



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
E: info@msc.qld.gov.au

15 July 2020

Senior Planner: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/19/0019
Your Reference: 19-468

Croft Developments Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
Attn: Matt Ingram

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 15 July 2020, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/19/0019
Street Address: 2-18 Haren Street, Mareeba
Real Property Description: Lot 1 on SP298397
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Residential Care Facility (120 Beds)
Date of Decision: 15 July 2020

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 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
 - 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 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 to the commencement of the use, and at the rate applicable at the time of payment.
 - 3.3 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.
 - 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.5 Air Conditioner & Building Plant Screening

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.6 Waste Management

All on site refuse storage area/s must 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.

3.7 Hours of Operation

Operation of trucks and commercial vehicles (excluding waste collection vehicles) during the operational phase of the development must only occur between 7am - 7pm Monday to Saturday and 9am to 5pm on Sundays.

4. Infrastructure Services and Standards

4.1 Access

A **Commercial** access crossover to Constance Street must be constructed (from the edge of the road pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Access between the development and the Mareeba Connection Road must be constructed to the requirements of the State Assessment and Referral Agency.

4.2 Stormwater Drainage/Water Quality

4.2.1 Carry out all stormwater drainage work in accordance with the Site Based Stormwater Management Plan prepared by Morgan Consulting Engineers, dated 12 December 2019, document reference 19157 - SBSMP/1.

4.2.2 Prior to the commencement of the use, submit to Council certification from a Registered Professional Engineer Queensland, that all the treatments and measures recommended in the approved Site Based Stormwater Management Plan have been implemented and constructed into the development.

4.3 Erosion and Sediment Control

Implement and maintain an Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydromulched, concrete, landscaped).

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Revision 1, which are available solely for the parking of vehicles associated with the use

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

All car parking spaces, and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.5 Landscaping & Fencing

4.5.1 Complete landscaping of the development as shown on the approved Mareeba Aged Care - Design Development (1907-038-SD-L1.01_Rev2 & 1907-038-SD-L2.01_Rev2), prepared by Landplan Landscape Architecture, dated 13 December 2019.

4.5.2 The landscaping of the site must be carried out in accordance with the approved landscaping plan, irrigated and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.5.3 Boundary fencing, in accordance with Drawing DA02 Revision 1, must be erected prior to the commencement of the use.

4.5.4 All fencing must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

Design and install all external lighting in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

4.7 Water Supply

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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.8 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage 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).

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises—	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns QLD 4870 CairnsSARA@dsdmip.qld.gov.au
(a) are within 25m of a State transport corridor; or		
(b) are a future State transport corridor; or		
(c) are—		
(i) adjacent to a road that intersects with a State-controlled road; and		
(ii) within 100m of the intersection		

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA00	Cover Page & Development Summary	Croft Developments Pty Ltd	12/12/2019
DA01	Site Analysis	Croft Developments Pty Ltd	12/12/2019
DA02	Proposed Site Plan	Croft Developments Pty Ltd	12/12/2019
DA03	Proposed Ground Floor Plan	Croft Developments Pty Ltd	12/12/2019
DA04	Proposed Elevations & Sections	Croft Developments Pty Ltd	12/12/2019
DA05	Shadow Diagrams	Croft Developments Pty Ltd	12/12/2019

1907-038-SD-L1.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape	13/12/2019
1907-038-SD-L2.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape	13/12/2019

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) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

- (d) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

- (e) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (f) A Trade Waste Permit will be required prior to the commencement of use.

- (g) 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.

(h) 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.

(i) 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.

(j) 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.

(B) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 26 June 2020.

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

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".

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, or at Council Offices.

Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
 Referral Agency Response
 Appeal Rights
 Adopted Infrastructure Charge Notice

Copy: Department of State Development, Manufacturing, Infrastructure and Planning
 CairnsSARA@dsdmip.qld.gov.au

Approved Plans/Documents

MAREEBA AGED CARE
2-18 HAREN ST. MAREEBA QLD 4880

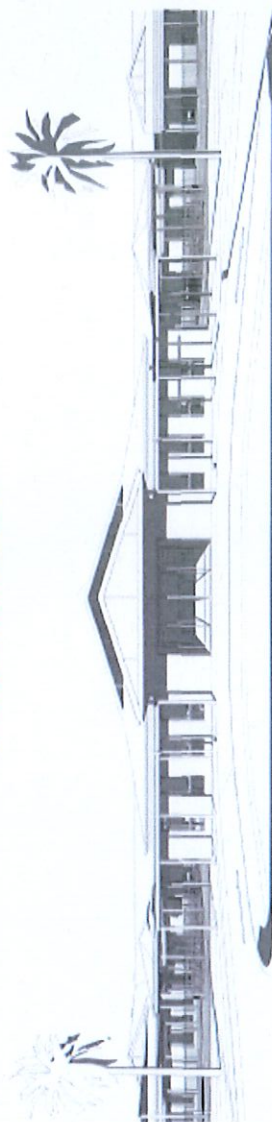
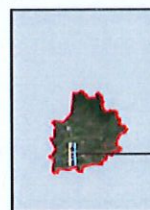


TABLE 1.1
PROPOSED DEVELOPMENT

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
2	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
3	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
4	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
5	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
6	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
7	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
8	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
9	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
10	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000

TABLE 1.2
PROPOSED DEVELOPMENT

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
2	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
3	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
4	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
5	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
6	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
7	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
8	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
9	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000
10	CONSTRUCTION OF 100 BEDS	100	1	\$1,000,000	\$1,000,000



LEGEND

DEVELOPMENT APPLICATION

DATE: 15/7/2020

PROJECT: MAREEBA AGED CARE

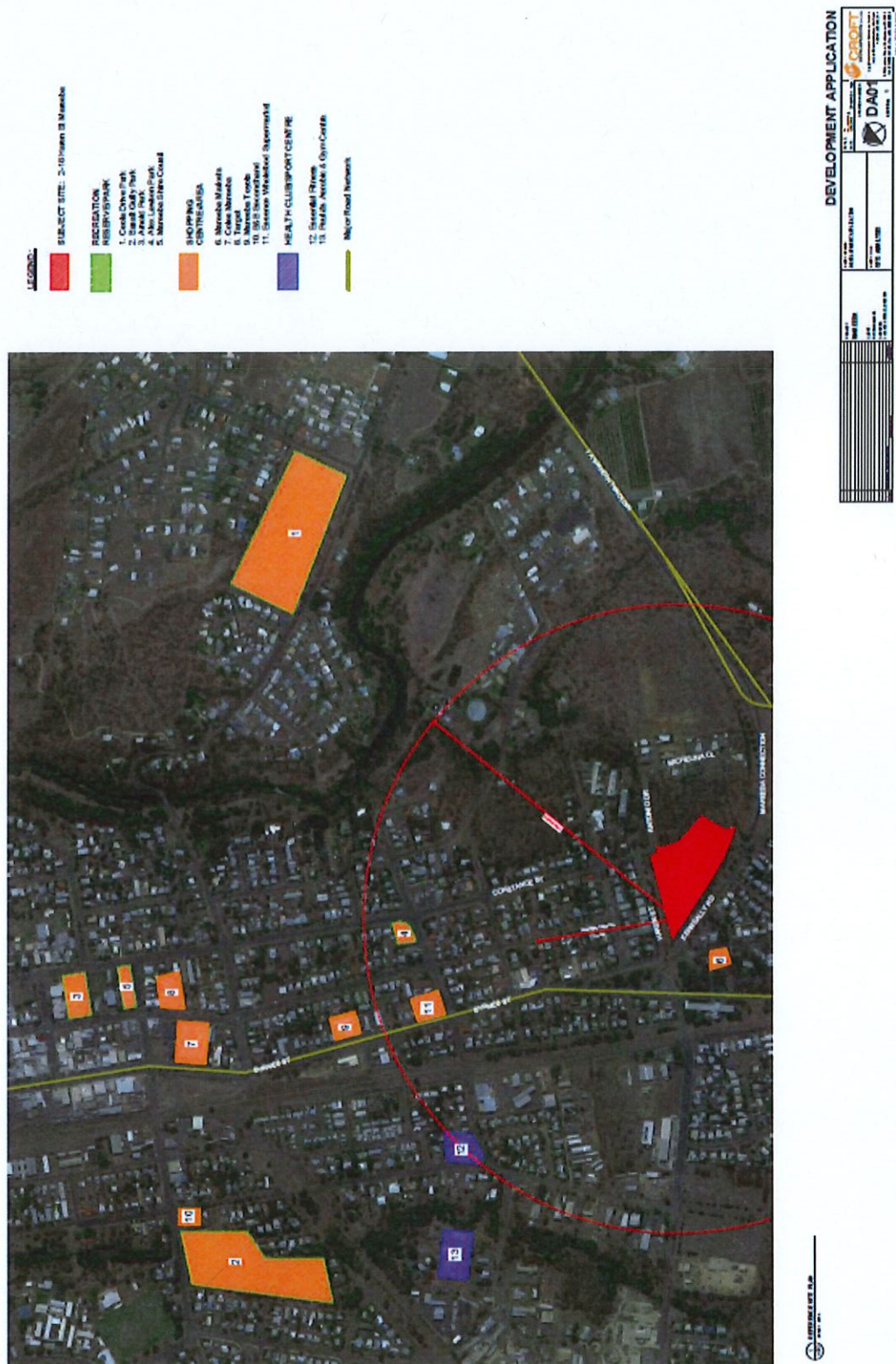
APPLICANT: MAREEBA AGED CARE

ASSESSOR: MAREEBA AGED CARE

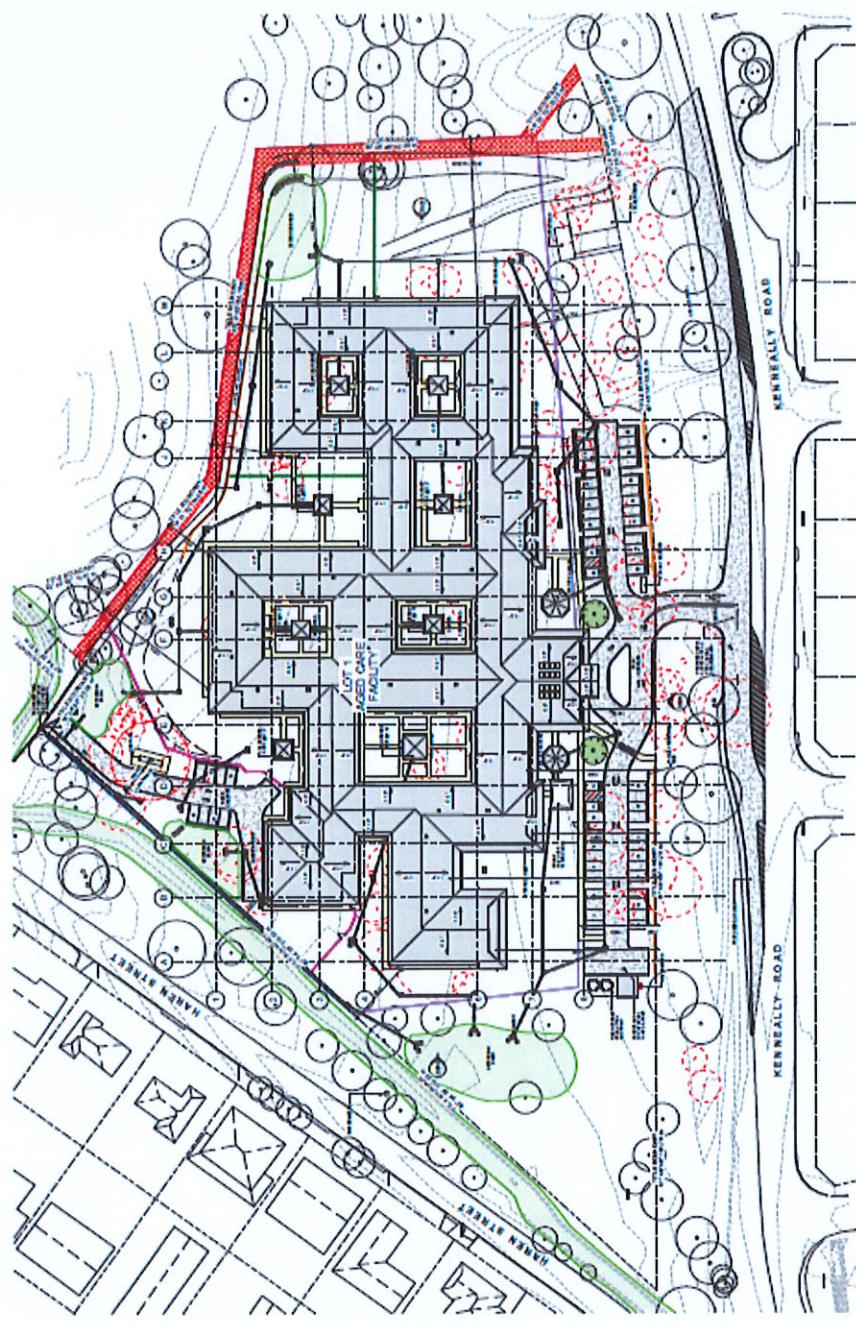
STATUS: ☒ APPROVED

REMARKS: MAREEBA AGED CARE

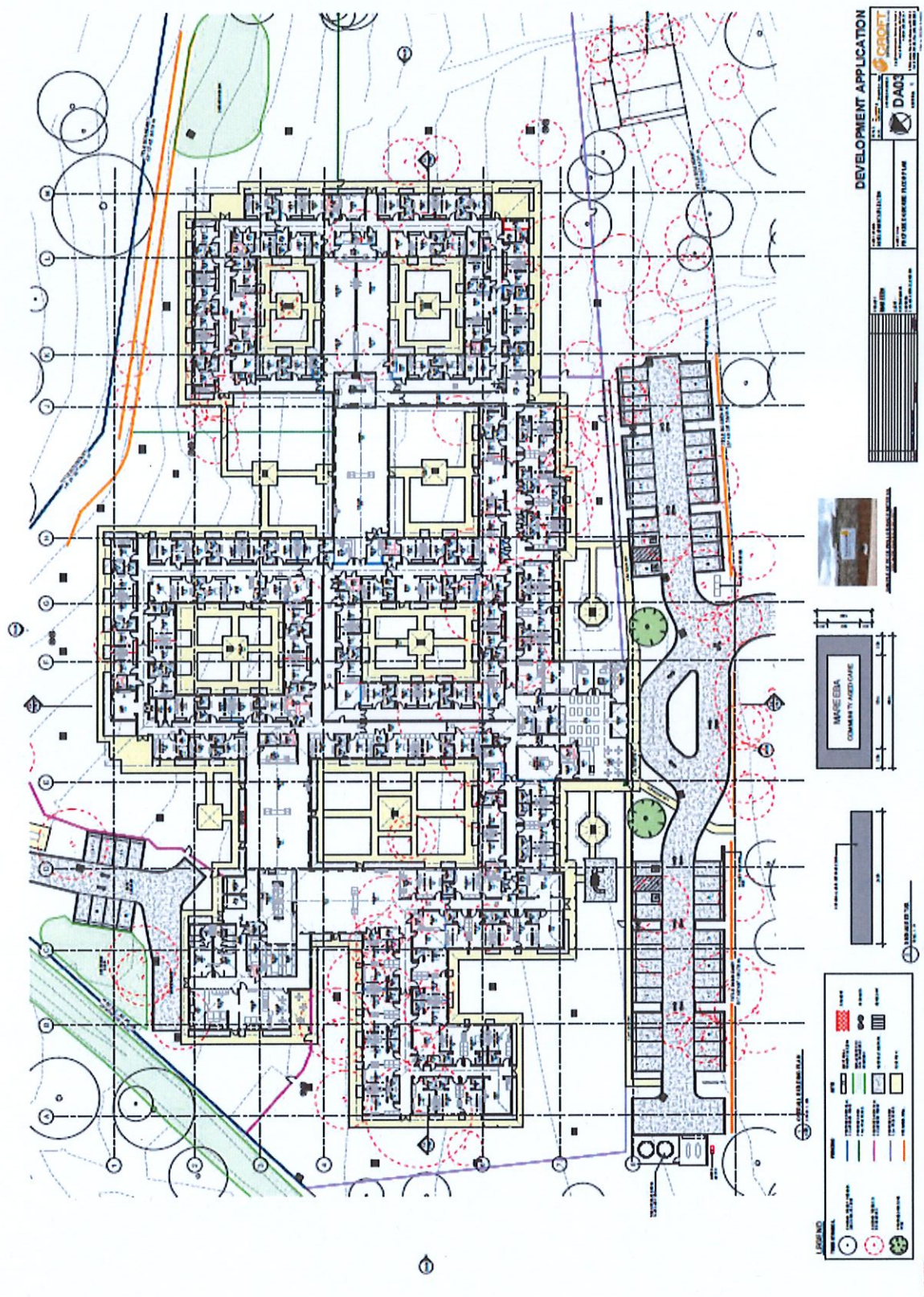
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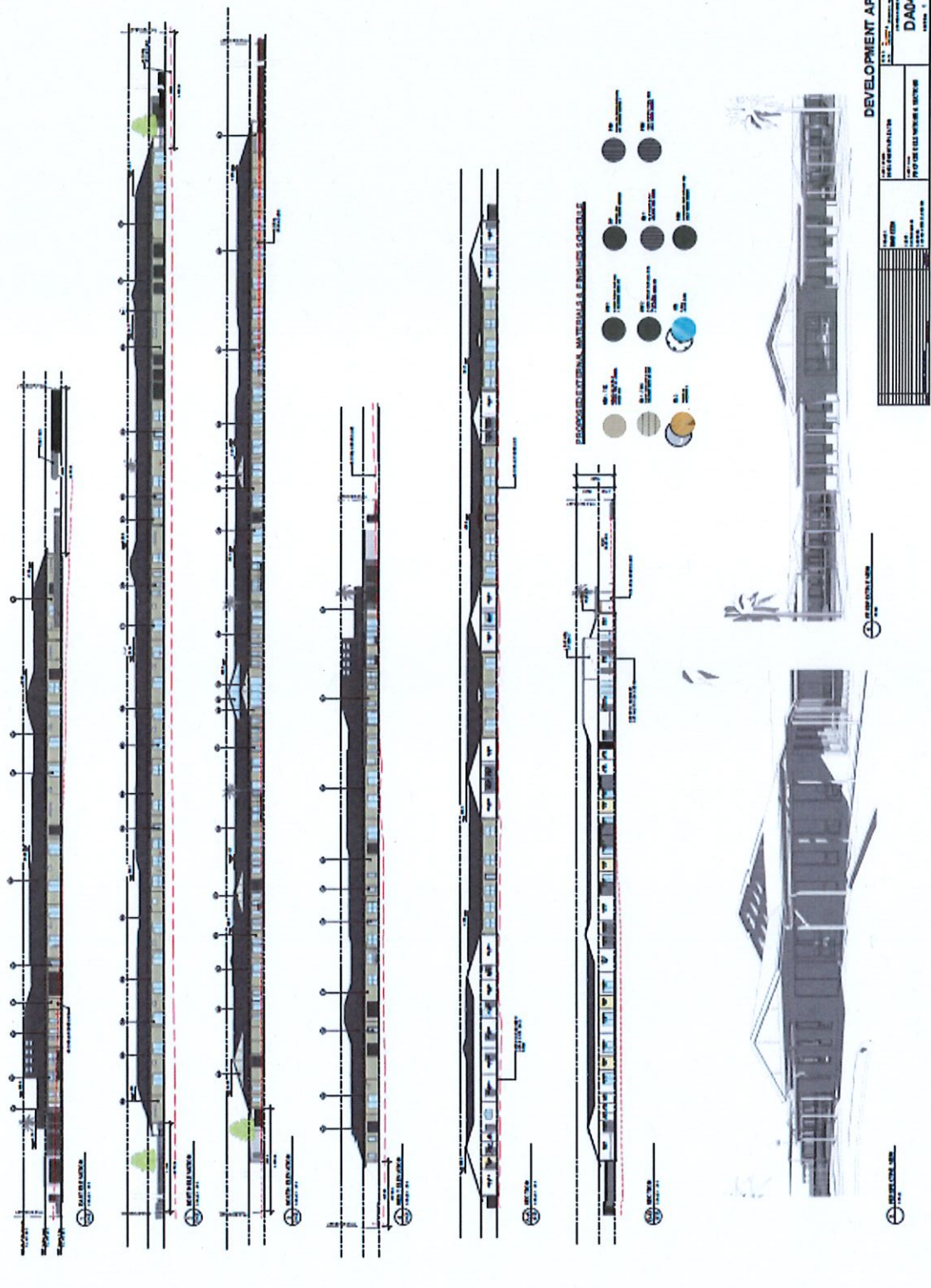


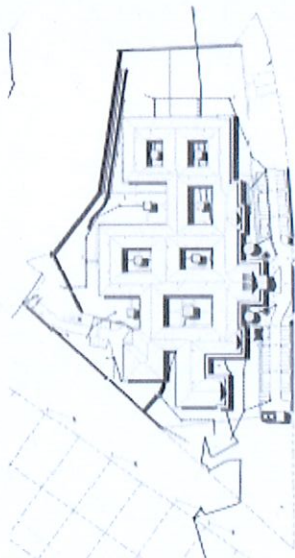
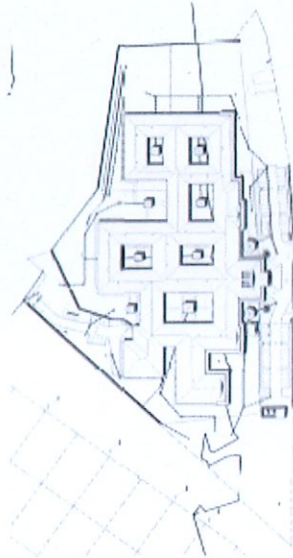
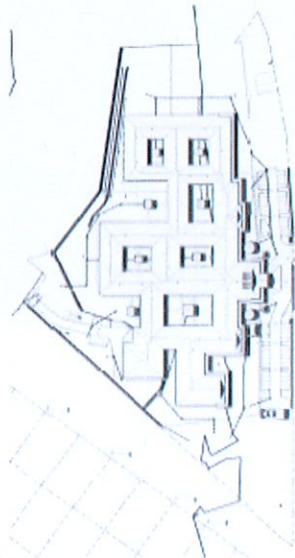
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DEVELOPMENT APPLICATION	
PROJECT NAME	DA01
PROJECT LOCATION	
PROJECT DESCRIPTION	
PROJECT OWNER	
PROJECT MANAGER	
PROJECT CONTACT	
PROJECT PHONE	
PROJECT EMAIL	
PROJECT ADDRESS	
PROJECT POSTCODE	
PROJECT STATE	
PROJECT COUNTRY	
PROJECT DATE	
PROJECT STATUS	
PROJECT COMMENTS	

15/7/2020
B. n. Q.



MAREEBA AGED CARE - Design Development
scale 1:1000 @A3 1907-038-SD-L1.01_Rev2 - 13/12/2019



Document Set ID: 3462752
Version: 1, Version Date: 13/12/2019

PO Box 281, Bundamba QLD 4112 | M 039 052 294 | E info@landplan.com.au

15/7/2020
B. n. Q.

PLANT PALETTE

Groundcovers



PRELIMINARY LANDSCAPE SPECIFICATION NOTES

GENERAL

Scope of works as shown on drawings. All works to be carried out by suitably qualified tradesmen with experience in Landscaping. Construction of all works, All planting works are to be carried out by a QUALIFIED landscape contractor. A high durable edge is to be provided between all garden beds and turf ed areas, areas of other loose material and under all fences on common boundaries and road frontages.

HOTLINE 2-800-4-A-CHILD

Standards: To A24-654-2013 Compas, soil conditions and methods.

Match type: Heap (min heap) - 32-bit deep.

1. CULTIVATION

all garden and turfed areas cultivated to a depth of 150 mm prior to the spreading of peat

A. TOWERS

been found at 70.35, 44.12, 29.09 MHz for the bromination and oxidation, respec-

1. 2000-2001

7. *See* *supra* note 1, at 100.

To garden beds - 300mm deep.

To trees below and 0.15 - 1.5 x overall diameter for and 2 x overall diameter

UNIT 10

19. *Handwritten note:* "The manuscript is in the possession of the University of Chicago Library." (This note is written in the left margin of the manuscript page.)

all to one in half shall have a 100mm diameter middle collar. Strips of all these shall be similar in thickness to the

all trees marked with adjacent to vehicle stations are to be cut out on site prior to installation and approved by the agent/contract and traffic

new from

A. SHRIJES AND G. ROUNDOVER

studies and grandsons shall pro-

Shrub - 2.00mm spdx

© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 103–110

7. TREES TO BE REMOVED

A. TUBES 100

David Y. Yaman. *Quadratics in characterizations of Cauchy and Pexider's*. 1993. *Quadratics*

11/11/11 11:11 AM

All garden beds and planting beds shall be drained to stormwater. Surface runoff shall be directed to low arid garden beds, turf or other permeable surfaces where water quality is conducive to plant growth.

2. IRRIGATION

irrigated garden beds, shall be irrigated by an automatic irrigation system, connected to a metered water supply.

These cookies shall be stored in limited secure areas.

information to be provided on a design and control system of installation.

12. ESTABLISHMENT AND OBJECTS LIABILITY

In a fifth M-shower, read out of 42 was 16, from the data of unaided correlation that angle in bipolar coordinate

a defects liability period of 12 months from the date of a final completion shall apply to all subsequent works.



MAREE AGED CARE - Design Development
scale N.T.S. 1907-038-SD-L2.01 Rev2 - 13/12/2019



DOI: 10.1002/jbm.b.30769 | www.interscience.wiley.com

Document Set ID: 3602762
Version: 1, Version Date: 1/8/2019

Journal of Management Science 18(1): 3-10, 2002.

15/7/2020
B. n. d.

Referral Agency Response



Queensland Treasury

RA6-N
SARA reference: 2001-15062 SRA
Council reference: MCU/19/0019
Applicant reference: 19-468

26 June 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

SARA response—2-18 Haren Street, Mareeba - Residential Care Facility – 120 Beds

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 February 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 June 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2.
Reasons:	The reasons for the referral agency response are in Attachment 3.

Development details

Description:	Development permit	Material Change of Use for a Residential Care Facility (120 Beds)
SARA role:	Referral Agency.	

2001-15082 SRA

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)
Development impacting on state transport infrastructure thresholds (Residential Care Facility use with more than 50 beds)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)
Material change of use within 25m of a state-controlled road

SARA reference: 2001-15082 SRA

Assessment Manager: Mareeba Shire Council

Street address: 2-18 Haren Street, Mareeba

Real property description: Lot 1 on SP298307

Applicant name: Croft Developments Pty Ltd

Applicant contact details: C/- Urban Sync
PO Box 2870
Cairns QLD 4870
justin@urbansync.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 82A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-029327 (500-1091)
- Date: 22 June 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Representations

An applicant may make representations to a referral agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in Attachment 4.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Croft Developments Pty Ltd, justin@urbansync.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

State Assessment and Referral Agency

Page 2 of 6

2001-15062 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Aspect of development stated in schedule 20, and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (662 – 0.28km), prepared by Queensland Government Transport and Main Roads, dated 19/08/2020, Reference TMR20-29327 (500-1001), Issue A.</p> <p>(b) Road access works comprising of a sealed property access with high angle entry onto Mareeba Connection Road including an auxiliary left-turn lane with a short turn lane (AUL(S)), (at the road access location) must be provided generally in accordance with Site Access Design: Functional Layout Plan prepared by Cardno, dated 17/08/2020, Drawing No V181440-TR-DG-2501 and Revision 5.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design Part 4: Intersections and Crossings – General and Part 4A: Unsignalised and Signalised intersections, specifically:</p> <p>(i) Figure 7.4 rural property access specifically designed for articulated vehicles.</p> <p>(ii) Figure 8.3 Rural AUL(S) treatment with a short turn lane.</p> <p>(iii) Section 6.1.3 Raised High-entry angle and Free-flow left-turn Islands.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>
2.	<p>(a) Road works comprising of a shared centre median turn lane, must be provided generally in accordance with Site Access Design: Functional Layout Plan prepared by Cardno, dated 17/08/2020, Drawing No V181440-TR-DG-2501 and Revision 5.</p> <p>(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2016, Volume 3 – Guide to Road Design.</p>	Prior to the commencement of use.
3.	(a) The development must be in accordance with section 6 of the Mareeba Stormwater Management Report prepared by Biofilta, dated 9 October 2019, and sections 7 and 8 of the Site Based Stormwater Management Plan prepared by Morgan Consulting Engineers, dated 12 December 2019, Reference 19157-	At all times.

2001-15062 SRA

	<p>SBSMP/1, in particular:</p> <ul style="list-style-type: none">(i) The creation of four (4) detention basins, Basin A, Basin B, Basin C and Basin D.(ii) External flows from the Meehan Street catchment to be diverted via an open channel.(iii) The lawful point of discharge is the Haren Street swale drain and the Constance Street stormwater culvert crossing, north of the site. <p>(b) RPEQ certification, with supporting documentation, must be provided to the Program, Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tnr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>Prior to the commencement of use.</p>
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2001-15062 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	<p>Advertising device</p> <p>Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the approved development intends to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and / for a device which is deemed that it creates a danger to traffic.</p>
3.	<p>Roads Works Approval</p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the <i>Transport Infrastructure Act 1994</i> to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

2001-15062 SRA

Attachment 3—Reasons for referral agency response*(Given under section 56(7) of the Planning Act 2016)***The reasons for the SARA decision are:**

- The site has road frontage to Kenneally Road (Mareeba Connection Road), a state-controlled road and to Haren Street and Antonio Drive, both local roads.
- Traffic loadings will be via a new primary access to Kenneally Road (within a 60km/h urban speed zone), and via a new service access to Antonio Drive.
- The design of the new access works to Kenneally Road will ensure that impacts from increased traffic loadings on the state-controlled road are controlled and reduced, and the development will not worsen operating conditions on the state-controlled road network.
- The proposed buildings for the development will be setback approximately 23m from the property boundary and approximately 47m from the carriageway of Kenneally Road.
- All excavation and filling works will be undertaken completely within the site, with connections for essential services and infrastructure obtained from local roads.
- Stormwater and drainage flows are appropriately managed and will not impact the state-controlled road.
- The development is sufficiently separated from the state-controlled road to minimise noise intrusion to future residents.
- The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment, and State code 6: Protection of state transport networks.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- *The State Development Assessment Provisions (version 2.5)*
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

2001-15062 SRA

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

2001-15062 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

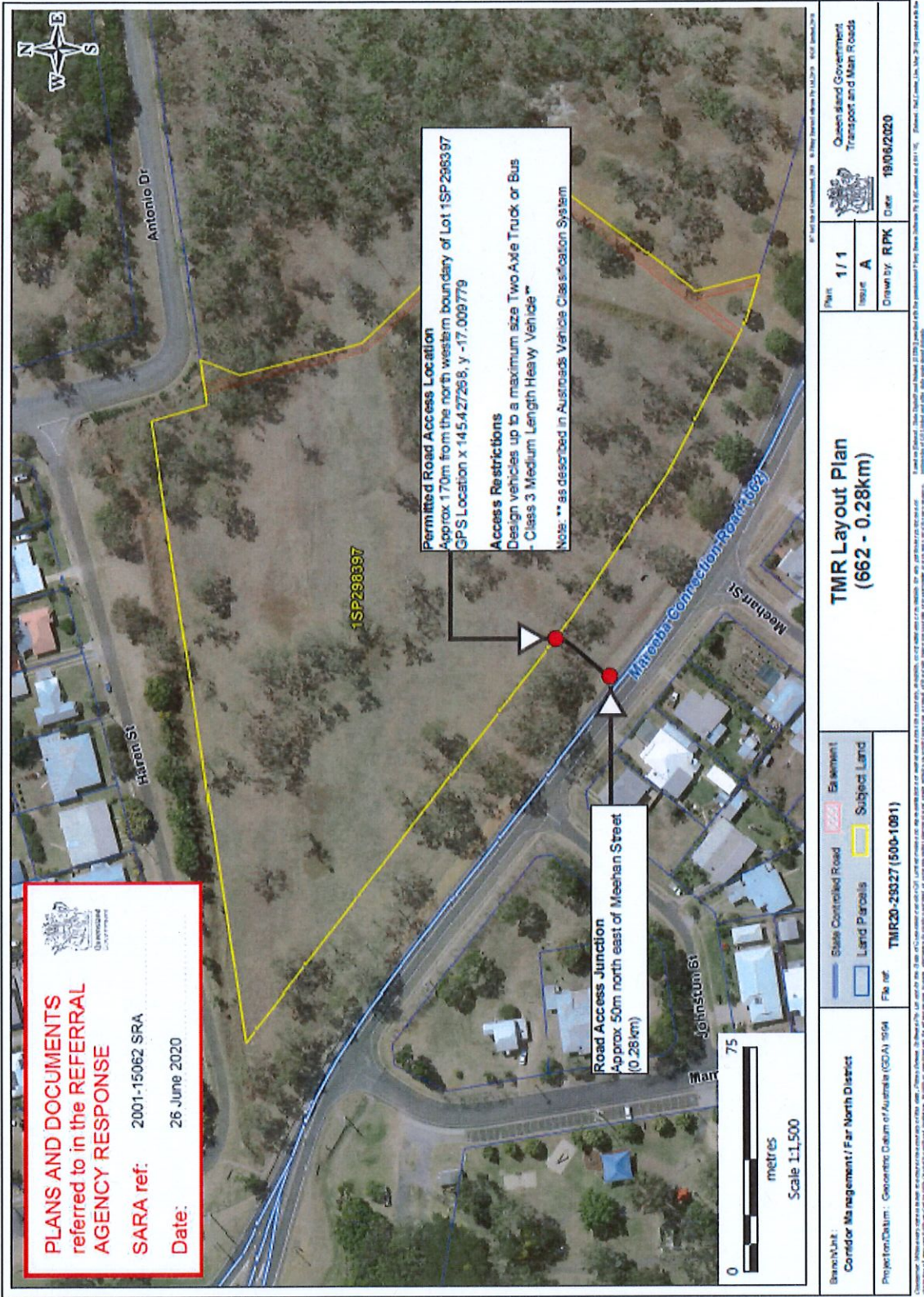
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

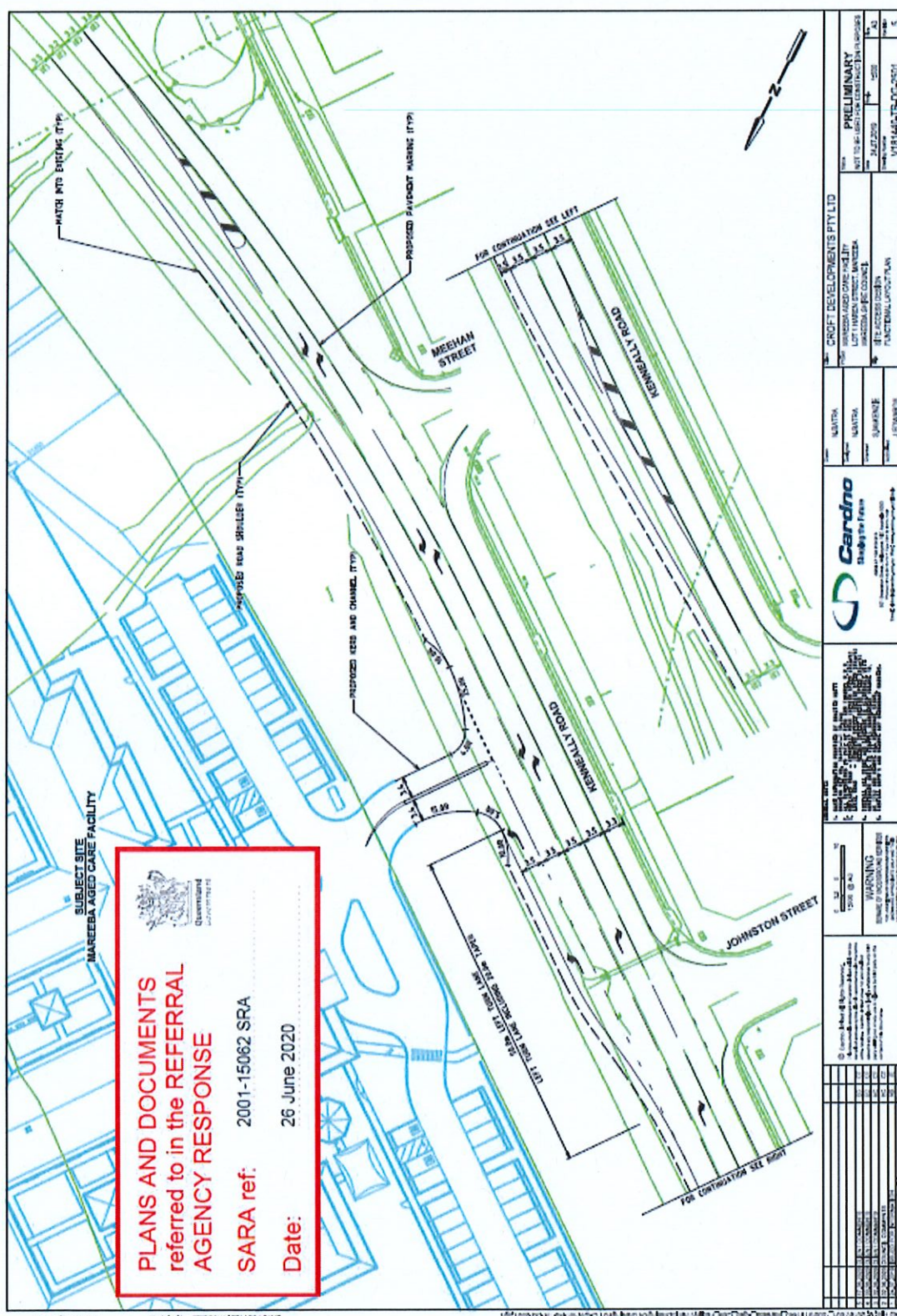
Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.





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.