



28 October 2019

MAF International  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Planning Officer: Carl Ewin  
Direct Phone: 4086 4656  
Our Reference: MCU/19/0011  
Your Reference: PR143947

Dear Applicant/s

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 23 October 2019, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: MCU/19/0011  
Street Address: 578 Ray Road, Mareeba  
Real Property Description: Lot 1 on RP734348  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use - Air Services (Aviation Training Centre)  
Date of Decision: 23 October 2019

#### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) 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**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

**ASSESSMENT MANAGER CONDITIONS**

## (A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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 commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, 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 or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

### 3.5 Waste Management

The applicant shall ensure there is no on-site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area/s for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.6 Hours of Operation

The hours of operation for the non-residential components of the approved use (workshops, office, classrooms) shall be limited to the hours between 6am and 6pm Monday to Saturday. No operations associated with the non-residential components of the approved use are permitted on Sundays or Public Holidays.

### 3.7 Bushfire Management

3.7.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for residents, employees and visitors, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Bushfire Management Plan at all times.

3.7.2 A minimum 5,000 litres of water supply must be provided on site for firefighting purposes. Where a tank water supply is provided, it must be equipped with a standard rural fire brigade fitting and hardstand area for heavy vehicles.

### 3.8 Residential Occupancy

3.8.1 Each of the seven (7) "house envelopes" shown on the approved plan shall contain only 1 dwelling house.

3.8.2 Only persons who are affiliated in some way with the approved air services (flight training centre) use are permitted to stay on site. The dwellings and other non-self-contained accommodation are not to be occupied by any other person not affiliated with the approved use.

### 3.9 Building Heights

In order to ensure buildings/structures on-site do not encroach the obstacle limitations surfaces of the Mareeba Airport, no building/structure on-site shall exceed a height of 10m above ground level.

### 3.10 Signage

3.10.1 No more than one (1) advertising sign for the approved development is permitted on the subject site.

3.10.2 The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.

3.10.3 The sign must be kept clean, in good order and safe repair for the life of the approval.

3.10.4 The sign must be removed when no longer required.

3.10.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.11 Notification of Potential Rural Zone Impacts

3.11.1 The applicant/developer is to erect signage at or near the office/reception building and at each residential building advising occupants/visitors that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality in proximity to the Mareeba Airport. The signage should generally state the following:

*"Occupants, visitor and Guests should take note:*

- *The locality may be used for intensive rural uses. People staying at or visiting the site may experience off site effects from rural activities including noise, sprays, odours and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use; and*
- *This site is situated adjacent the Mareeba Airport. People staying at or visiting the site may experience off site effects from the Mareeba Airport including aircraft noise, mechanical aircraft maintenance noise and exhaust/fuel fumes or odour that may cause a loss of residential amenity."*

3.11.2 Administrative procedures are to be put in place ensuring that all persons residing on the site or visiting the site are made aware of

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the potential for the abovementioned off-site impacts, to the satisfaction of Council's delegated officer.

3.12 All sensitive uses on site must be acoustically insulated to at least the minimum standards specified by *AS2021 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.

3.13 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external blockwork/render and window screening structures must be made from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

Access crossovers servicing the development must be upgraded/constructed (from the edge of Ray Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. Accesses must be wide enough to accommodate two directional traffic.

4.2 Stormwater Drainage/Water Quality

4.2.1 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.

4.2.2 The Stormwater Management Plan 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.

4.2.3 The applicant/developer must also provide a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.2.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.2.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.2.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure that an adequate number of carparks including disabled parking is provided on-site to accommodate the office/classroom, workshop and non-self-contained accommodation components of the development generally in accordance with that shown on the approved plan. The dwelling houses and the caretaker's accommodation must be provided with at least one (1) undercover car park each.

4.3.2 The entire internal road network servicing the development must be wide enough to accommodate two (2) directional traffic.

4.3.3 All car parking spaces and internal roads must be concrete, bitumen or asphalt sealed, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.4 Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Conditions 4.3.1 - 4.3.3;
- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3.5 Vehicles are not permitted to park in the Ray Road road reserve at any time.

#### 4.4 Landscaping/Landscape Buffering

Prior to the commencement of the use, the applicant / developer must prepare and submit a detailed landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum 15 metre wide agricultural landscape buffer along the northern boundary of the site to the extent shown on the approved plan. This landscaping should include ground cover, shrubs and trees that will grow to form a dense, effective agricultural buffer no less than 10 metre in height.
- (ii) A minimum three (3) metre wide landscape strip along the entire Ray Road frontage of the site, excluding access points. This landscaping should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.
- (iii) any internal landscaping proposed.

All landscaping works shall be carried out in accordance with Planning Scheme Policy 6 - Landscaping and Preferred Plant Species and must be undertaken prior to the commencement of the use. A minimum of 25% of plants must be provided as larger, advanced stock with a minimum height of 0.7m. All landscaping must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

#### 4.5 Lighting

4.5.1 Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

**Note:** *The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.*

4.5.2 Any outdoor lighting must be installed so as to not cause confusion to any aircraft using the Mareeba Airport and should not include any reflective cladding, upwards shining lights, flashing lights or sodium lights.

## 4.6 Water Supply

- (i) The development must be provided with a potable water supply that satisfies the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- (ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

## 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

*Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.*

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
143947-06D	Figure 2 - Concept Plan	RPS	August 2019

**ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

## (A) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

(d) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

#### PROPERTY NOTES

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

**SUBMISSIONS**

There were no properly made submissions received.

**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".

**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  
Adopted Infrastructure Charge Notice



## 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.