



# Mareeba

## SHIRE COUNCIL

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

30 November 2018

Phyllis J Gibbs  
C/- Flanagan Consulting Group  
PO Box 891  
TOWNSVILLE QLD 4810

Planning Officer: Carl Ewin  
Direct Phone: 4086 4656  
Our Reference: OPW/18/0013  
Your Reference: 1761

Dear Applicant/s

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 30 November 2018 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: OPW/18/0013  
Street Address: 244 Kanervo Road, Koah  
Real Property Description: Lot 17 on SP219912  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision: Approval  
Type of Approval: Development Permit for Operational Works (Roadworks & Drainage Works) for Development Permit DA/15/0045  
Date of Decision: 30 November 2018

#### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**INFRASTRUCTURE**

Not Applicable.

**ASSESSMENT MANAGER CONDITIONS****(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.

- (iv) Access Crossovers

Access crossovers to Lot 19 on SP230977, Lot 205 on CP881091, and proposed Lots 1, 2, 3 and 4 must be upgraded/constructed to FNQROC Development Manual Standards, or a lesser standard agreed to by Council's delegated officer.

A second access crossover used to access the southern-most dwelling on Lot 19 on SP230977 must also be upgraded/constructed to FNQROC Development Manual standards, or a lesser standard agreed to by Council's delegated officer.

**(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.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1761-C01 Rev A	Drawing Index & Locality Plan	Flanagan Consulting Group	19/10/18
1761-C02 Rev B	Site Plan, Survey Control & Control Line Setout	Flanagan Consulting Group	19/11/18
1761-C03 Rev B	General Arrangement Plan	Flanagan Consulting Group	19/11/18
1761-C04 Rev A	Construction Details	Flanagan Consulting Group	19/10/18
1761-C05 Rev B	Road Type Section & Details	Flanagan Consulting Group	19/11/18
1761-C06 Rev B	Road Plan & Long Section Sheet 1 of 3	Flanagan Consulting Group	19/11/18
1761-C07 Rev B	Road Plan & Long Section Sheet 2 of 3	Flanagan Consulting Group	19/11/18
1761-C08 Rev B	Road Plan & Long Section Sheet 3 of 3	Flanagan Consulting Group	19/11/18
1761-C09 Rev B	Road Cross Sections Sheet 1 of 5	Flanagan Consulting Group	19/11/18
1761-C10 Rev B	Road Cross Sections Sheet 2 of 5	Flanagan Consulting Group	19/11/18
1761-C11 Rev A	Road Cross Sections Sheet 3 of 5	Flanagan Consulting Group	19/10/18
1761-C12 Rev A	Road Cross Sections Sheet 4 of 5	Flanagan Consulting Group	19/10/18
1761-C13 Rev A	Road Cross Sections Sheet 5 of 5	Flanagan Consulting Group	19/10/18

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Not Applicable.

**SUBMISSIONS**

Not Applicable.

**RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

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**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



**BRIAN MILLARD**  
**SENIOR PLANNER**

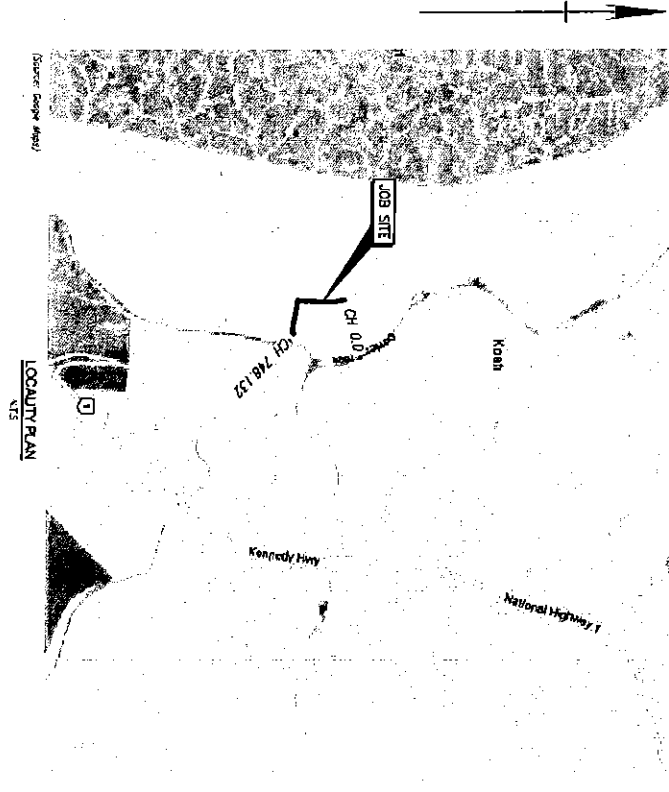
Enc:   Approved Plans/Documents  
      Appeal Rights  
      Operational Works Pre-Start Report template

Approved Plans/Documents

**NOT FOR CONSTRUCTION**  
17/06/2018

**228-244 KANERVO ROAD, KURANDA  
EXTERNAL ROAD WORKS UPGRADE  
PROJECT No. 1761**

1:5000 SCALE



DRAWING INDEX

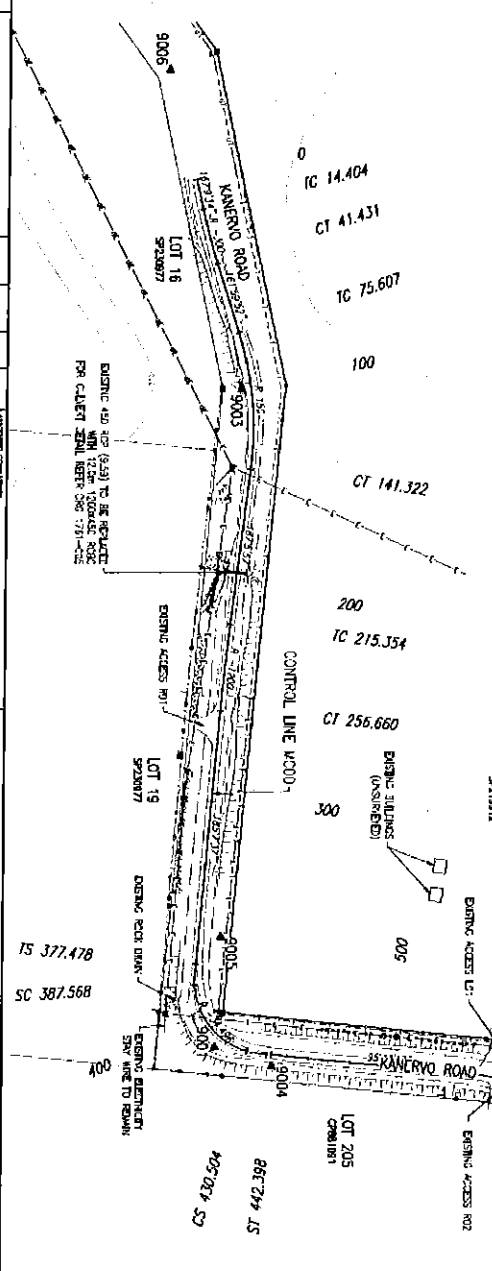
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1761-002	GENERAL NOTES & CONTRACT SPECIFICATIONS
1761-003	GENERAL CONTRACT DETAILS
1761-004	ROAD TYPE SECTION & DETAILS
1761-005	ROAD PLAN & LONG SECTION - SHEET 1 OF 5
1761-006	ROAD PLAN & LONG SECTION - SHEET 2 OF 5
1761-007	ROAD PLAN & LONG SECTION - SHEET 3 OF 5
1761-008	ROAD PLAN & LONG SECTION - SHEET 4 OF 5
1761-009	ROAD CROSS SECTIONS - SHEET 1 OF 5
1761-010	ROAD CROSS SECTIONS - SHEET 2 OF 5
1761-011	ROAD CROSS SECTIONS - SHEET 3 OF 5
1761-012	ROAD CROSS SECTIONS - SHEET 4 OF 5
1761-013	ROAD CROSS SECTIONS - SHEET 5 OF 5

<p>PHILIPS GIBBS 228-244 Kanervo Road Kuranda</p>		<p><b>FLANAGAN CONSULTING GROUP</b> CONSULTING ENGINEERS ARCHITECTS 1761-001</p>		<p>DRAWING INDEX &amp; LOCALITY PLAN</p>	
<p>DATE: 17/06/2018</p>		<p>SCALE: 1:5000</p>		<p>SHEET: 1 OF 13 SHEETS</p>	
<p>PROJECT NO: 1761</p>		<p>CLIENT: PHILIPS GIBBS</p>		<p>PROJECT: 228-244 KANERVO ROAD, KURANDA</p>	
<p>DESIGNER: PHILIPS GIBBS</p>		<p>DATE: 17/06/2018</p>		<p>SCALE: 1:5000</p>	
<p>PROJECT: 228-244 KANERVO ROAD, KURANDA</p>		<p>CLIENT: PHILIPS GIBBS</p>		<p>PROJECT: 228-244 KANERVO ROAD, KURANDA</p>	

**NOT FOR CONSTRUCTION**

SETOUT - CONTROL LINE WOOD

PT	PLANNED	EXISTING	NORTHING	EASTING	BEARING	LENGTH	STATION
P1	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P2	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P3	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P4	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P5	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P6	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
P7	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
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P10	14.404	14.404	813102.57	147894.28	N 89° 56' 30" E	14.404	14.404
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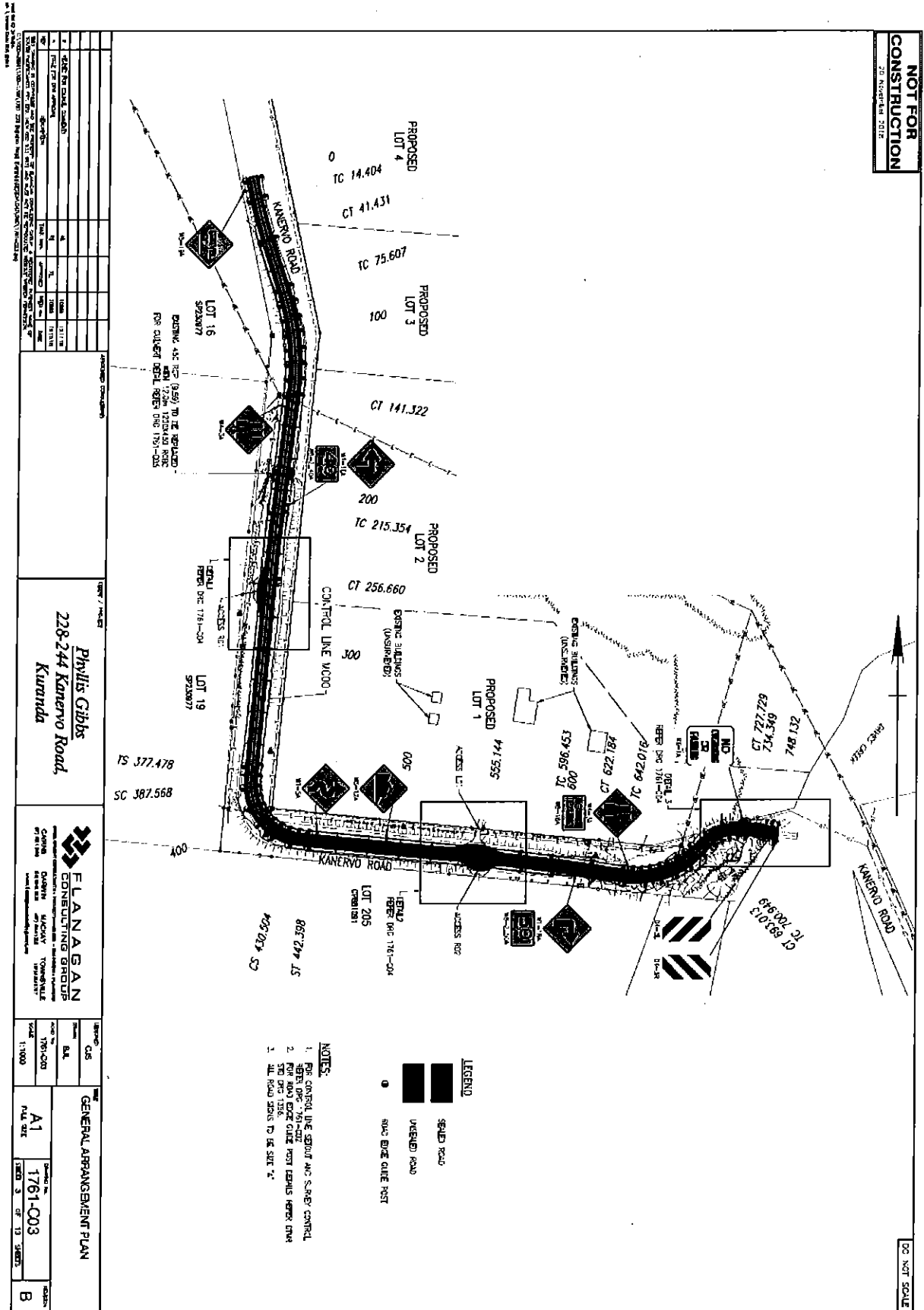
SURVEY CONTROL SETOUT

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004	14.404	14.404	14.404
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008	14.404	14.404	14.404
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010	14.404	14.404	14.404
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Phyllis Gibbs  
228-244 Kanero Road,  
Kururda

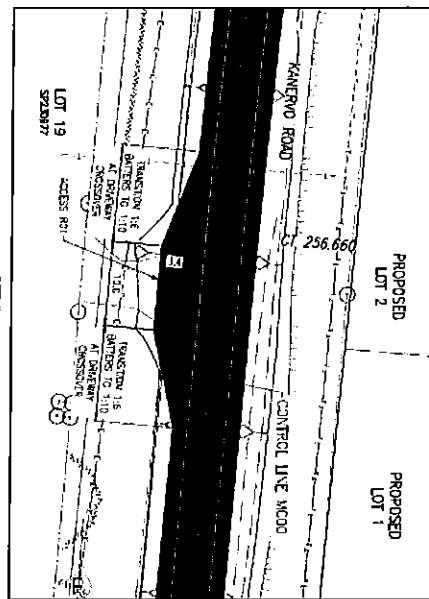
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CONSULTING ENGINEERS  
170/172-174  
TOWNHILL  
NSW 2325

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SHEET: 2 OF 3 SHEETS  
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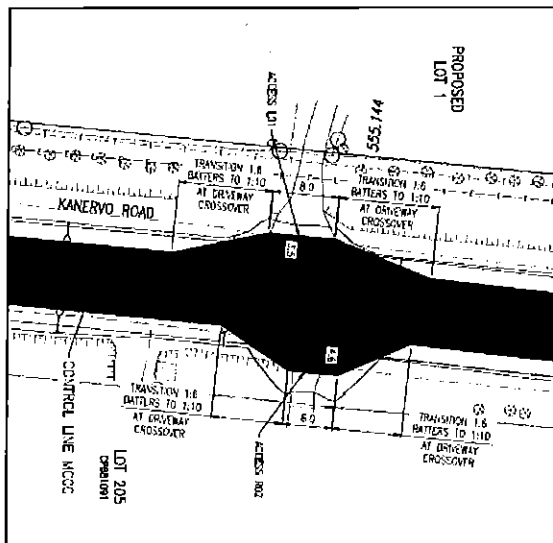




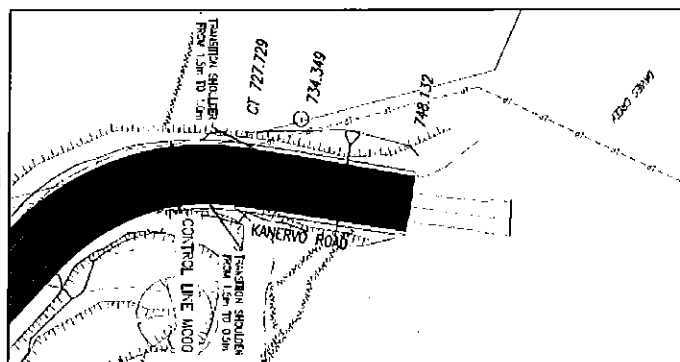
**NOT FOR  
CONSTRUCTION**  
23 SEPTEMBER 2018



DETAIL 1  
REFER DOC 1761-003



DETAIL 2  
REFER DOC 1761-003



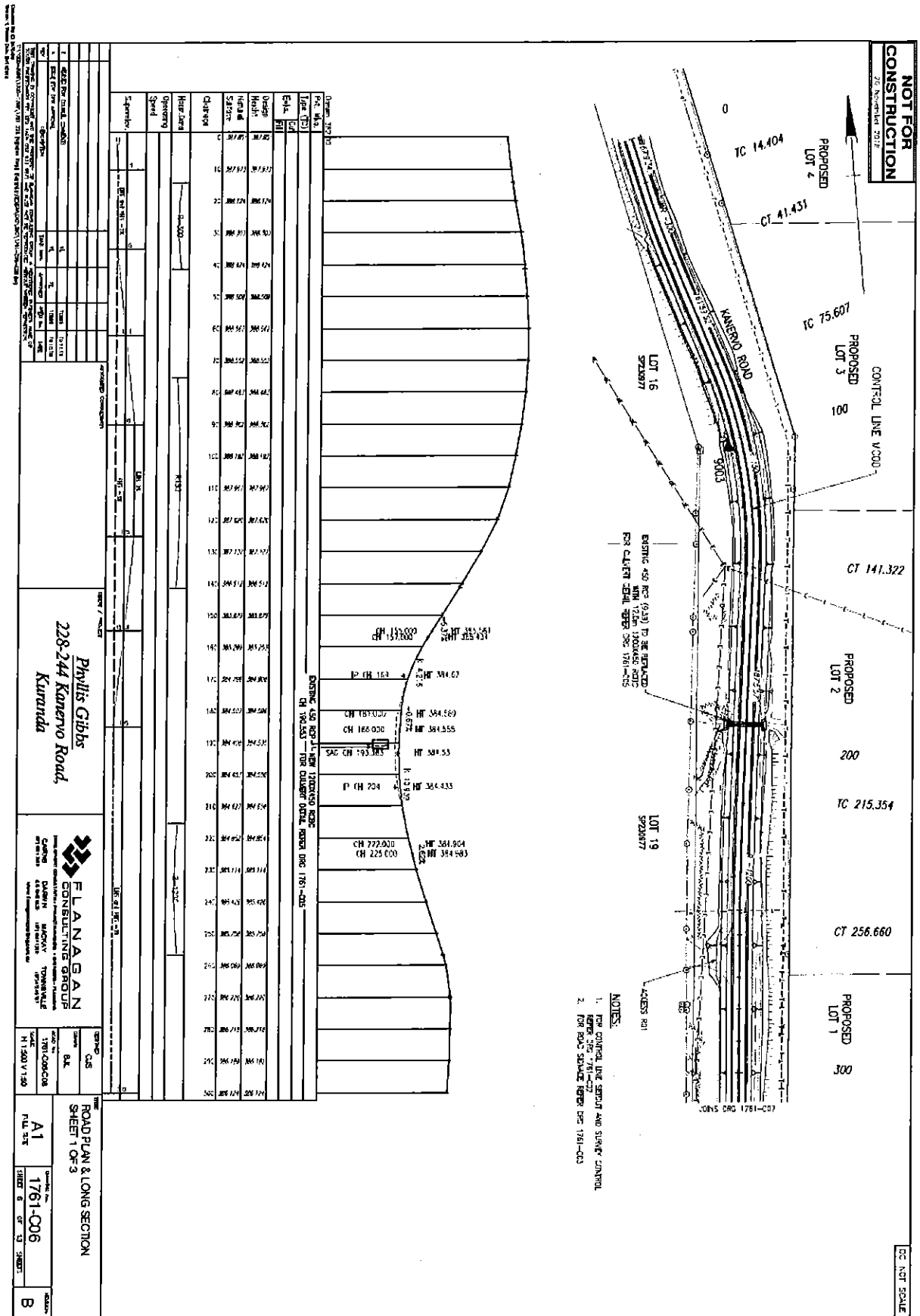
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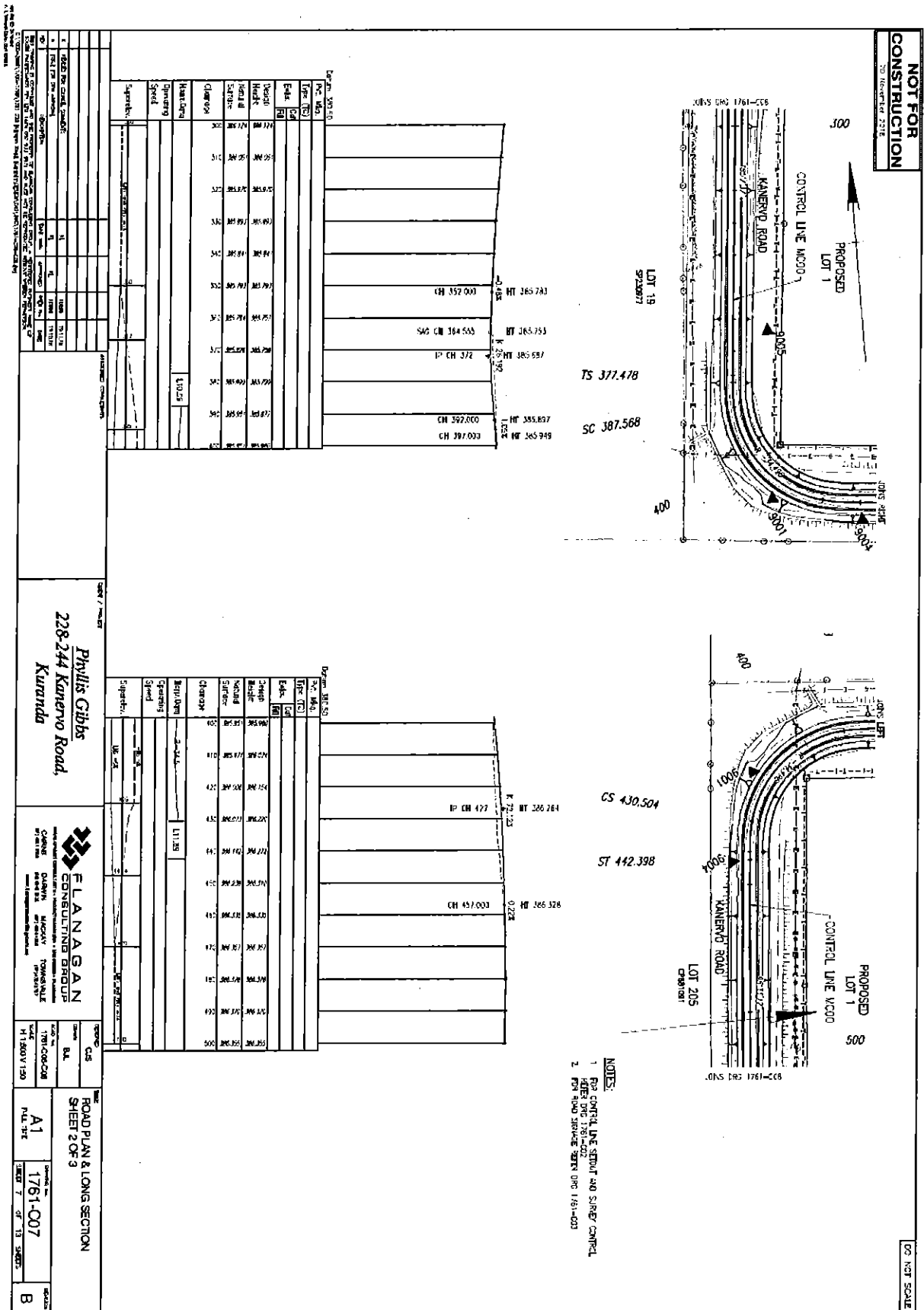


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CC NAT SCALE







**Phyllis Gibbs**  
228-244 Kanervu Road,  
Kuranda

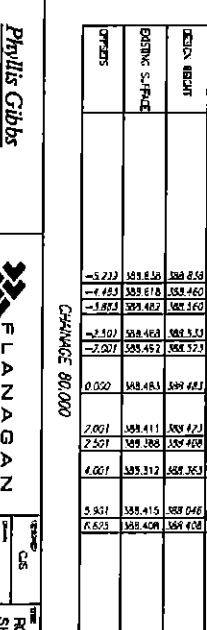
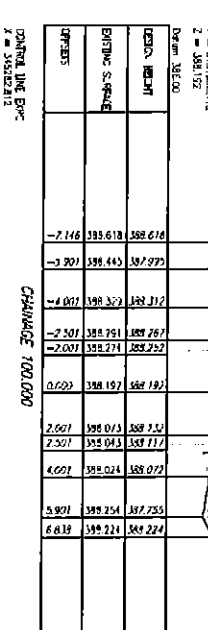
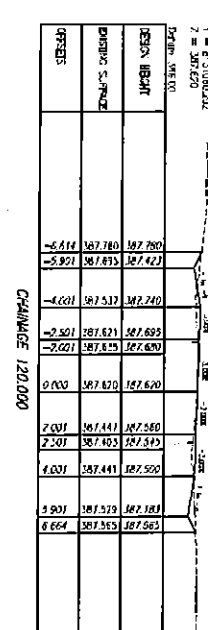
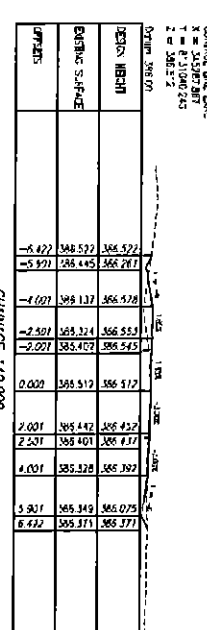
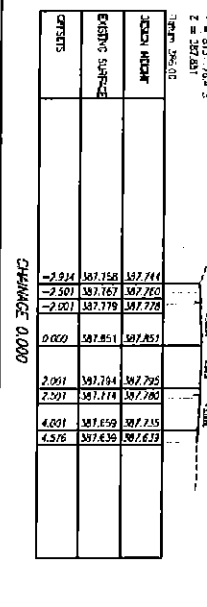
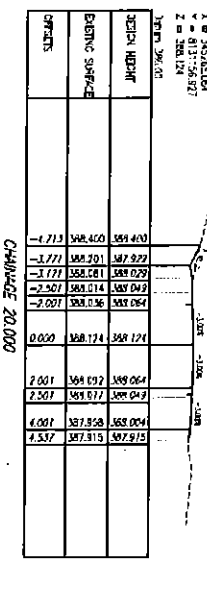
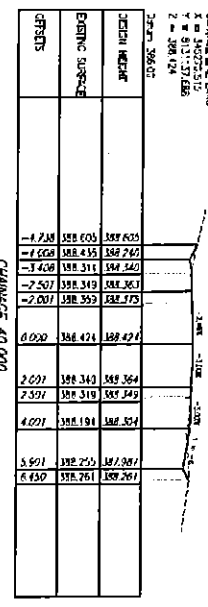
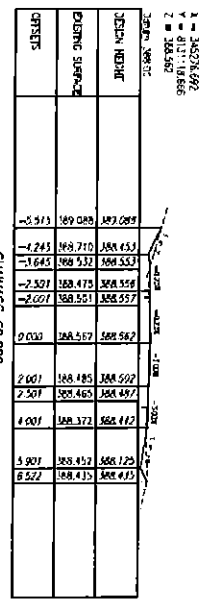
**FLANAGAN CONSULTING GROUP**  
CONSULTING ENGINEERS ARCHITECTS SURVEYORS  
2/11-13/150  
111, 130/150

PROJECT NO.	C/S	ROAD PLAN & LONG SECTION
DATE	11/13/2017	SHEET 2 OF 3
SCALE	A1	1761-007
DATE	11/13/2017	SHEET 2 OF 3



**NOT FOR CONSTRUCTION**  
22 November 2018

1:6 HORIZ SCALE

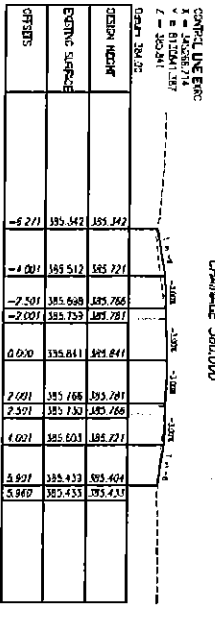
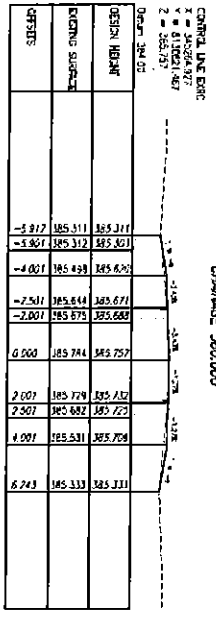
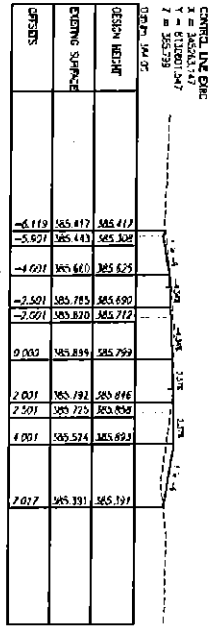


228-244 Kamevo Road Kurundi		PHYLIS GIBBS CONSULTING GROUP 1701 COVICH TOWNSHIP 1701 COVICH TOWNSHIP 1701 COVICH TOWNSHIP	
ROAD CROSS SECTIONS SHEET 1 OF 5		1761-009 SHEET 9 OF 13 SHEETS	



**NOT FOR CONSTRUCTION**

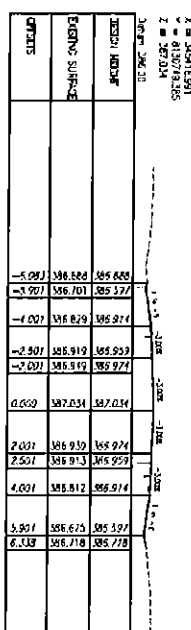
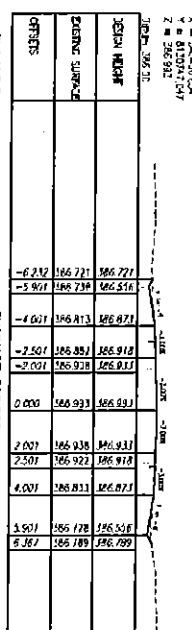
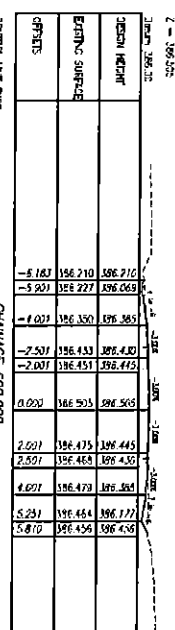
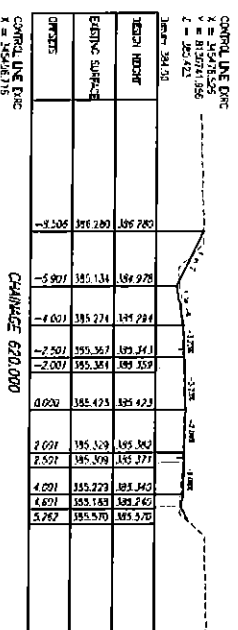
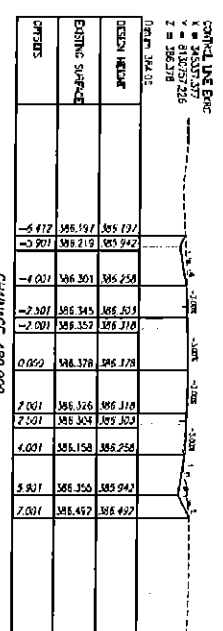
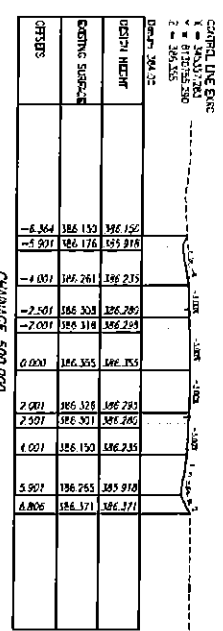
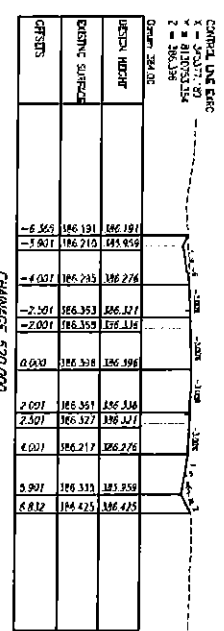
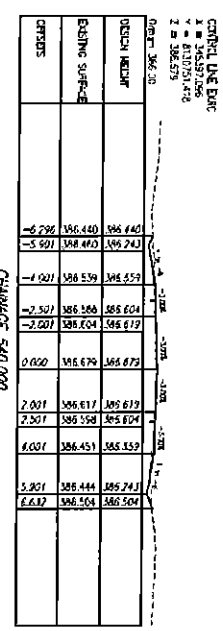
1:500 SCALE





**NOT FOR CONSTRUCTION**  
30/06/2018

DO NOT SCALE



228-244 Kanana Road  
Kuranda

**FLANAGAN CONSULTING GROUP**  
CONSULTING ENGINEERS ARCHITECTS PLANNERS  
1700 COOKS ROAD, KURANDA, QLD 4861  
TEL: 07 4081 1414 FAX: 07 4081 1415

PROJECT: ROAD CROSS SECTIONS  
SHEET 4 OF 5

DATE: 1/6/18

SCALE: 1:60

NO. OF SHEETS: 17

NO. OF SHEETS USED: 5

DATE: 1/6/18

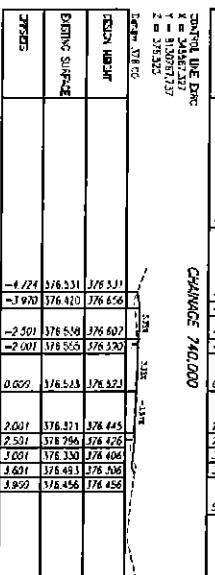
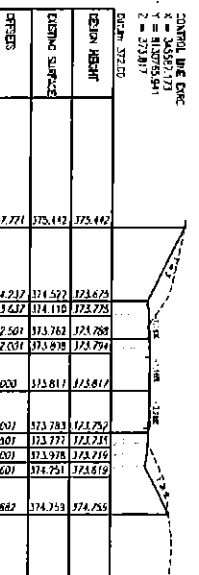
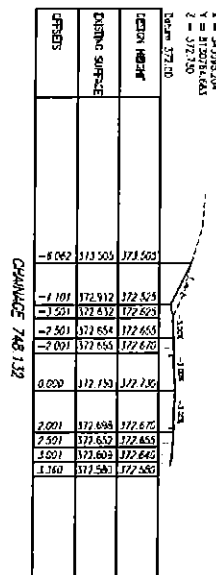
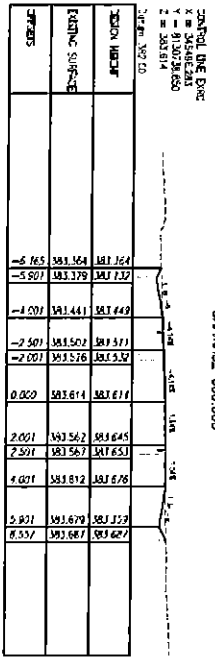
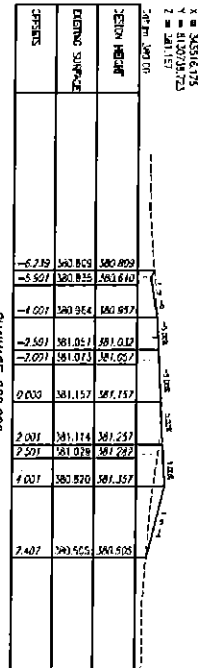
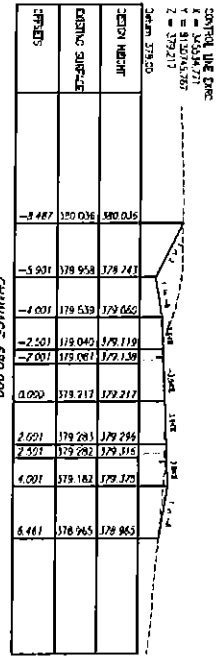
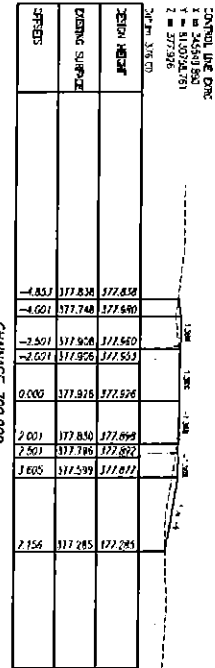
SCALE: 1:60

NO. OF SHEETS: 17

NO. OF SHEETS USED: 5

**NOT FOR CONSTRUCTION**

DO NOT SCALE



Phyllis Gibbs  
228-244 Kanervo Road  
Kurunda

**FLANAGAN CONSULTING GROUP**  
CONSULTING ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS, SURVEYORS AND CIVIL ENGINEERS

DATE: 18/08/2018  
SCALE: 1:100  
SHEET: A1  
SHEET 13 OF 13 SHEETS  
SCALE: A

## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –  
*decision* includes-
  - (a) conduct engaged in for the purpose of making a decision; and

- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.