

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works – Roadworks Associated with MCU/21/0014 (Malone Road Service Station)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
210220 DWG No. C01 Rev. C3	Civil Works – General Arrangements	Rodgers Consulting Engineers – Sheet 1	5/12/2024
ARO0218-C01 Rev D	Malone Road Widening – Locality Plan, Drawing Schedule and General Arrangement	ARO	12/12/2024
ARO0218-C02 Rev D	Malone Road Widening – Type Cross Sections and Miscellaneous Details	ARO	12/12/2024
ARO0218-C03 Rev D	Malone Road Widening – Linemarking Setout and Details	ARO	12/12/2024

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

### 1. General

- 1.1 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 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.
- 1.2 All operational works must be designed and constructed in accordance with the design guidelines and procedures as set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer and prior to Works Acceptance.
- 1.3 The finished seal identified as 'new sealed road' shown on the approved plans must be **asphalt sealed** for its full extent and not bitumen sealed. The 'For Construction' Engineering Drawings must be amended to include this detail prior to the pre-start meeting occurring.
- 1.4 'For Construction' Engineering Drawings, inclusive of any amendments required by Conditions of this Permit, must be certified as approved by a suitably qualified RPEQ Engineer and a copy submitted to Council, prior to the pre-start meeting occurring.
- 1.5 Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and

vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council, prior to Works Acceptance.

#### 1.6 Runoff Generally

All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the Environmental Protection Act (1994), the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia).

#### 1.7 Stormwater Drainage

Stormwater drainage as shown on the Approved Plan(s), must be constructed in accordance with the relevant design and specifications sections of the FNQROC Development Manual and the Queensland Urban Drainage Manual, prior to Works Acceptance.

All stormwater from the land must be directed to a lawful point of discharge as per the Approved Plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.

- 1.8 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.

### 2. Pre-start Meeting

- 2.1 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.

### 3. Inspections

- 3.1 Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

### 4. Construction Security Bond and Defects Liability Bond

- 4.1 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.
- 4.2 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.

## **5. Hours of Work**

5.1 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.

5.2 No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

## **6. Transportation of Soil**

6.1 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**

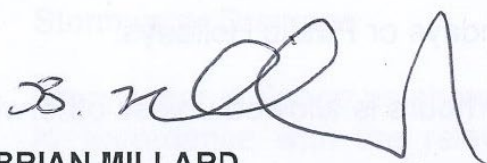
- Nil

## 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.

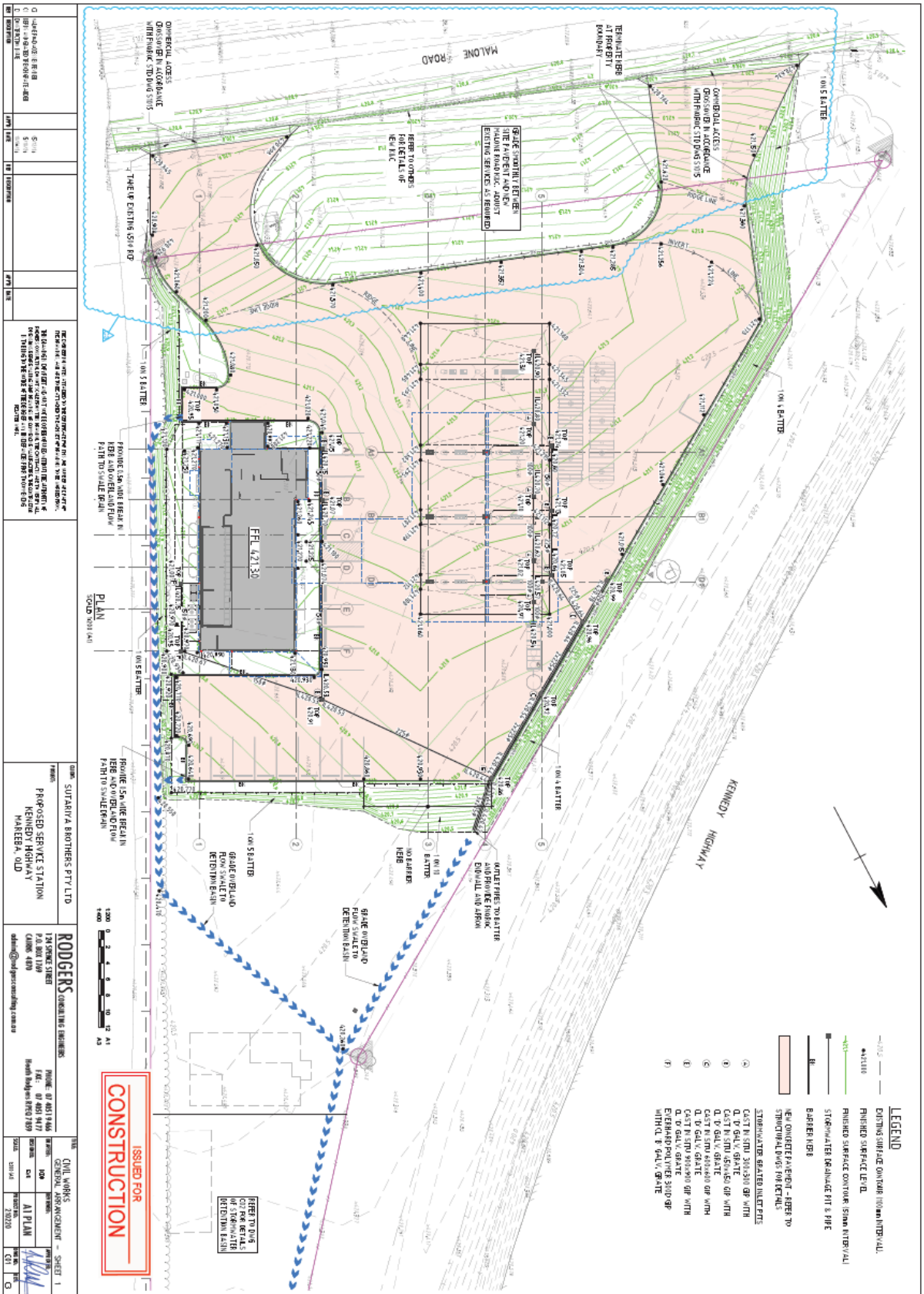
Dated the 16<sup>th</sup> day of DECEMBER 2024

A handwritten signature in black ink, appearing to read 'B. Millard', written over a faint, illegible watermark.

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

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

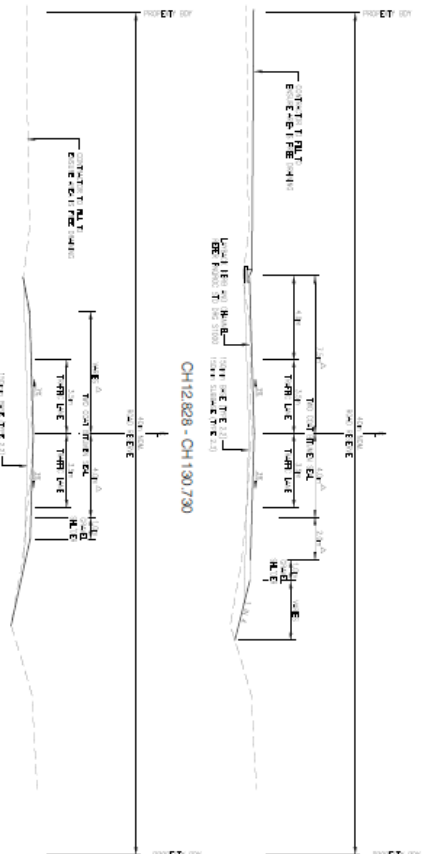
ATTACHMENT 1











### MALONE ROAD TYPE SECTIONS

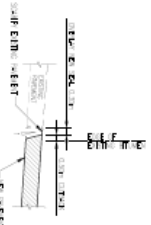
100 KM/H DESIGN SPEED



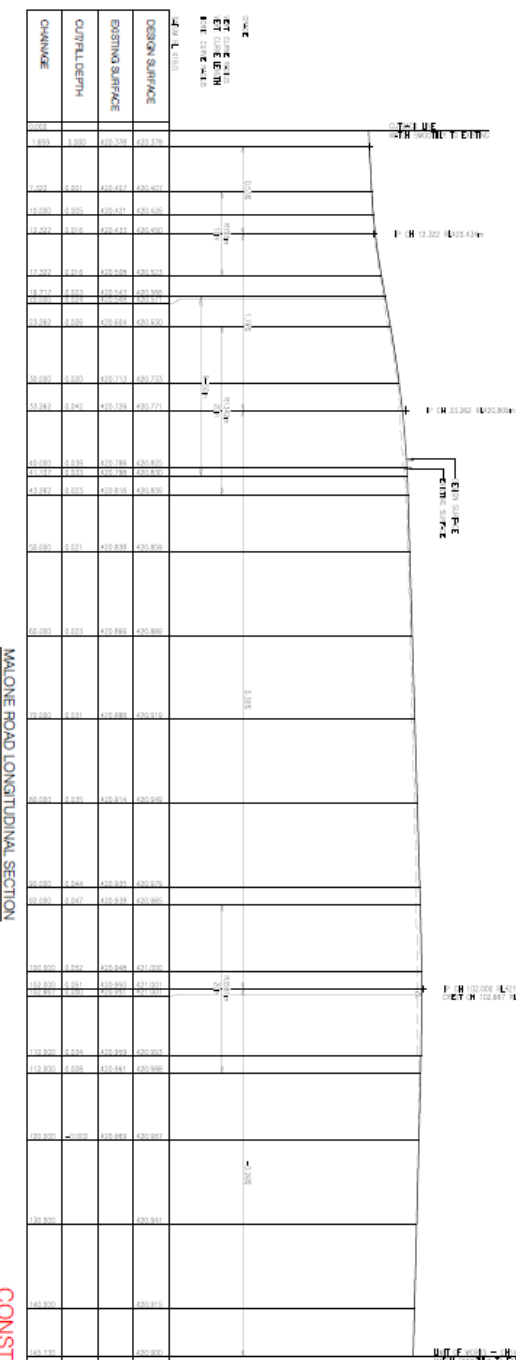
**MALONE ROAD CONTROL LINE SETOUT**

LINE	SET	WIDTH	SET	WIDTH	SET	WIDTH	SET	WIDTH	SET	WIDTH
1	2.500	0.500	1.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500
2	2.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500
3	2.500	0.500	1.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500
4	2.500	0.500	1.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500
5	2.500	0.500	1.000	0.500	1.000	0.500	1.000	0.500	1.000	0.500

- NOTES**
- SEE PLAN FOR FINISH LEVELS AND FINISHES
  - SEE PLAN FOR MATERIALS
  - SEE PLAN FOR CONSTRUCTION DETAILS



DO NOT SCALE



### MALONE ROAD LONGITUDINAL SECTION

DATE	DESCRIPTION	BY	CHECKED	APPROVED	DATE
12/16/2016	TYPE CROSS SECTIONS AND MISCELLANEOUS DETAILS	MS	MS	A. LANGSTON	19/12/2016

**CONSTRUCTION ISSUE**

ARO 02/8/02

ARO