

DELEGATED REPORT**TO:** SENIOR PLANNER**FROM:** Technical Officer (Subdivisions)**FILE:** OPW/18/0007**DATE:** 19 June 2018

APPLICATION DETAILS

APPLICATION		PREMISES	
FILE NO:	OPW/18/0007	ADDRESS:	Emerald Falls Road, Mareeba
APPLICANT:	Kanjini Co-Op Ltd	RPD:	Lot 67 RP896904 (now Lot 67 on SP177749)
LODGED BY:	Kanjini Co-Op Ltd	AREA:	936.18 hectares
DATE LODGED:	12 June 2018	OWNER:	Kanjini Co-Op Ltd
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Operational Works for Reconfiguring a Lot - Subdivision (1 into 4 lots plus balance area) approval DA/13/0085		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Rural Zone		
LEVEL OF ASSESSMENT:	Code Assessment		

PREVIOUS APPLICATIONS & APPROVALS

DA/13/0085

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works for Reconfiguring a Lot - Subdivision (1 into 4 lots plus balance area) approval DA/13/0085.

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:

6.2.9 Rural 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

DA/13/0085 - Reconfiguring a Lot - Subdivision (1 into 4 Lots plus balance area)

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, 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
 - 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, except where specified otherwise in these conditions of approval.
 - 2.2 The subdivision of Lot 67 on RP896904 (Development Approval DA/13/0006) is to finalised, and new titles issued prior to the endorsement of the plan of survey for this subdivision.

Alternatively, one survey plan may be submitted for endorsement by Council's delegated officer, encompassing both development approval DA/13/0006 and this approved subdivision (Lots 1 - 8 and Balance Lot 500).
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 or bonds required to be made to the Council 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.
- 3.4 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.
- 3.5 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. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.
- 3.6 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.
- 3.7 Habitat Buffer/Building Setback
- 3.7.1 No vegetation is to be cleared or buildings constructed within one hundred (100) metres of the following:
- Danbulla National Park (Lot 172 on NPW971);
 - Dinden State Forest (Lot 1 on AP19244);
 - Danbulla State Forest 2 (Lot 1 on AP19243).
- 3.7.2 No vegetation is to be cleared or buildings constructed within fifty (50) metres of the following:
- Lot 358 on OL451 (to reduce the potential for conflicting rural land uses).
- 3.8 Flood Immunity
- All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.
- 3.10 Bushfire Management
- 3.10.1 Any new dwelling erected on the subject land shall be in accordance with State Planning Policy 1/03, in particular:
- (i) Shall achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
 - (ii) An on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, is to be provided at the same time the dwelling is constructed.
- 3.10.2 A Bushfire Management Plan will be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.11 Landslide

For any new building on the proposed lots on a slope of 15% or greater, the land owner must provide Council's delegated officer with a site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

The report must be provided to Council's delegated officer prior to the issue of the development permit for building works.

3.12 Rural Addressing

The applicant must pay the relevant fee per lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.13 Charges

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

3.14 Environmental Covenant

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 preserving native animals, plants and their habitat.

The covenant will be of a form that is acceptable to the Registrar of Titles and Council's delegated officer.

The covenant area shall comprise the whole of the land with the exceptions of:

- (a) that part of each lot situated between Emerald Falls Road and the northern arm of Ada Creek;
- (b) one area of up to 20,000 square metres on the south-western side of the northern arm of Ada creek on each lot, which may be chosen by the present or any future owner of the lot;
- (c) one access track to the south-western boundary of each lot of no more than 4.5 metres wide and of no more than 3500 metres in total length;
- (d) tracks along stock fences which may be up to 3 metres wide and up to a total length of 5000 metres.

The covenant shall stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):-

- (a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no buildings or fences may be erected in the covenant area;
- (c) no native animals within the covenant area shall be killed or interfered with;

- (d) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental impact on the covenant area;

Notwithstanding clause (a) to (d), if any living or dead vegetation on the covenant area poses a risk to human safety:-

- (e) The vegetation may be cut down or trimmed with the prior written consent of the Council, not to be unreasonably withheld, so as to remove the risk;

Notwithstanding clause (a) to (e), if any native or indigenous animal on the covenant area poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

- (f) no non-native animals shall be kept within the covenant area with the exception of bees, the keeping of poultry for domestic purposes, a maximum of two (2) dogs and a maximum of one (1) head of horses or cattle per 8 hectares;

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 Natural Resources & Mines.

The covenant document 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.

Alternatively,

The applicant may at its sole discretion, proceed with this development without an environmental covenant.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 Roadworks – Frontage Works

The section of Emerald Falls Road from the north-western boundary of proposed Lot 5 to a point twenty (20) metres past the access into proposed Lot 500 must be constructed to Rural Road <100VPD standard (8 metre formation, 5.5 metres wide gravel) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Provided that the upgrading of the existing road surface does not affect the longitudinal section of Emerald Falls Road, a plan and representative cross section of the proposed upgrading will be sufficient for the Operational Works application.

Prior to the submission of the Operational Works application, the applicant shall meet Council's delegated officer on site to determine the extent of works and property accesses.

4.4 On-Site Wastewater Management

At the time a dwelling house is constructed on any of the proposed lots, an on-site effluent disposal system must be also constructed on the same lot in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

REFERRALS

Internal Consultation

Technical Services

OFFICER'S RECOMMENDATION

- That in relation to this operational works development application:

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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 for Reconfiguring a Lot - Subdivision (1 into 4 lots plus balance area) approval DA/13/0085

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Extent of Road Upgrade Emerald Falls Road	Kanjini Co-Op	18/06/2018
-	Typical Cross Section Plan	Kanjini Co-Op	18/06/2018

(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.

(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

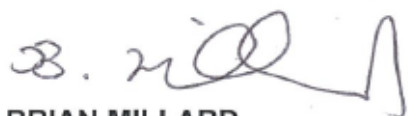
- Nil

DECISION BY DELEGATE

DECISION

Having considered the Technical 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 JUNE 2018

A handwritten signature in dark ink, appearing to read 'B. Millard', followed by a large, stylized flourish or checkmark-like stroke.

BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

(Approved Plans ECM Doc Set ID 3417327)

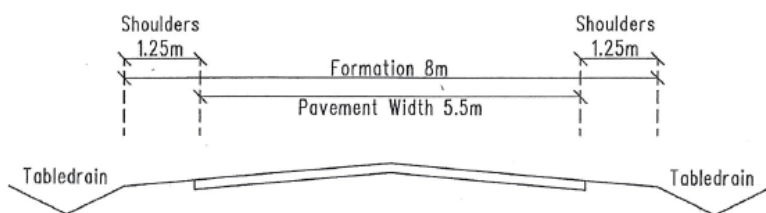


Typical Cross Section Plan

18/06/18

The upgrading of the existing road surface must not affect the longitudinal section of Emerald Falls Road.

If unsure consult FNQROC and Council's delegated officer



Typical cross section
Not to scale

Rural Road gravel <100VPD FNQROC

(Minimum - 150mm depth 2.4 Road Base Gravel)