



21 May 2020

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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

Planning Officer: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/20/0004
Your Reference: 19-484

GAG Crystalbrook Station Pty Limited
C/- Urban Sync
PO Box 2970
CAIRNS QLD 4870

Dear Applicant/s

Decision Notice *Planning Act 2016*

I refer to your application and advise that on 20 May 2020, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/20/0004
Street Address: Crystalbrook Road, Crystalbrook
Real Property Description: Lot 738 on CP892331
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Short-term Accommodation
Date of Decision: 20 May 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 external 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.

3.3 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 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 Bushfire Management

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

3.7 Length of Stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

3.8 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme - July 2016 and is in a rural locality. The signage should generally state the following:

"Guest should take note:

- *The locality may be used for intensive rural uses, including mining;*
- *Guests may experience off site effects from rural activities, including noise, sprays 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."*

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.1.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.2 Car Parking/Internal Driveways

The designated car parking area and internal driveways servicing the development (to the extent shown on Drawing DD-1004 Issue L) must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.3 Landscaping

Prior to the commencement of the use, the applicant / developer must carry out landscaping works in accordance with the approved plans.

All landscaping works shall be undertaken prior to the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

4.4 Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 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

The referral agencies applicable to this application are:

Material change of use that is assessable development under a local categorising instrument			
<p>Development application for a material change of use that is assessable development under a local categorizing instrument and relates to a lot that is 5ha or larger, if —</p> <ul style="list-style-type: none"> (a) the application — <ul style="list-style-type: none"> (i) is for a preliminary approval that includes a variation request; and (ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and (iii) is for a material change of use, other than a non-referable material change of use; or (b) the application is not stated in paragraph (a) and all of the following apply — <ul style="list-style-type: none"> (i) the material change of use does not involve prescribed clearing; (ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5; (iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, or land the subject of a lease given under the Land Act for agriculture or grazing purposes. 	Schedule 10, Part 3, Division 4, Table 3	<p>State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dsdmip.qld.gov.au</p>	

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
DD0001 Issue B	Crystalbrook Station Lodges - Title Sheet	CotteeParker	24/02/2020
DD-1001 Issue E	Macro Plan	CotteeParker	24/02/2020
DD-1002 Issue E	Location Plan	CotteeParker	24/02/2020

DD-1003 Issue I	Location Plan	CotteeParker	24/02/2020
DD-1004 Issue L	Site Plan - Overall	CotteeParker	24/02/2020
DD-1005 Issue B	Development Summary	CotteeParker	24/02/2020
DD-F-1000 Issue B	Staff Lodge - Site Plan	CotteeParker	24/02/2020
DD-F-2000 Issue F	Floor Plan Staff Accommodation	CotteeParker	24/02/2020
DD-L-1000 Issue B	Lodge - Site Plan	CotteeParker	24/02/2020
DD-L-2000 Issue H	Lodge - Plans - Existing	CotteeParker	24/02/2020
DD-L-2001 Issue G	Lodge - Plans - Proposed	CotteeParker	24/02/2020
DD-L-2002 Issue E	Lodge - Plans - Proposed with Demolition	CotteeParker	24/02/2020
DD-L-3100 Issue C	Lodge - Section	CotteeParker	24/02/2020
DD-R-1000 Issue E	Recreation Centre - Site Plan	CotteeParker	24/02/2020
DD-R-2000 Issue L	Recreation Centre - Plans	CotteeParker	24/02/2020
DD-R-3000 Issue B	Recreation Centre - Elevations	CotteeParker	24/02/2020
DD-R-3100 Issue C	Recreation Centre - Sections	CotteeParker	24/02/2020
DD-S-0200 Issue E	Eco-suites - Renders	CotteeParker	24/02/2020
DD-S-0202 Issue C	Eco-suites - Renders	CotteeParker	24/02/2020
DD-S-1000 Issue G	Eco-suites - Site Plan	CotteeParker	24/02/2020
DD-S-2000 Issue I	Eco-suites - Plans - Ground	CotteeParker	24/02/2020
DD-S-2001 Issue I	Eco-suites - Plans - Level 1	CotteeParker	24/02/2020
DD-S-3000 Issue E	Eco-suites - Elevations	CotteeParker	24/02/2020
DD-S-3100 Issue G	Eco-suites - Sections	CotteeParker	24/02/2020
DD-V-0200 Issue D	Eco-villa - Renders	CotteeParker	24/02/2020
DD-V-0202 Issue C	Eco-villa - Renders	CotteeParker	24/02/2020
DD-V-1000 Issue E	Eco-villa - Site Plan	CotteeParker	24/02/2020
DD-V-2000 Issue M	Eco-villa - Ground	CotteeParker	24/02/2020
DD-V-2001 Issue M	Eco-villa - Level 1	CotteeParker	24/02/2020
DD-V-3000 Issue D	Eco-villa - Elevation	CotteeParker	24/02/2020
DD-V-3001 Issue D	Eco-villa - Elevation	CotteeParker	24/02/2020
DD-V-3100 Issue F	Eco-villa - Sections	CotteeParker	24/02/2020
1626-L-SD01 Issue 01	Landscape Concept - Site Plan	ASdesign	03/03/2020
1626-L-SD02 Issue 01	Recreation Centre and Pool Plan	ASdesign	03/03/2020
1626-L-SD03 Issue 01	Eco-Suites Detailed Plan	ASdesign	03/03/2020
1626-L-SD04 Issue 01	Eco-Villages Detailed Plan	ASdesign	03/03/2020
1626-L-SD05 Issue 01	Proposes Plan Palette	ASdesign	03/03/2020

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) 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.

- (b) Food Premises (restaurants/bed & breakfasts etc.)

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

- (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.

- (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.

(B) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 6 April 2020.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There was one properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below;

Name of principal submitter	Address
1. ASMAM Pty Ltd	72-90 Magazine Street, Stratford QLD 4870

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

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

Approved Plans/Documents

CRYSTALBROOK STATION LODGES

CRYSTALBROOK STATION, MAREeba, 4880, QLD, AUSTRALIA,



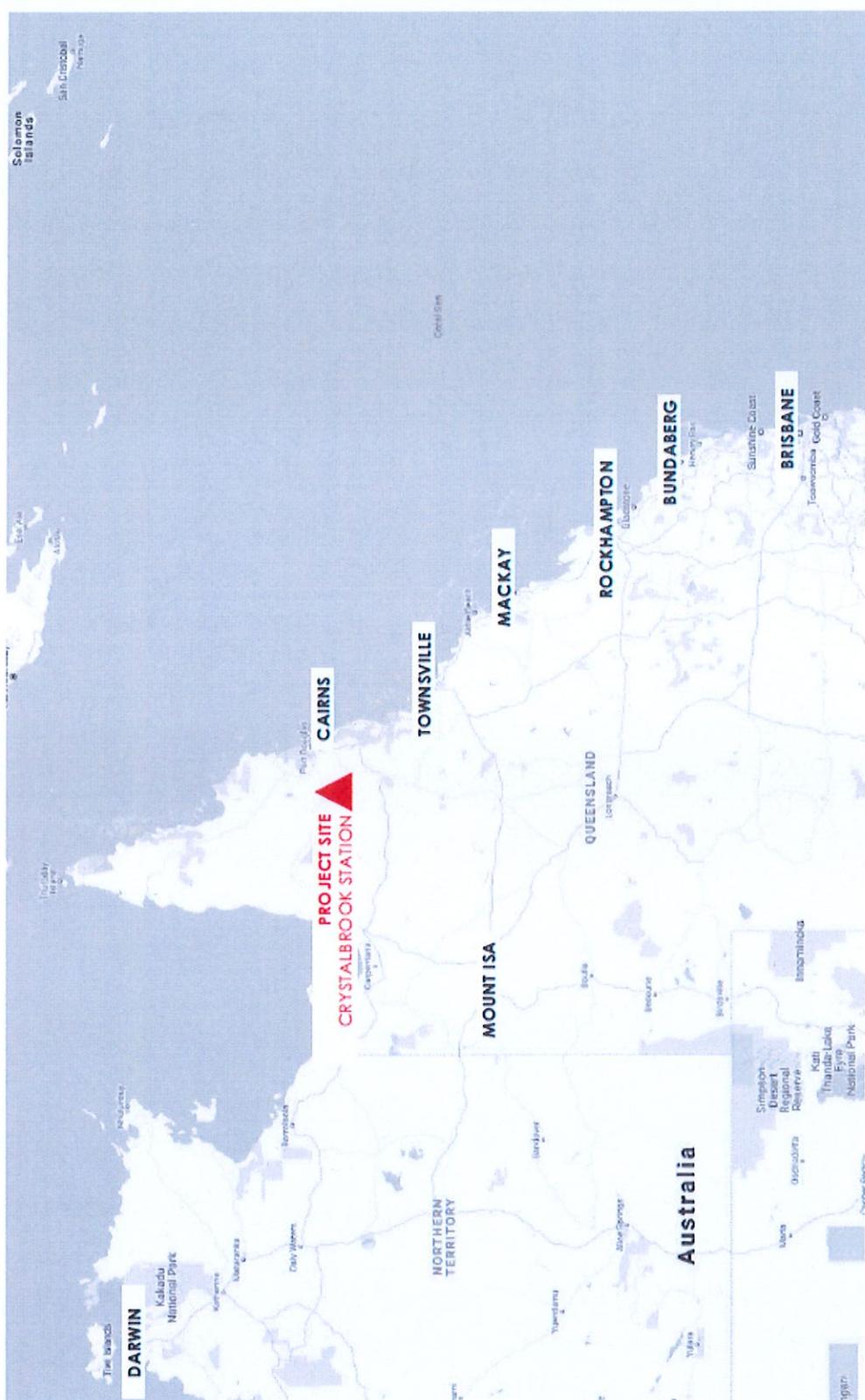
CRYSTAL BROOK STATION LODGES
COTTEE PARKER DESIGN STUDIO, MAREeba, 4880, QLD, AUSTRALIA
APPROVED BY LOCAL AUTHORITY
CLERK-CRYSBROOK
REF ID: 2020/0004
DATE APPROVED: 21/05/2020

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CLERK-CRYSBROOK
REF ID: 2020/0004
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COTTEE PARKER ©
COTTEE PARKER DESIGN STUDIO
MAREeba, 4880, QLD, AUSTRALIA
APPROVED BY LOCAL AUTHORITY
CLERK-CRYSBROOK
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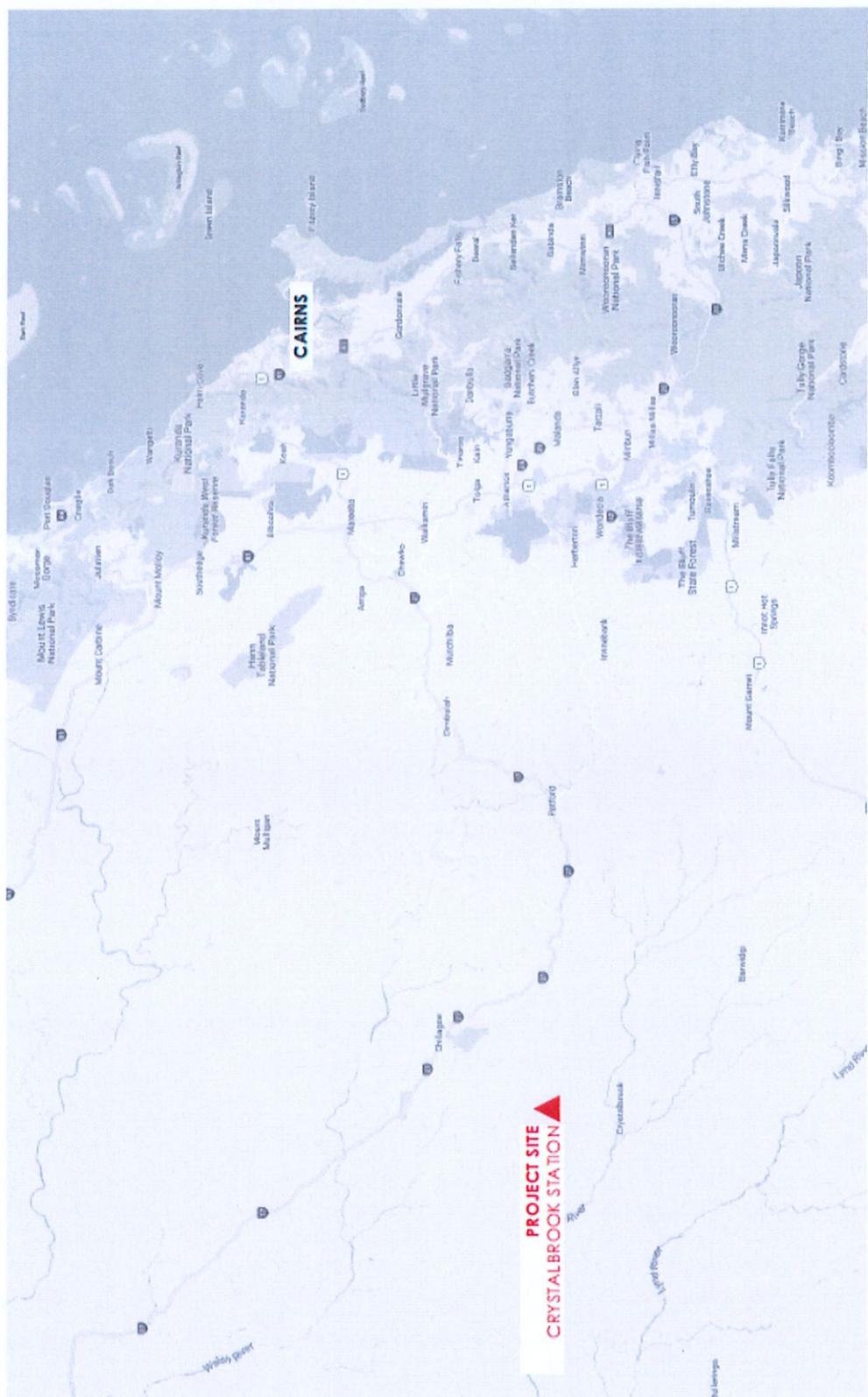
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CRYSTAL BROOK STATION LODGES	
COTTAGE PARKER STATION LODGE, MULGRAVE, N.T. 48170	
STAYS	4014
MINI STAYS	4014
MAX STAYS	4014
MAX COTTAGES	4014
MAX COTTAGES	4014

COTTEEPARKER ♀
Crystalbrook
Collection
www.crystalbrookcollection.com

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CRYSTALBROOK STATION LODGES
CRAIGIEFON STATION, MARYNS, QLD, 4873
CITY OF CAIRNS

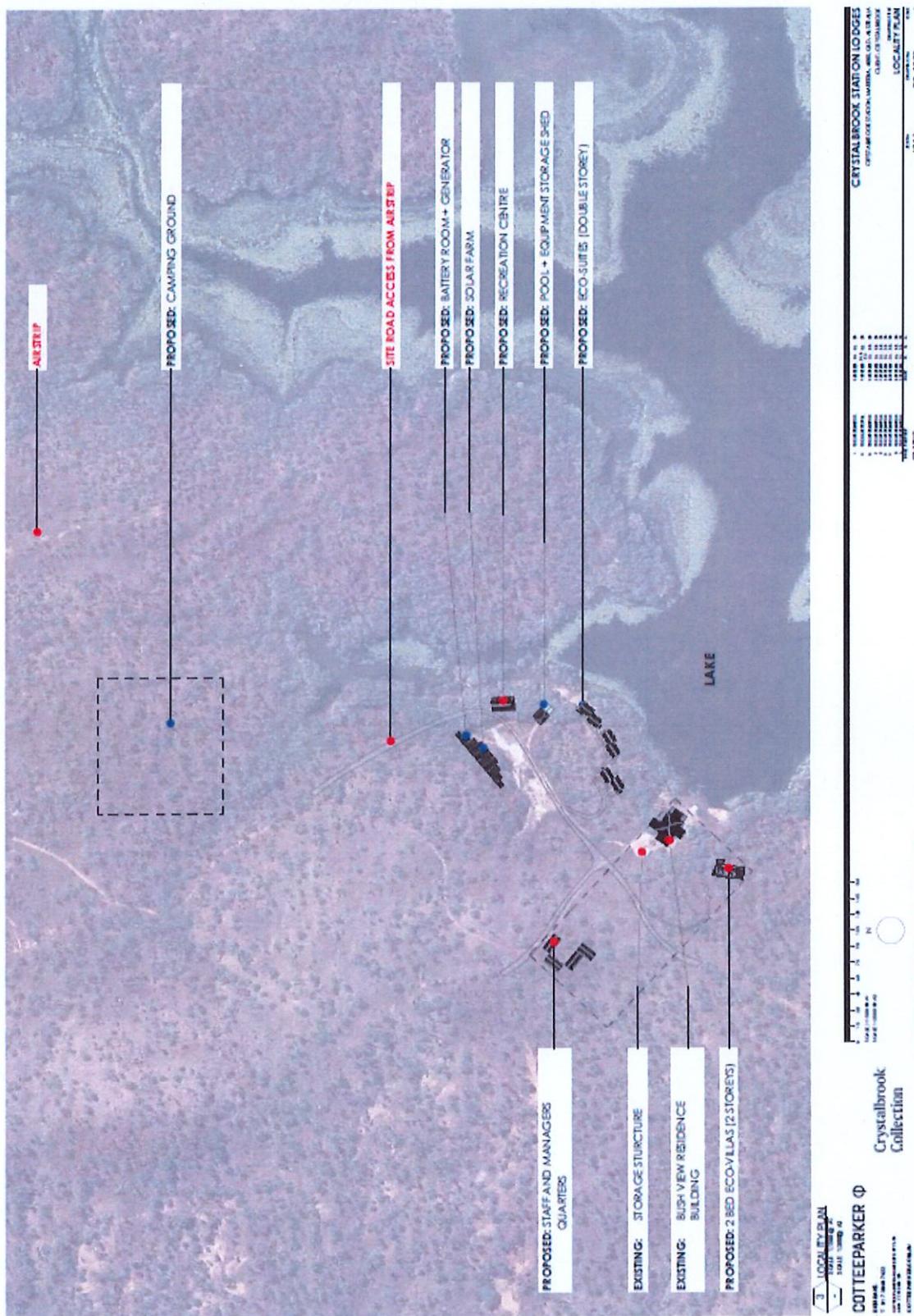
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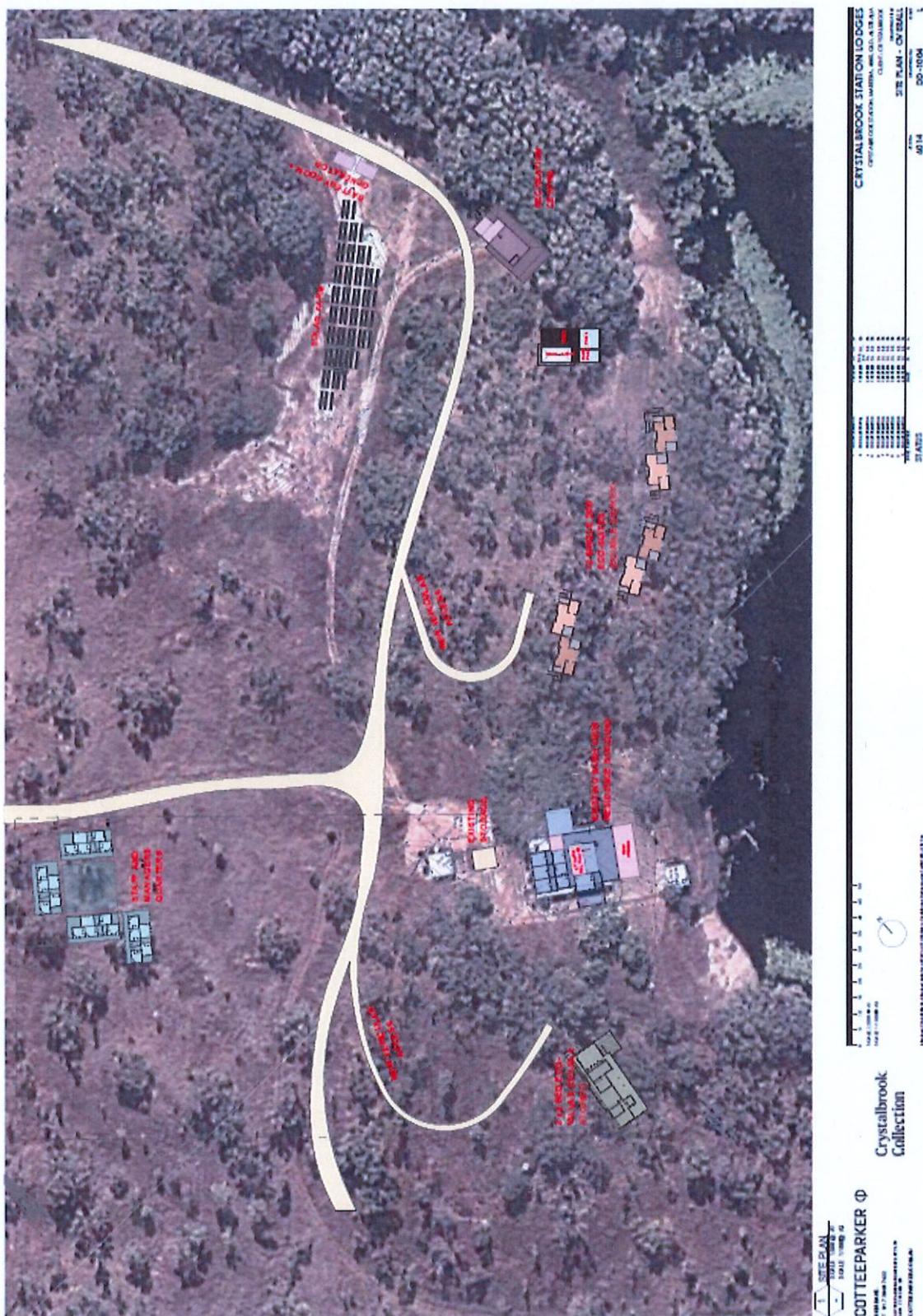
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DEVELOPMENT SUMMARY

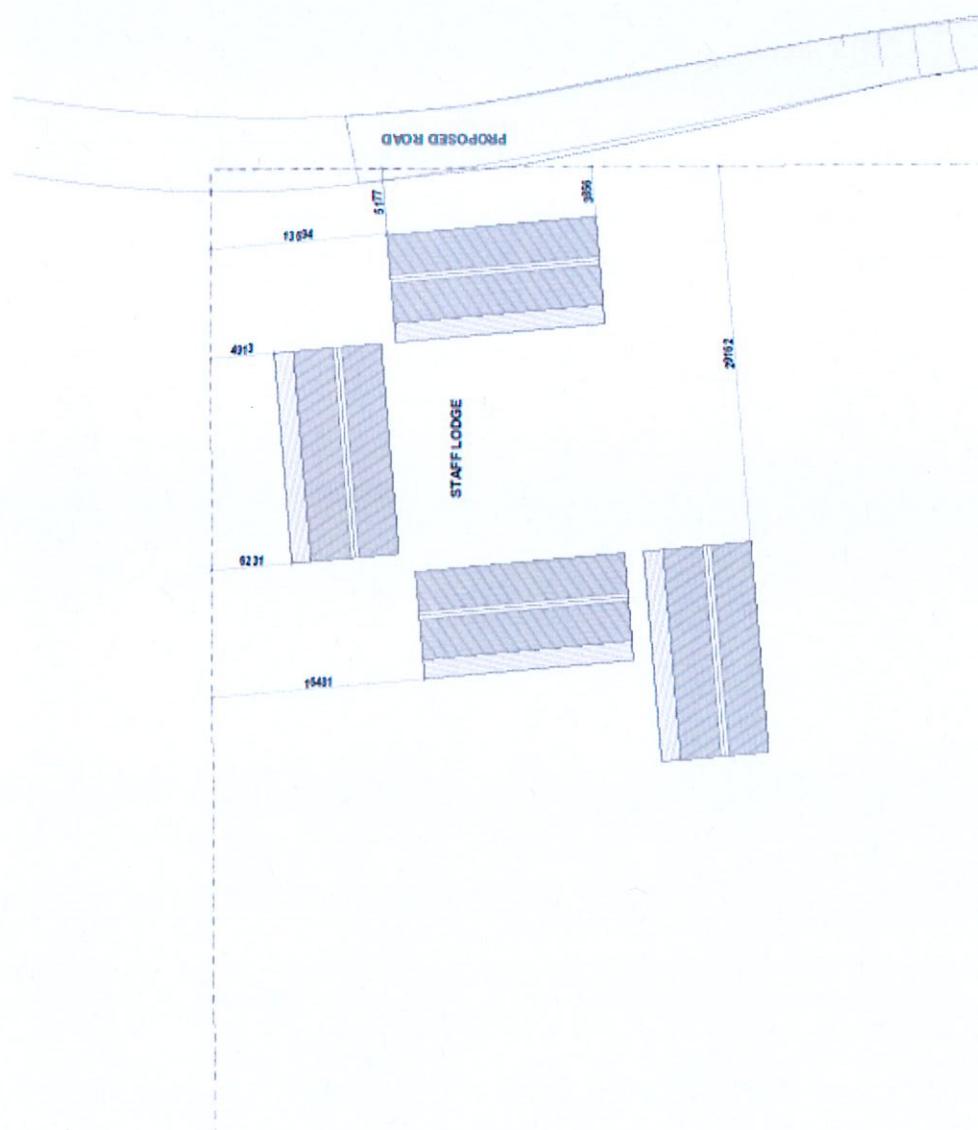
	INTERNAL GFA	EXTERNAL GFA	TOTAL
ECOSUITES			
ECO-SUITE 1			
GROUND	125m ²	3.2m ²	125m ²
LEVEL 1	125m ²	3.2m ²	125m ²
ECO-SUITE 2			
GROUND	125m ²	3.2m ²	125m ²
LEVEL 1	125m ²	3.2m ²	125m ²
ECO-SUITE 3			
GROUND	125m ²	3.2m ²	125m ²
LEVEL 1	125m ²	3.2m ²	125m ²
ECO-VILLA			
GROUND	135m ²	1.94m ²	136m ²
LEVEL 1	131m ²	114m ²	245m ²
RECREATION CENTRE			
GROUND	140m ²	1.45m ²	141m ²
POOL STORAGE	51m ²	14.7m ²	65.7m ²
STAFF ACCOMODATION			
GROUND	336m ²	2.04m ²	338m ²
TOTAL GFA			2545m ²

COTTEEPARKER P
Crystalbrook
Collection
CONSTRUCTION CONSULTANT
T: 07 4070 2000
E: info@cotteeparker.com.au

CRYSTAL BROOK STATION LODGES
COTTEEPARKER STATION, MARIBA, QUEENSLAND, AUSTRALIA
CRANE OF MARIBA
DIVERSIFIED STATION MANAGEMENT PTY LTD
T: 07 4070 2000
E: info@craneofmariba.com.au

CRYSTAL BROOK STATION LODGES
COTTEEPARKER STATION, MARIBA, QUEENSLAND, AUSTRALIA
CRANE OF MARIBA
DIVERSIFIED STATION MANAGEMENT PTY LTD
T: 07 4070 2000
E: info@craneofmariba.com.au

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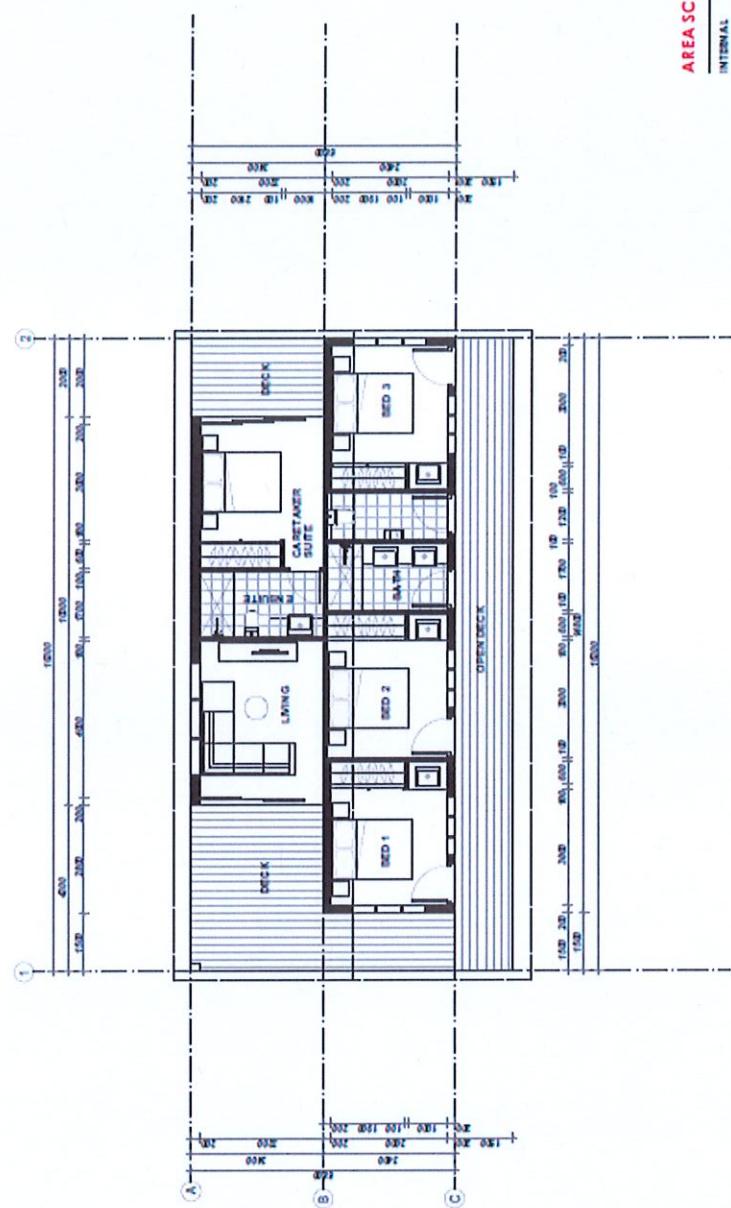


CRYSTALBROOK STATION LODGES
COTTEE PARKER STATION MATERIALS LTD, ABN 41 000 000 000
CRAIG COOPERSON
STAFF LODGE - 2000 SQM
DO-1-1000

CRYSTALBROOK STATION LODGES
COTTEE PARKER STATION MATERIALS LTD, ABN 41 000 000 000
CRAIG COOPERSON
STAFF LODGE - 2000 SQM
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AREA SCHEDULE

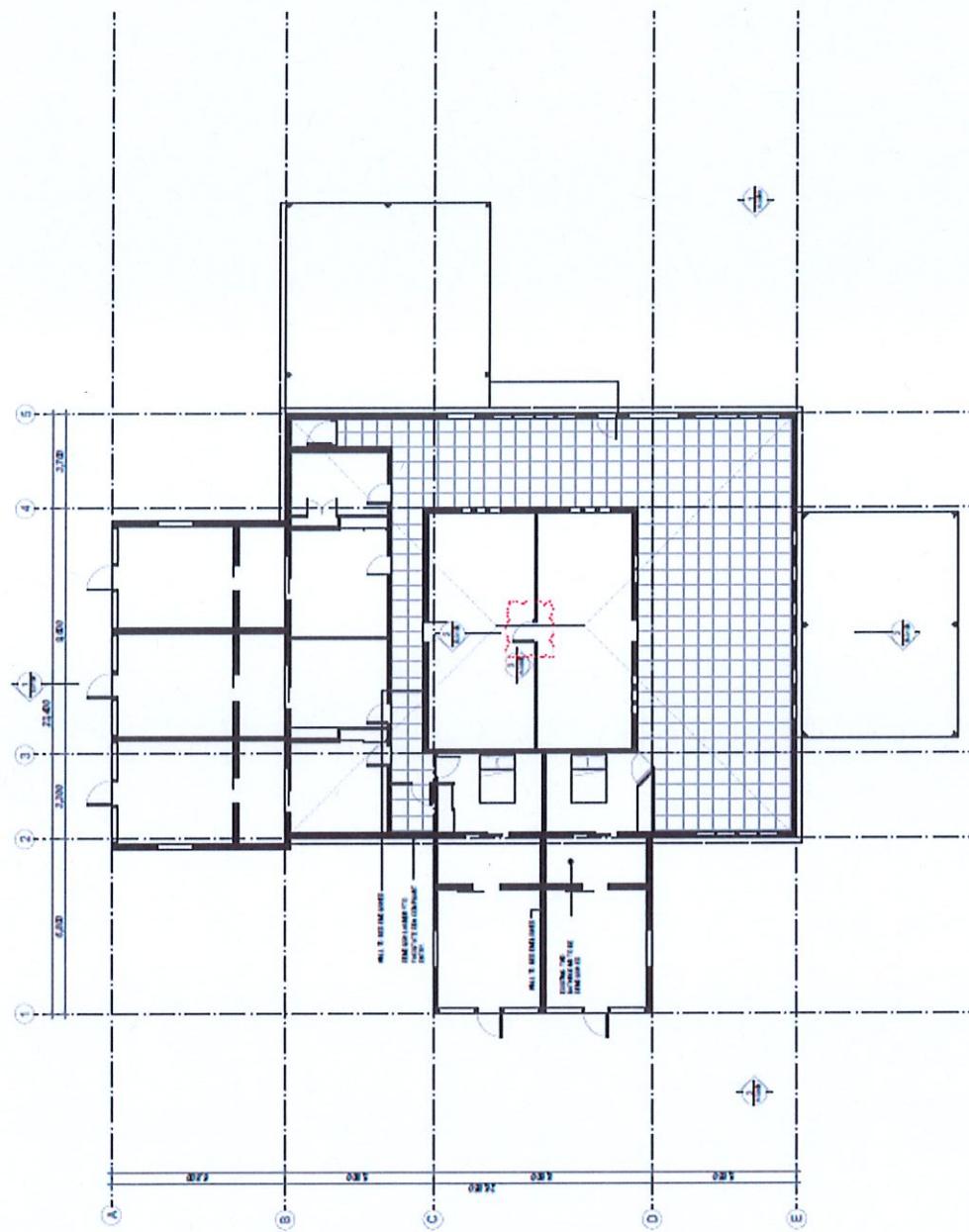
	INTERNAL	EXTERNAL	
INTERNAL	64m ²		
EXTERNAL COVERED DECK		51 m ²	
TOTAL	115m ²	51 m ²	166m ²

CRYSTAL BROOK STATION LODGES	
COTTEE PARKER STATION LODGE, MAREEBA, QLD, 4714, AUSTRALIA	
SHOP, BARN, STAFF ACCOM, OFFICES, STAIRS	4014
OPEN PLAN, KITCHEN, LAUNDRY, BATH, BEDROOMS, STAIRS	4014
OPEN PLAN, KITCHEN, LAUNDRY, BATH, BEDROOMS, STAIRS	4014

GROUND FLOOR STATEMENT OF OCCUPANT INFORMATION
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 Mareeba Shire Council
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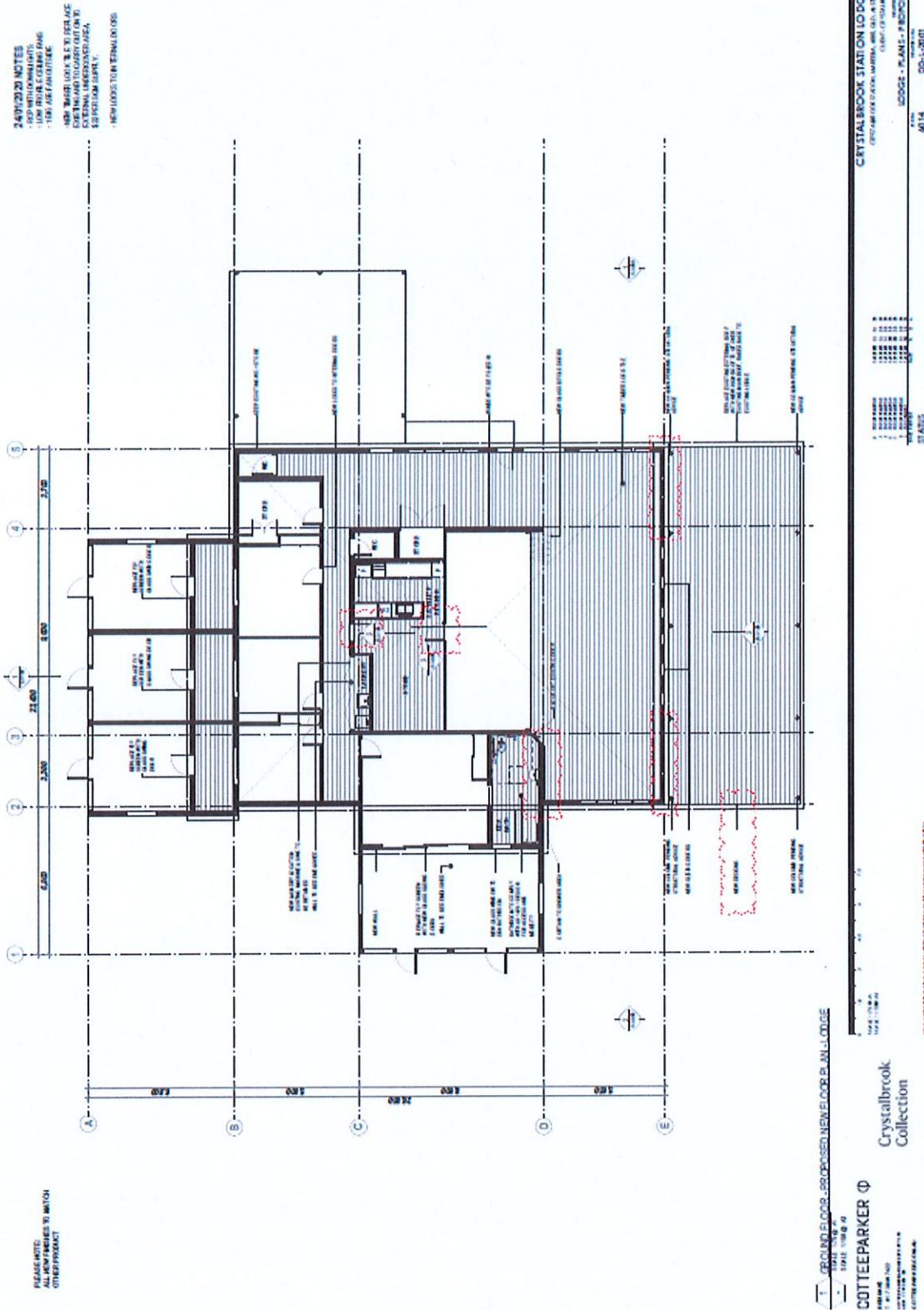
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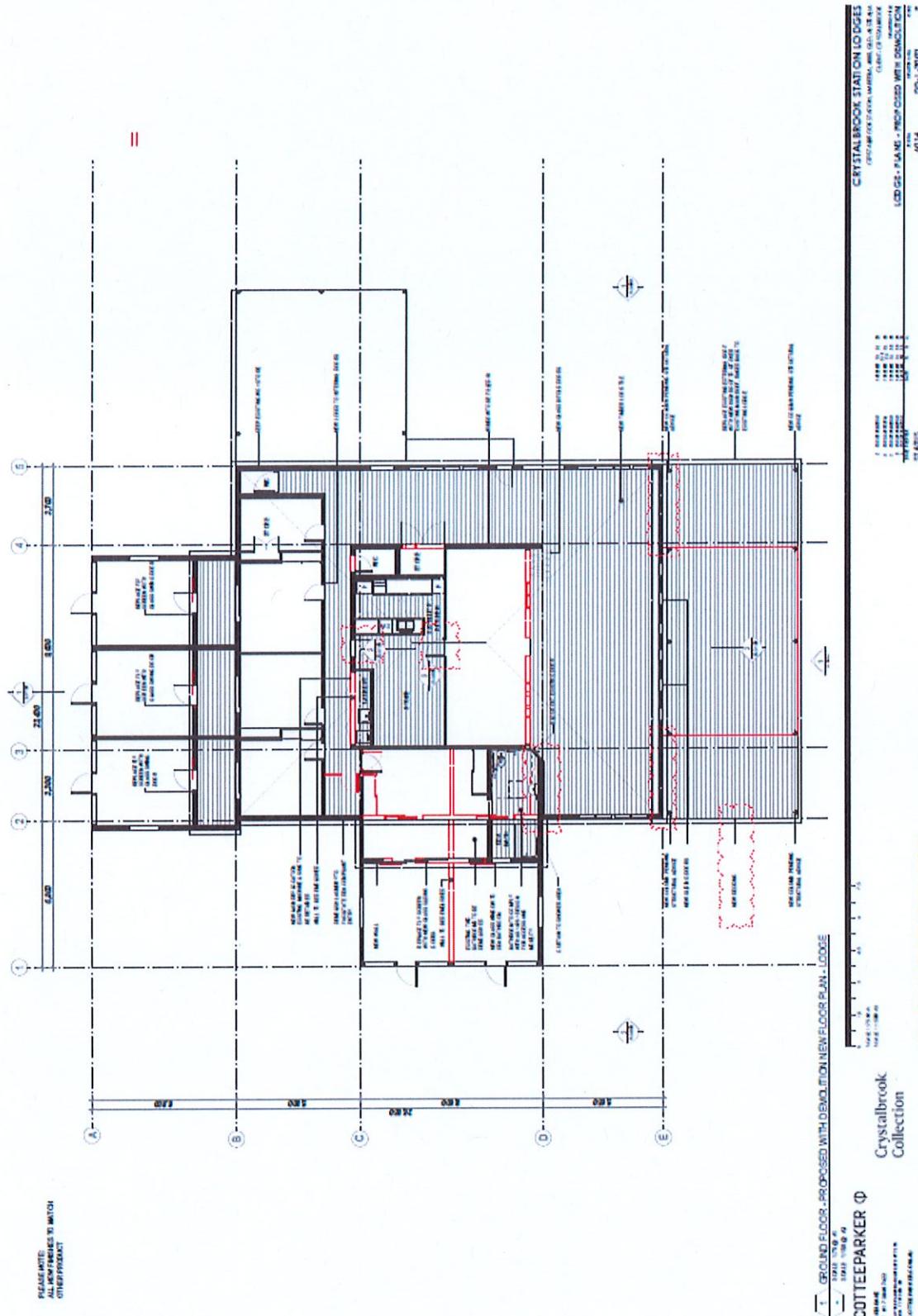


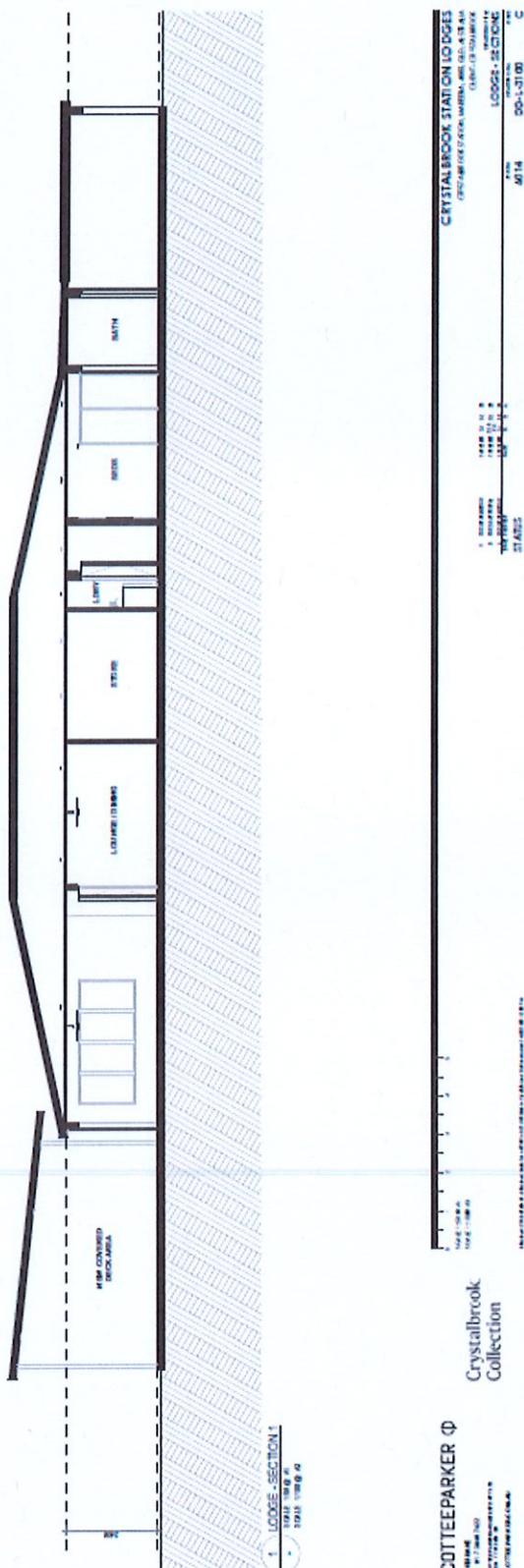
GROUND FLOOR SURVEY LOTS 2 & 4
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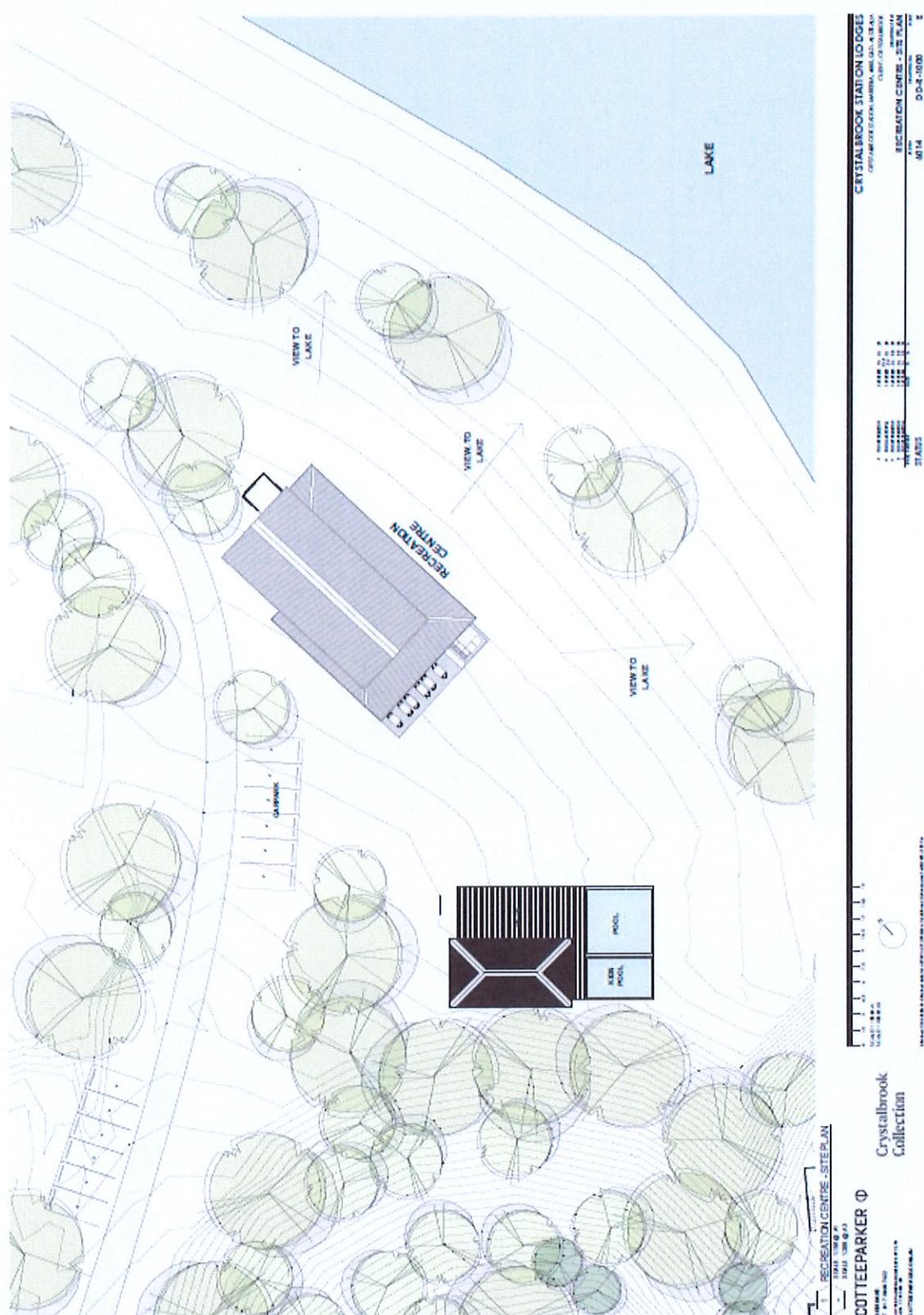
CRYSTAL BROOK STATION LODGES
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COTTEEPARKER SURVEY, MAREEBA SHIRE COUNCIL, 2014.
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LODGE 4 - 200M² - 200M² - 200M²
STAIRS



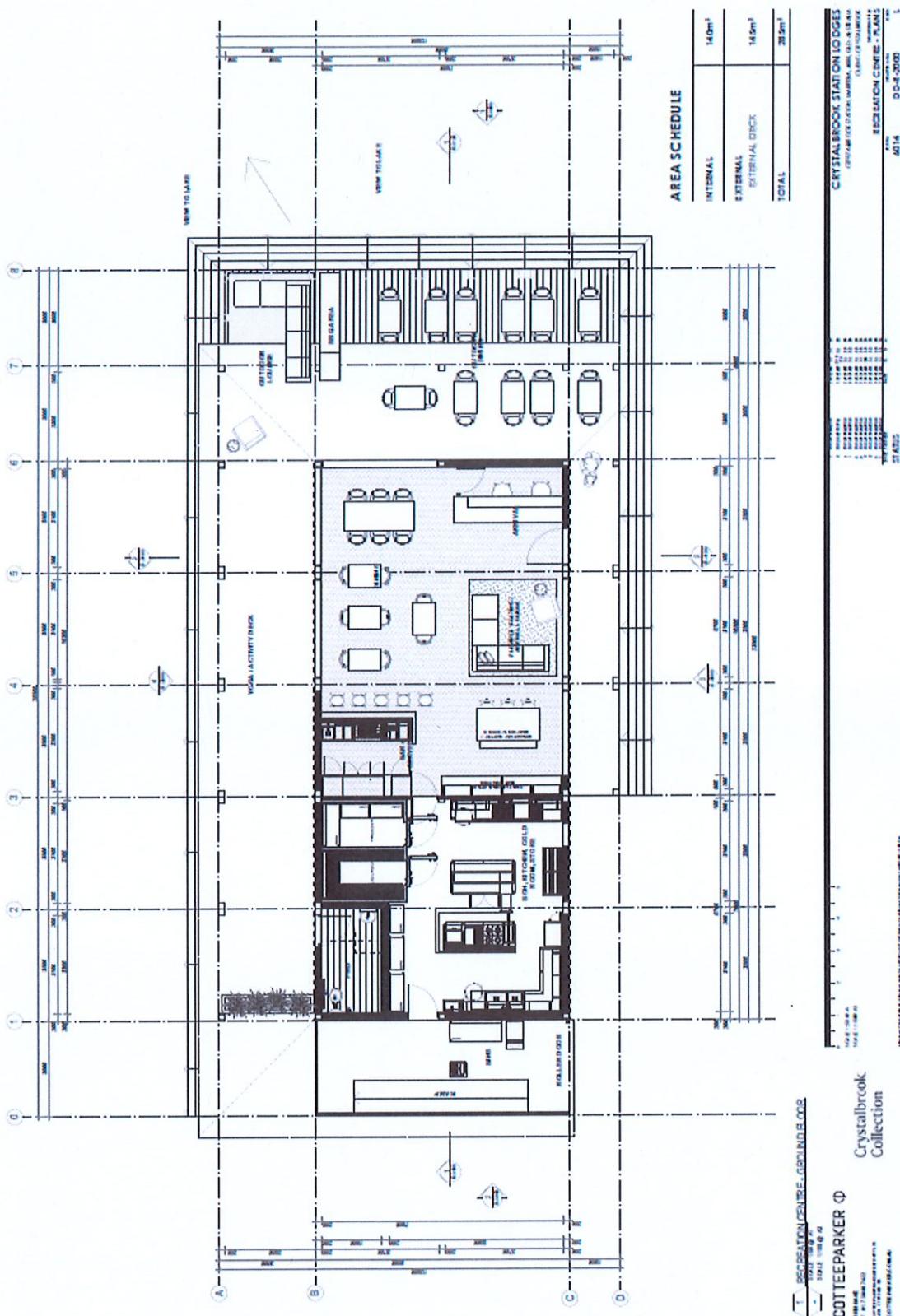


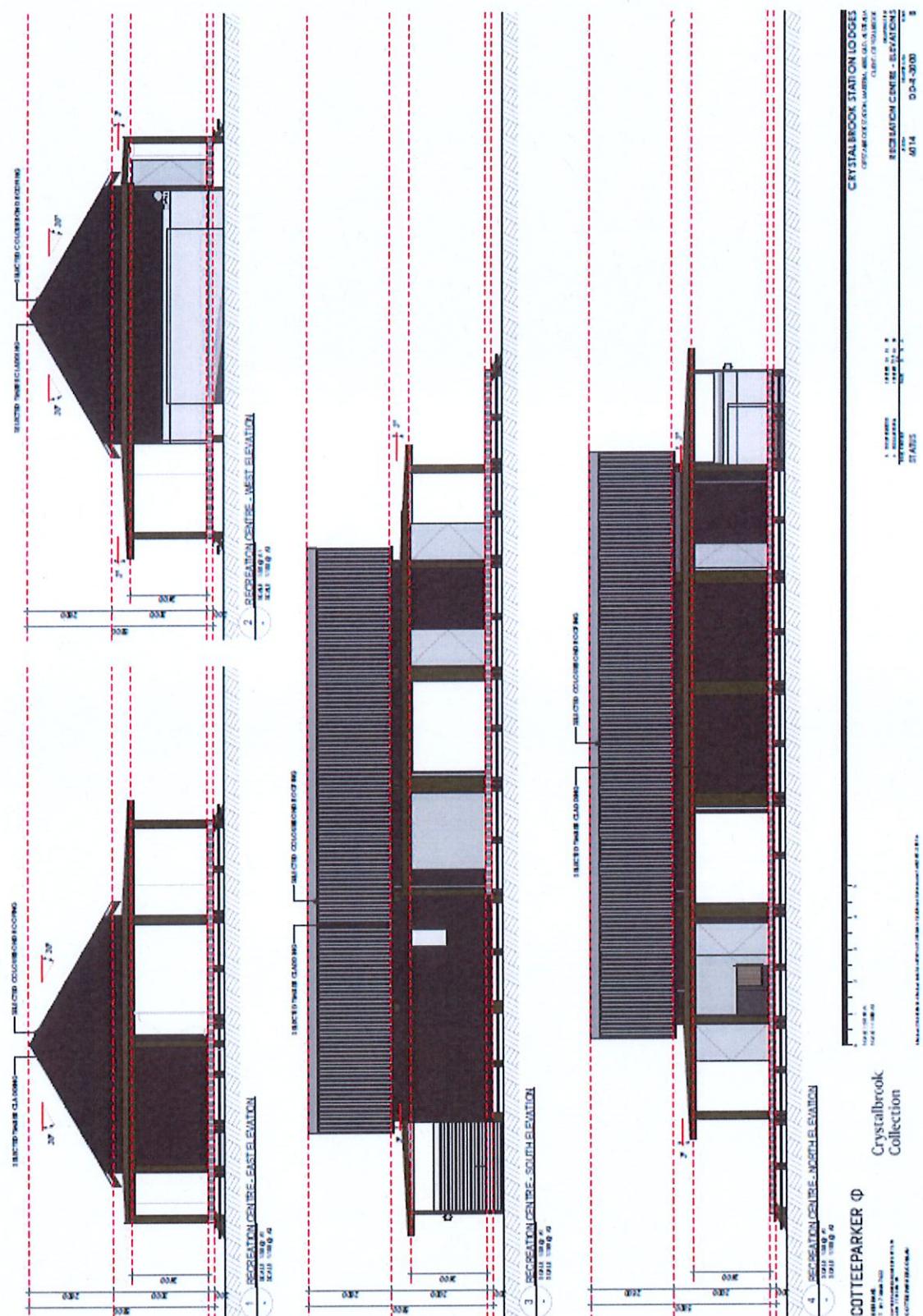


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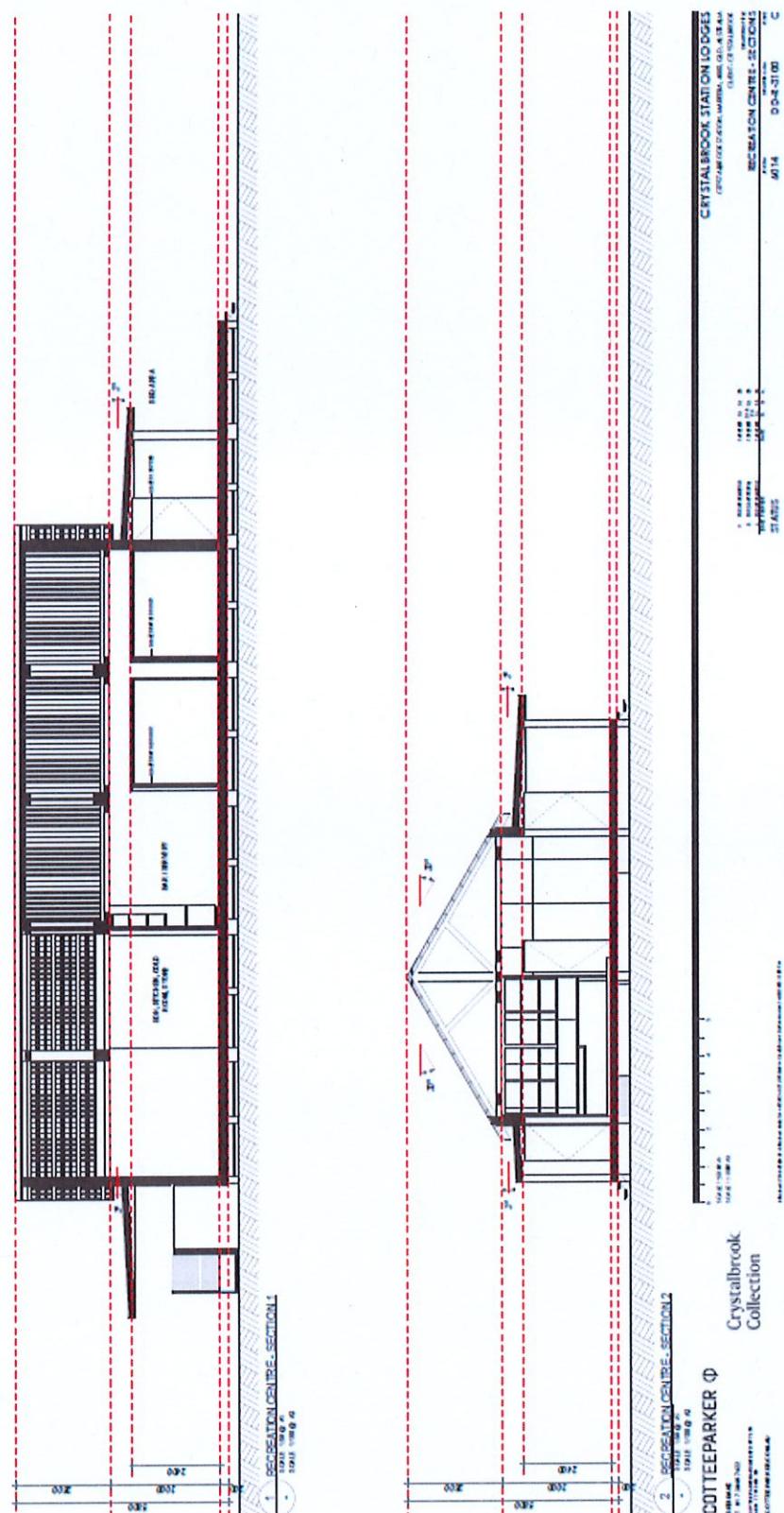


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ARCHITECTURAL ILLUSTRATION ECO-SUITES

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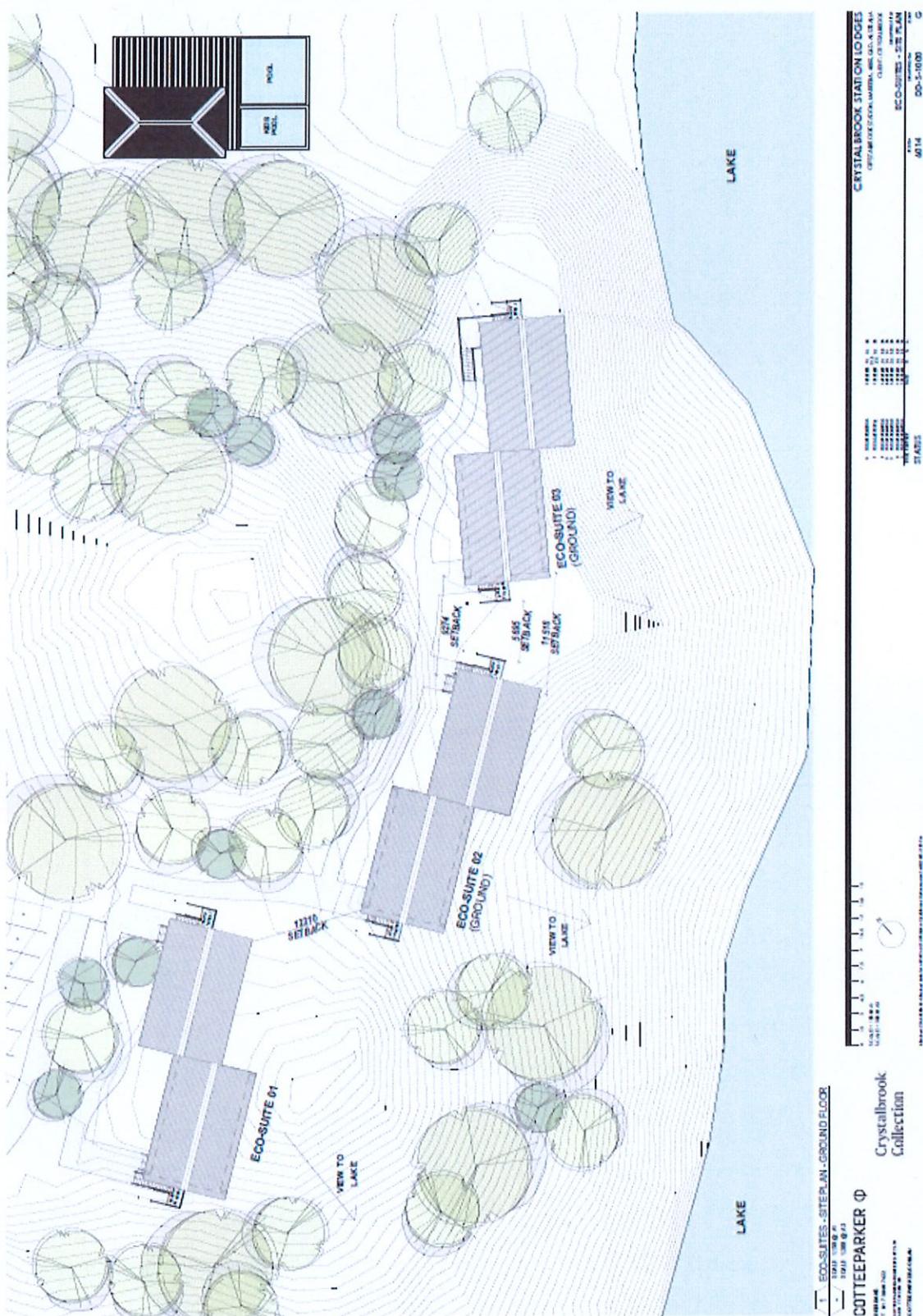


1 ARCHITECTURAL ILLUSTRATION ECO-SUITES

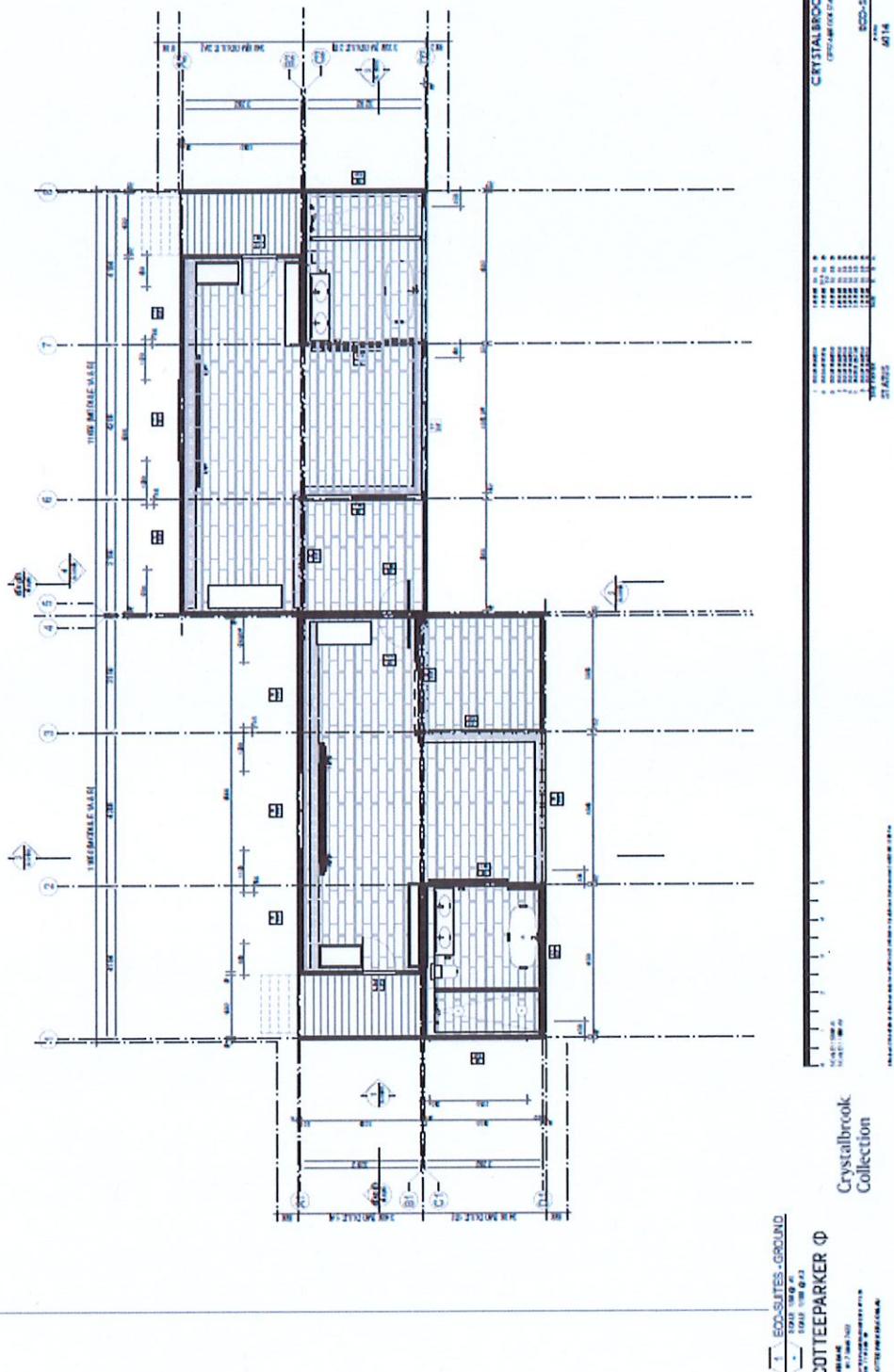
COTTEEPARKER ©
CRYSTALBROOK
COLLECTION

CRYSTAL BROOK STATION LODGES
COTTIER PARK, COTTIER, MURRAY MALLEE, SA 5314
CLASS OF DEVELOPMENT
BUILDING TYPE - ECO-SUITES
NUMBER OF UNITS - 40
NUMBER OF FLOORS - 2
NUMBER OF STAIRS - 40
NUMBER OF ELEVATORS - 0
NUMBER OF CAR PARKS - 0

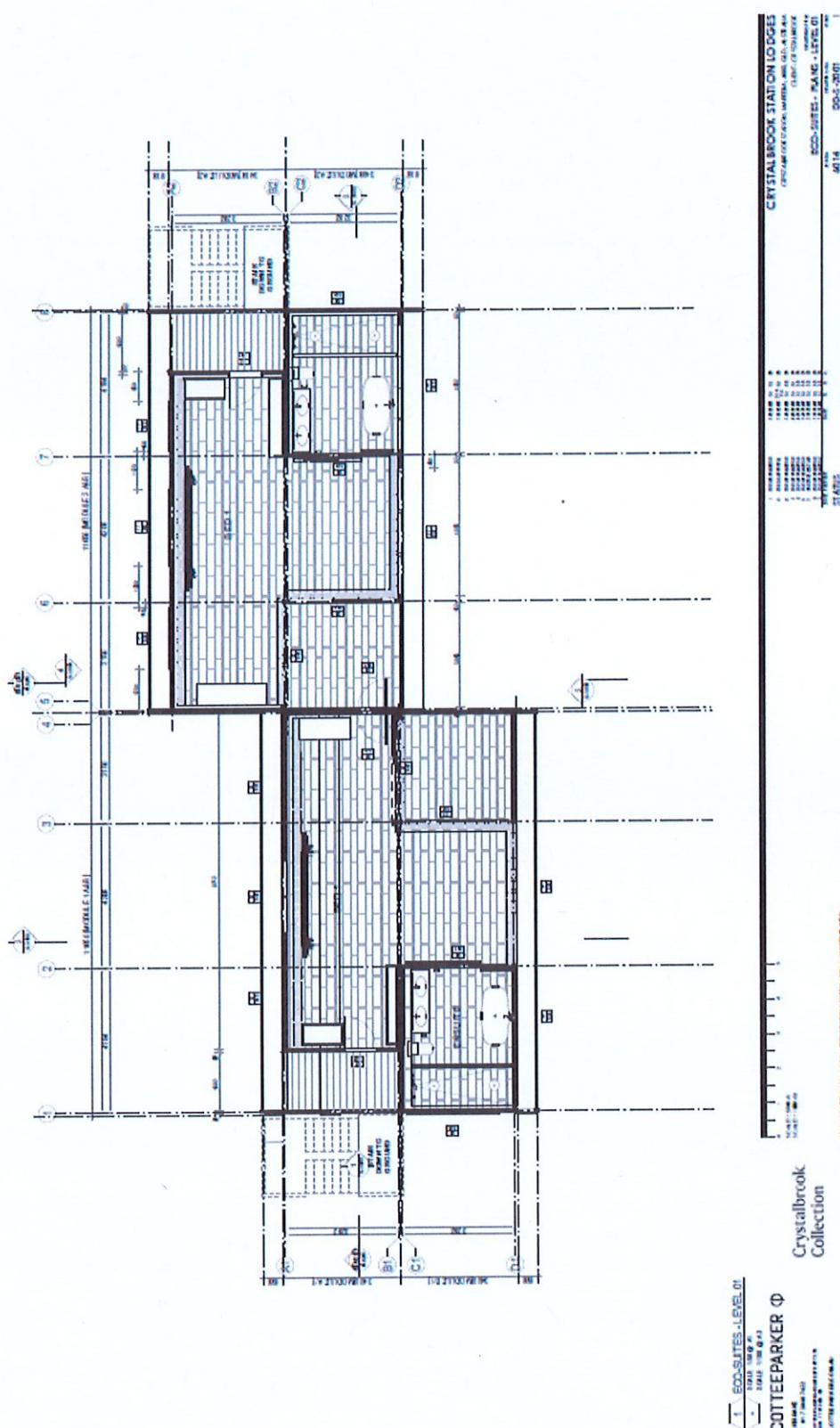
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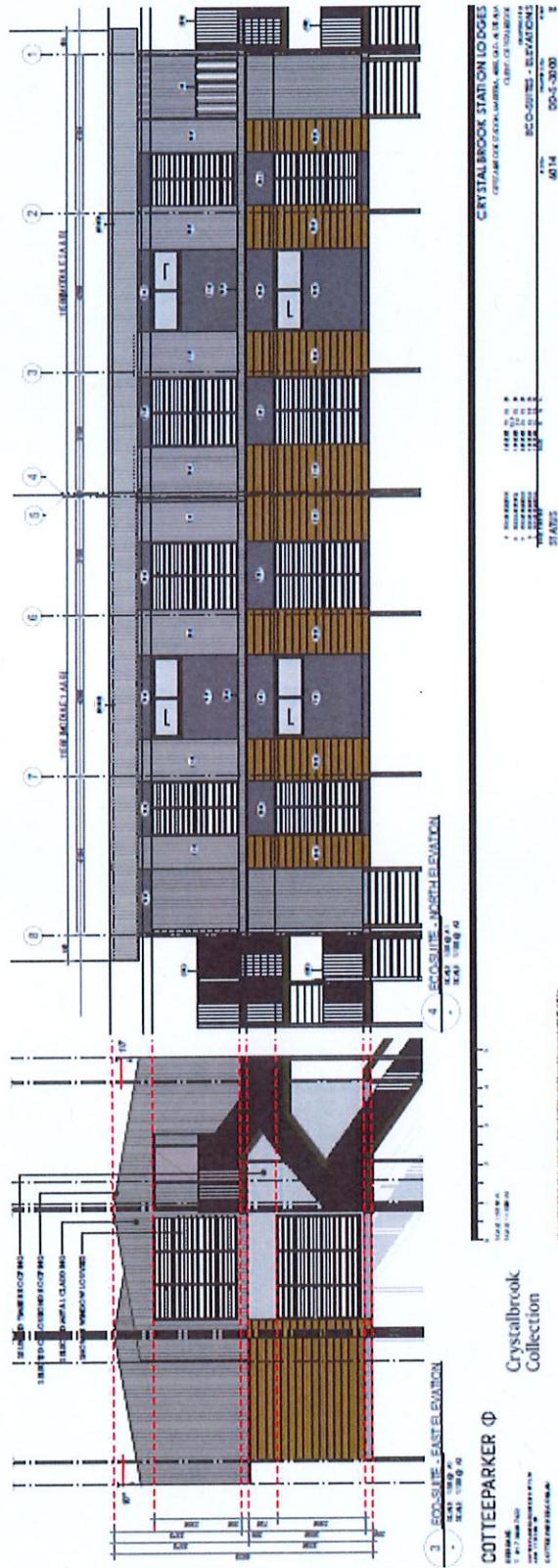
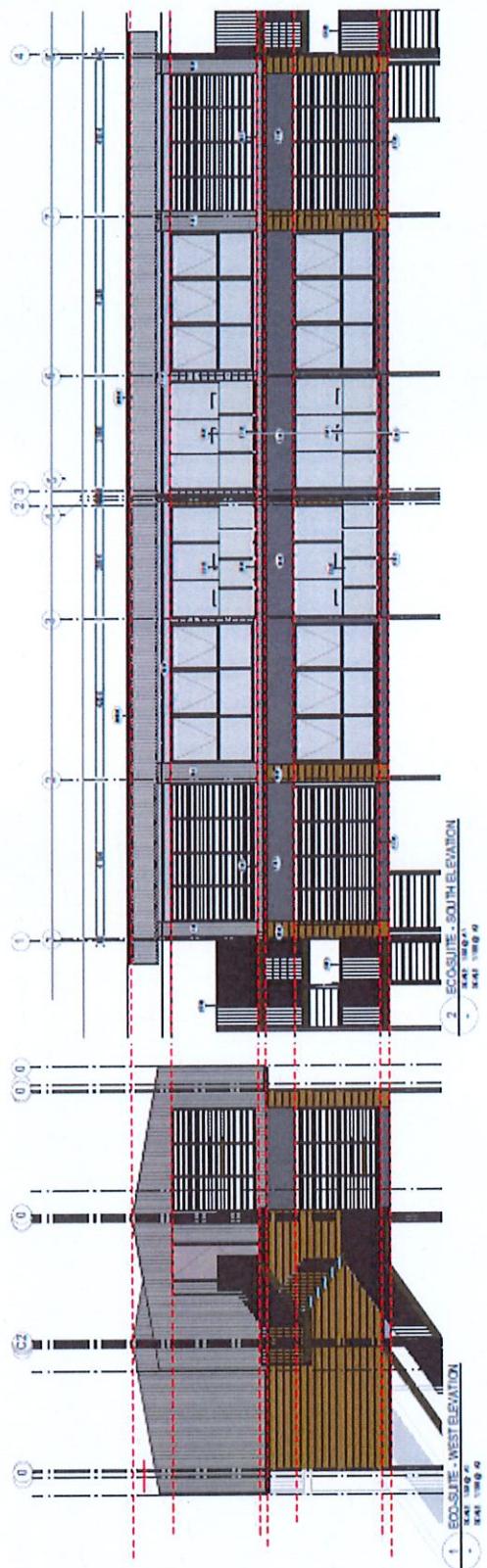
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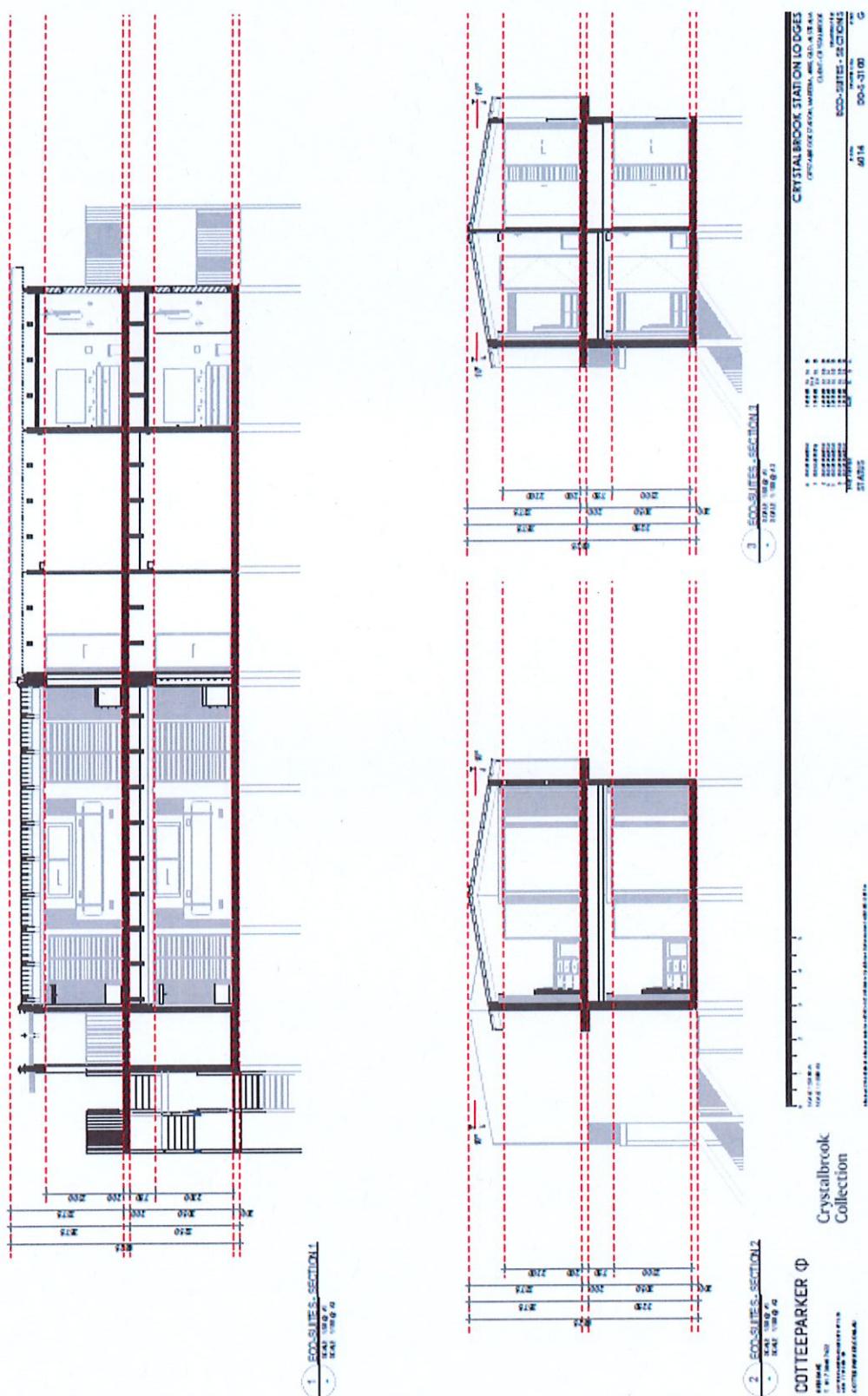
21/5/2020
B. Miller



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S. will



21/5/2020
B. Hill



21/5/2020
B. Miller



COTTEE PARKER ©
Architect
Yannick Tardieu
www.cotteparker.com

CRYSTALBROOK STATION LODGES
COTTEE PARKER ARCHITECTURE, MELBOURNE, VIC, AUSTRALIA
CLIENT: COTTEE PARKER
PROJECT: COTTEE PARKER
DATE: 2014
TYPE: HOTEL
STARS: 5

CRYSTALBROOK STATION LODGES	
COTTEE PARKER ARCHITECTURE, MELBOURNE, VIC, AUSTRALIA	
CLIENT:	COTTEE PARKER
PROJECT:	COTTEE PARKER
DATE:	2014
TYPE:	HOTEL
STARS:	5

21/5/2020
B. will



CRYSTAL BROOK STATION LODGES	
REF ID:	CRYSTAL-BROOK-STATION-LODGES
TYPE:	RESIDENTIAL
ADDRESS:	CRYSTAL BROOK, MARYMOUNT, QLD, 4574, AU
CLERK OF SWORN:	CHRIS COOMBE
PERMIT NO.:	BCG-CRISTAL-BROOK-001
DATE ISSUED:	2020-05-07
VALID UNTIL:	2020-05-07
PERMIT STATUS:	C

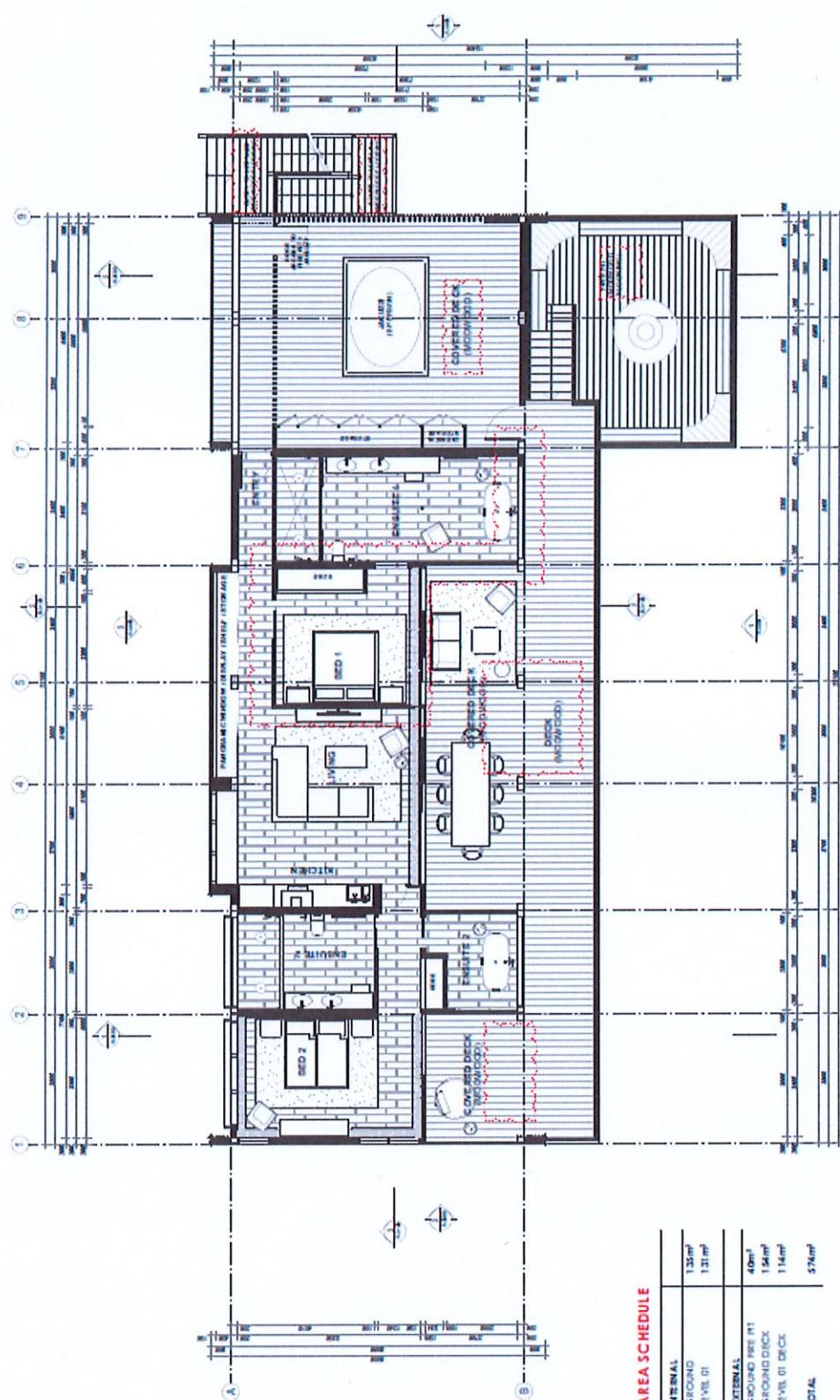
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PERIODICITY: 12 MONTHS VALID FROM: 2020-05-07 VALID UNTIL: 2021-05-07	PERIODICITY: 12 MONTHS VALID FROM: 2020-05-07 VALID UNTIL: 2021-05-07

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B. n Q



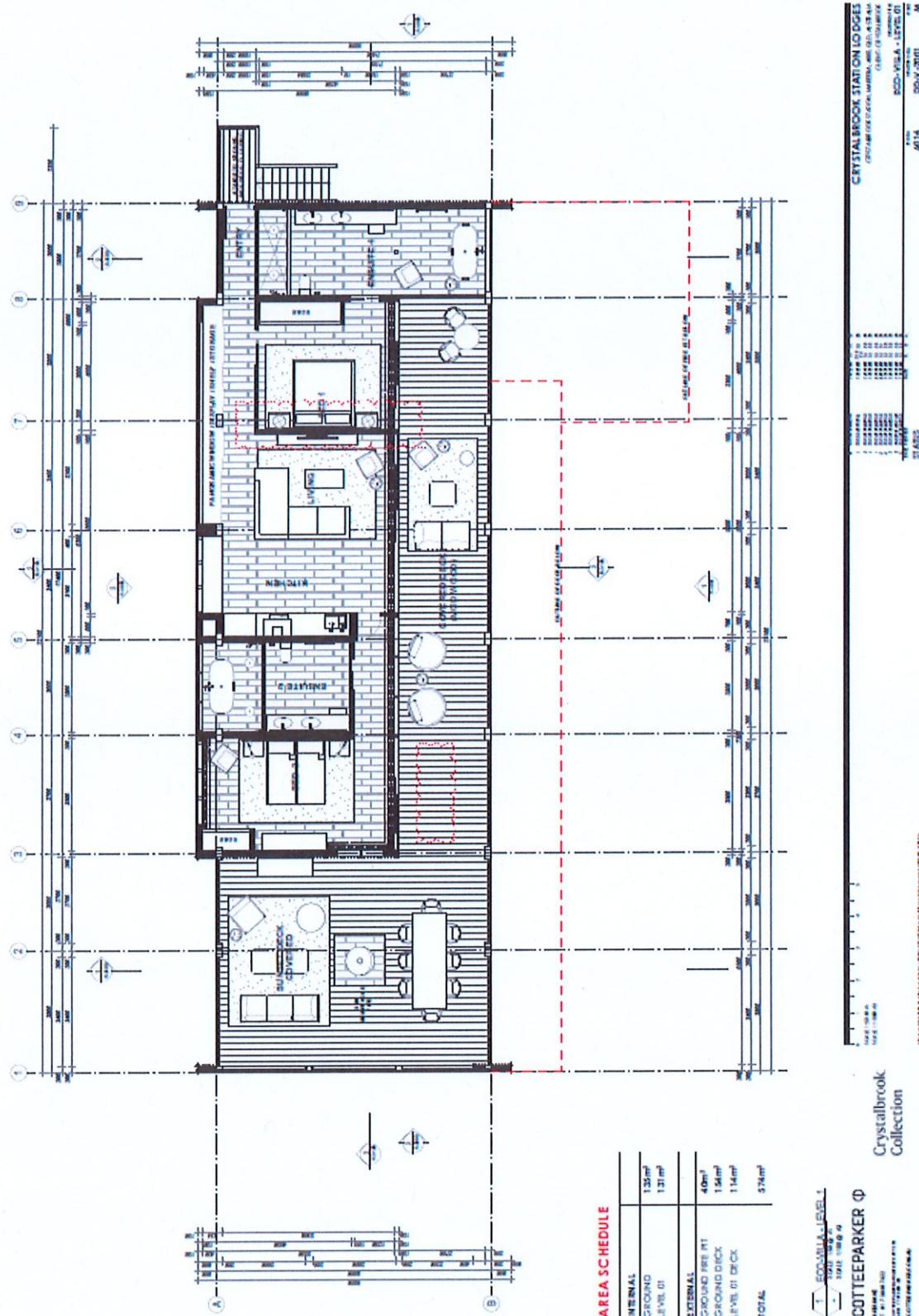
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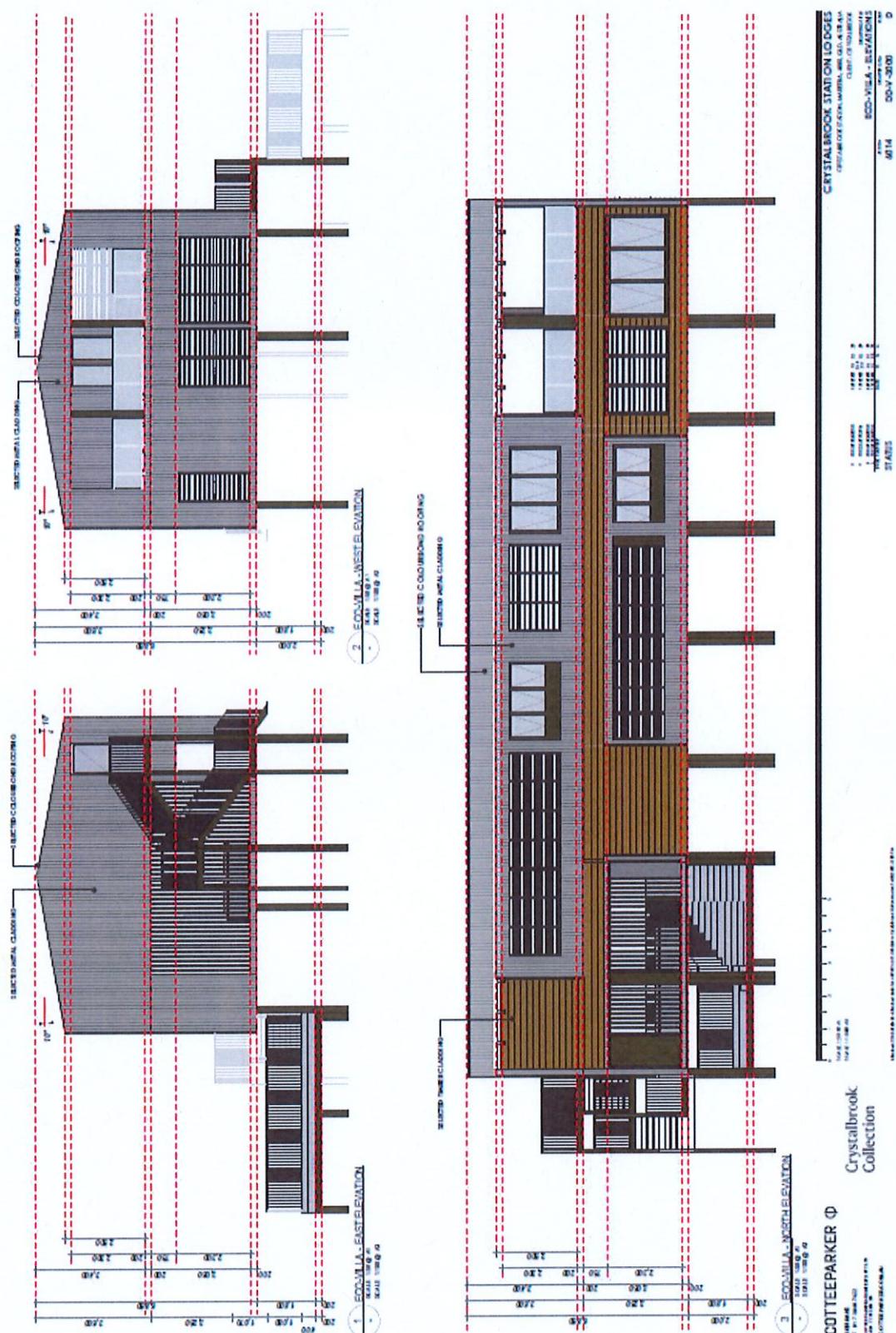


CRYSTALBROOK STATION LODGES	
SPECIFICATION OF MATERIALS, MISC. ETC. & B.M.A.	
External Cladding	Alucobond
Roofing	AS/NZS 4404.1
Doors	Doors
Windows	Doors
Stairs	M

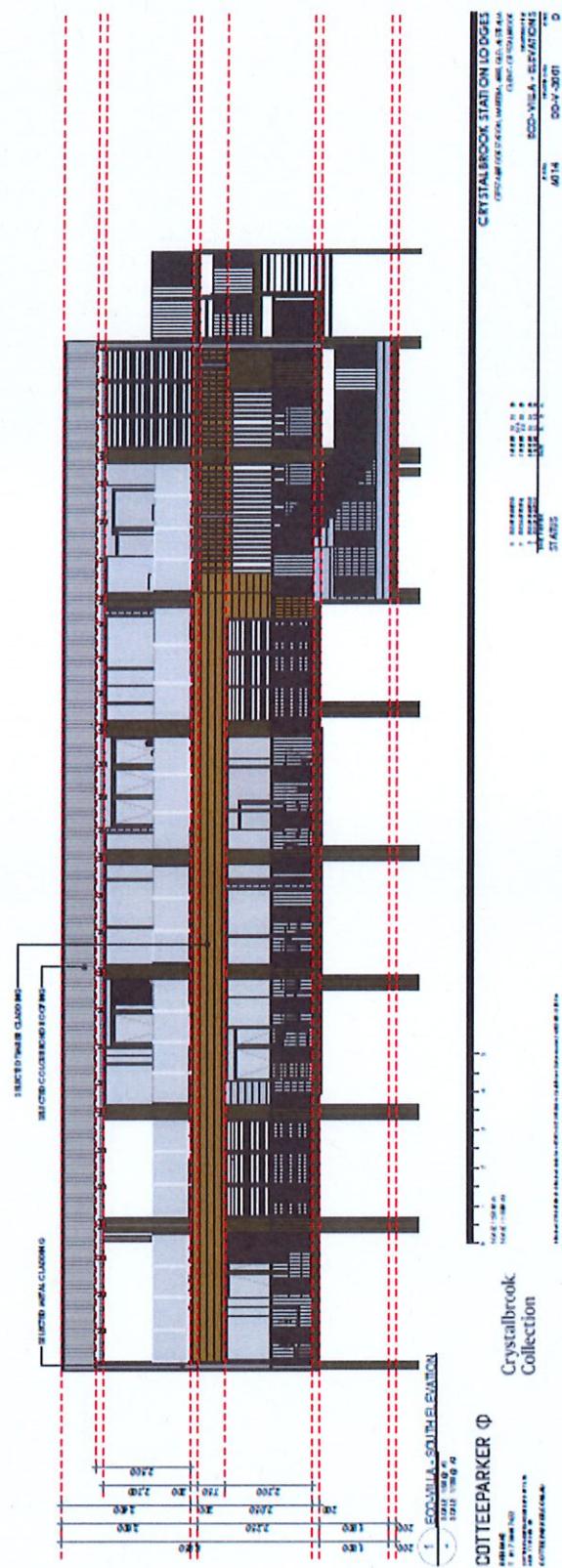
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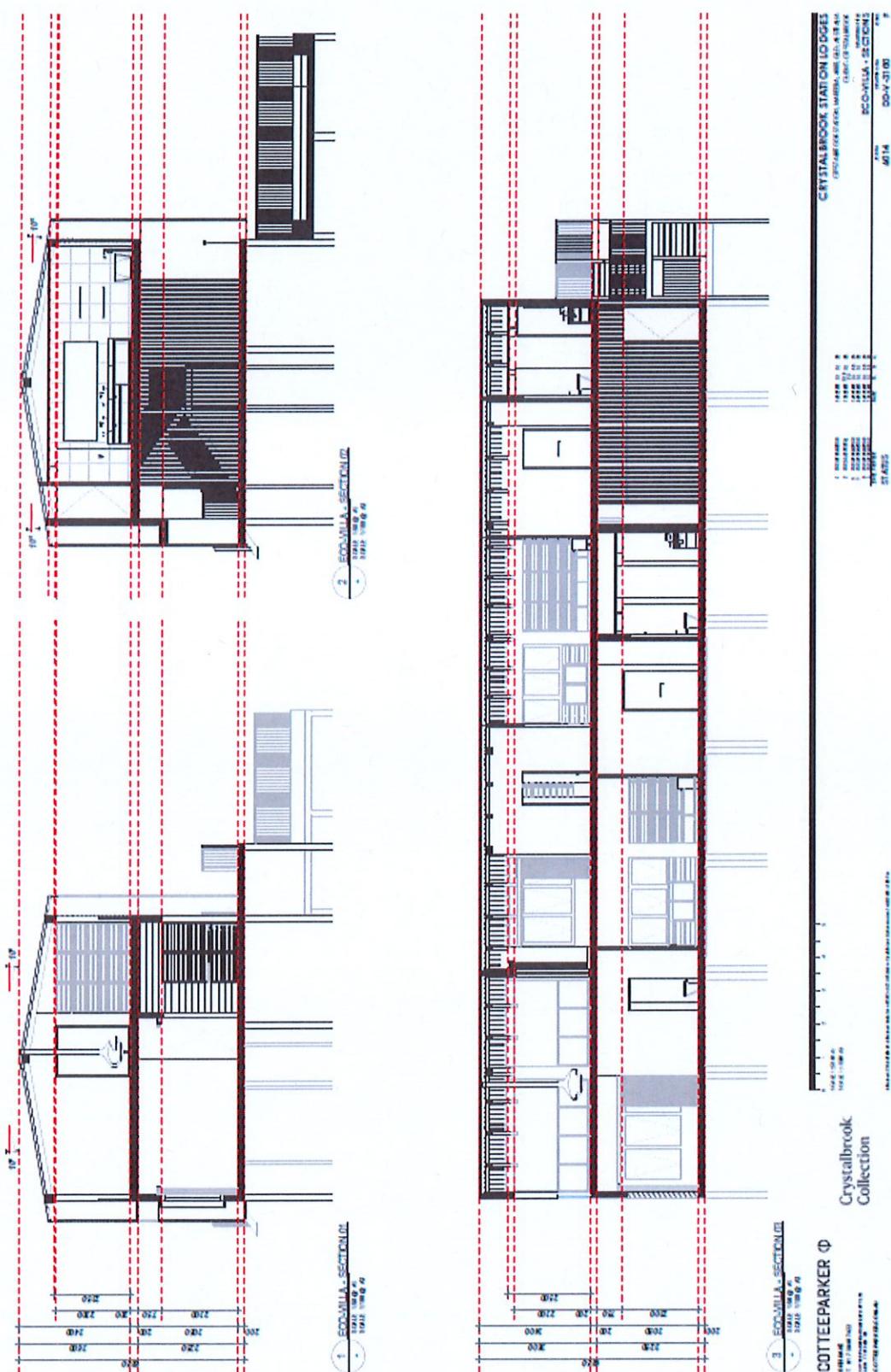
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21/5/2020
B. n. all



21/5/2020
B. will



21/5/2020
B. nill



CRYSTALBROOK STATION LODGE
1625-L-SD01-Landscape Concept - Site Plan | Rev 1
Scale 1:2000 @ A3

LAWSON CONSULTANTS PTY LTD ABN 12 000 000 000
ACN 000 123 456 | PO Box 1000, Northgate Victoria 3065
Ph: +61 3 9441 5555 | Fax: +61 3 9441 5555 | Email: info@lcn.com.au

ASdesign

21/5/2020
B. Miller

LEGEND	
1	ALLOCATED BUDDY PARKING/PICKUP ZONE
2	BUDGY PATH - COMPACTED SUBGRADE WITH AGGRATE FINISH OR POROUS FINE CONCRETE
3	MASS GROUND COVER UNDERSTOREY PLANTINGS, REFER PROPOSED PLANT PALETTE FOR SPECIES
4	EXISTING LARGE TREE TO BE RETAINED
5	OPEN TURF AREA WITH FILTERED VIEWS OF THE LAKE
6	OPEN TURF AREA TO CREATE A SENSE OF ARRIVAL.
7	ALLOCATED PARKING FOR VISITOR VEHICLES
8	PEDESTRIAN NODE - COMPACTED SUBGRADE WITH DECOCO IN LIGH COLOURS (TO BENEFIT HIDE)
9	BULDERS AND FEATURE PLANTING TO HIGHLIGHT ZONES
10	PEDESTRIAN PATH - COMPACTED SUBGRADE WITH DECOCO FINISH
11	EXISTING BEACH
12	SOLAR PARM
13	BATTERY ROOM/GENERATOR



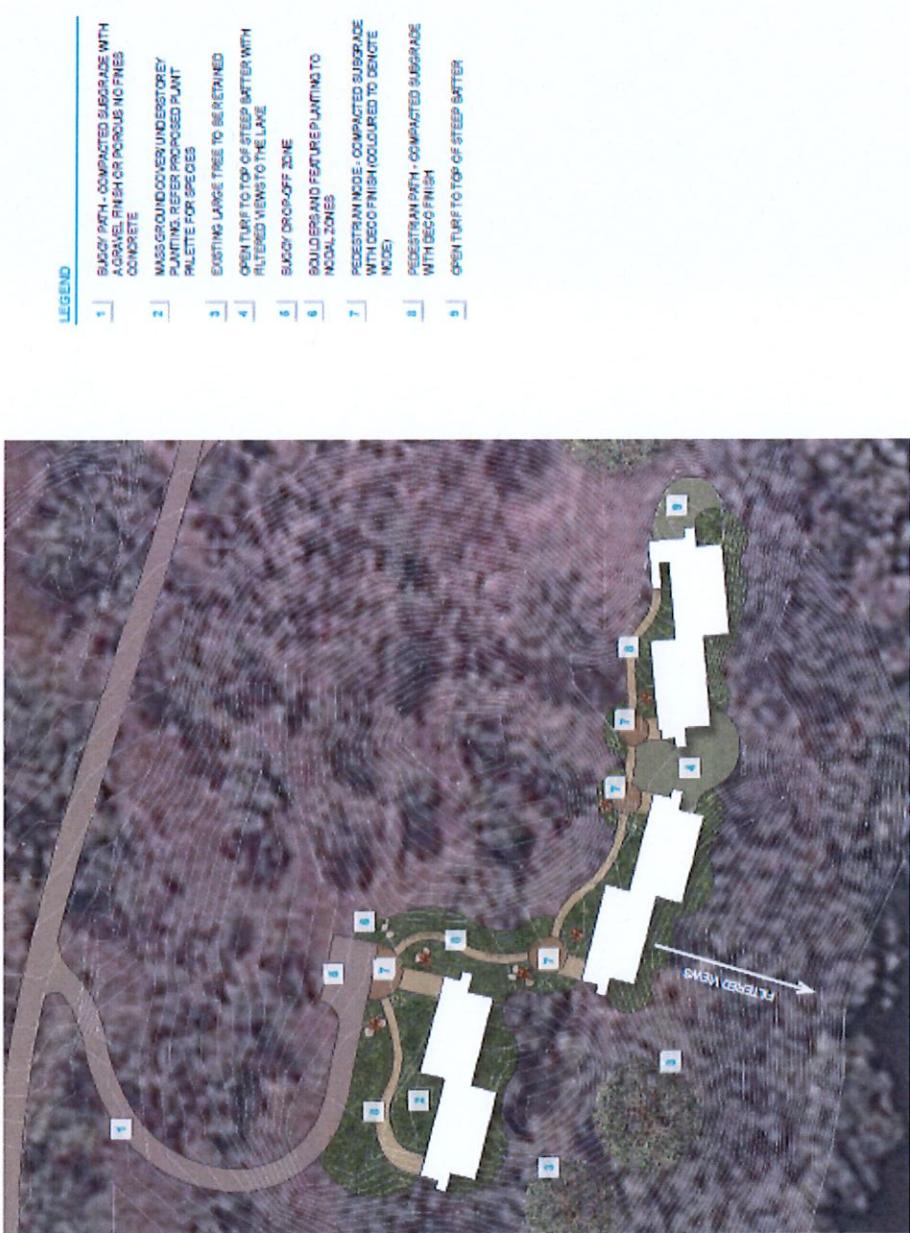
CRYSTALBROOK STATION LODGE
1625L-SD02- Recreation Centre and Pool Plan | Rev 1
Scale 1:1000 @ A3
0 50m 100m 150m 200m

ASdesign

LAWNS & FEATURES DESIGN
AND PLANTING PLAN

ASdesign Pty Ltd ABN 37 123 123 123

21/5/2020
B. williams



CRYSTALBROOK STATION LODGE
1625-L-SD03-Eco-Suites Detailed Plan | Rev 1
Scale 1:1000 @ A3

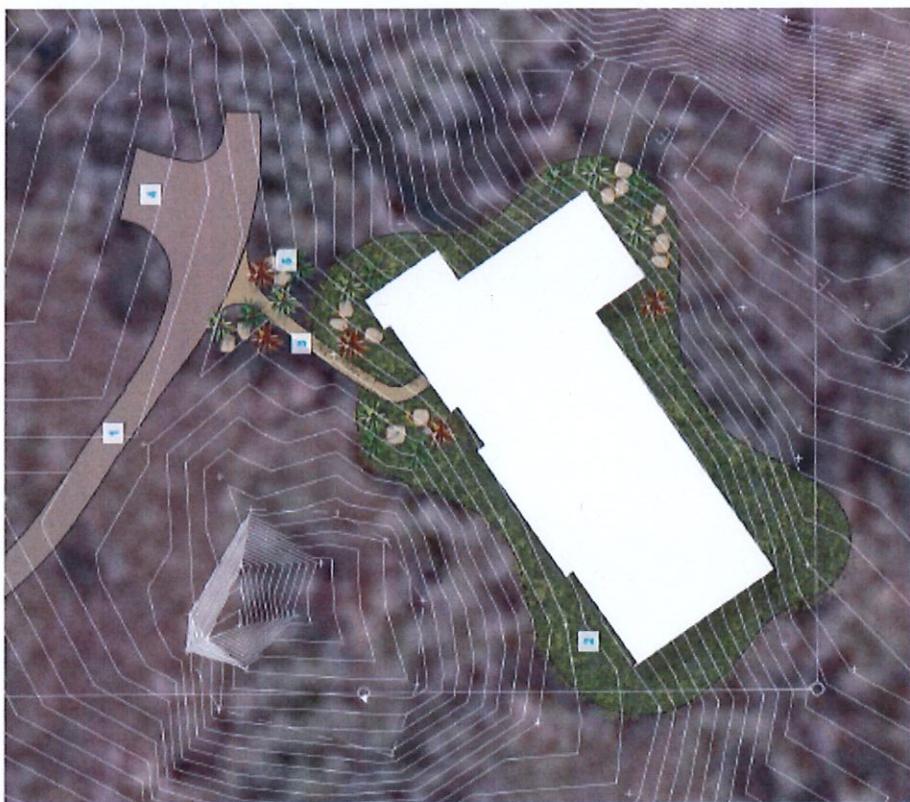
600' 000' 000' 000' 000' 000'

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LAWSON CONSULTING ENGINEERS LTD
1625 LINDENWOOD DR, SUITE 100, PORTLAND, OR 97229-3210
TEL: 503.223.5555 FAX: 503.223.5556
E-MAIL: info@lce.com

21/5/2020
B. will

LEGEND
1 BUCKY PATH - COMPACTED SUBGRADE WITH A GRAVEL RINSE POROUS CONCRETE
2 MASS GROUNDCOVER UNDERSTORY PLANTING REVERSED PINT PALETTE FOR SPECIES
3 PEDESTRIAN PATH - COMPACTED SUBGRADE WITH SEED FINISH
4 WHEEL DRIVE DROP-OFF ZONE
5 LOCALIZED BOULDERS AND FEATURE PLANTING TO HODA, 2045



CRYSTALBROOK STATION LODGE
1625L-SD04-Eco-Villas Detailed Plan | Rev 1
Scale 1:500 A3
100mm 200mm 300mm 400mm
N

21/5/2020
B. will



CRYSTALBROOK STATION LODGE
1626L-SD05 - Proposed Plant Palette | Rev 1
NTG ④ A3

ASdesign

LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
PROJECT MANAGEMENT
MANAGEMENT CONSULTANCY

Referral Agency Response

RA6-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 2003-15753 SRA
 Council reference: MCU/20/0004
 Applicant reference: 19-484

6 April 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—Crystalbrook Lodge, Crystalbrook – Material Change of Use for Short-Term Accommodation

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 11 March 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	6 April 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 Short Term Accommodation
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3 (Planning Regulation 2017)	

2003-15753 SRA

Material change of use involving native vegetation clearing

SARA reference: 2003-15753 SRA
Assessment Manager: Mareeba Shire Council
Street address: Crystalbrook Lodge, Crystalbrook Road, Crystalbrook
Real property description: Lot 2 on LD157 and Lot 738 on CP892331
Applicant name: GAG Crystalbrook Station Pty Ltd
Applicant contact details: CI- Urban Sync Pty Ltd
PO Box 2970
Cairns QLD 4870
kate@urbansync.com.au

Representations

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 (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



Brett Nancarrow
Manager (Planning)

cc GAG Crystalbrook Station Pty Ltd, kate@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

2003-15753 SRA

Attachment 1—Referral agency conditions

(Under section 58(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]		
1.	Schedule 10, Part 3, Division 4, Table 3 – Material change of use involving native vegetation clearing — The chief executive administering the Planning Act 2016 nominates the Director-General of the Department of Natural Resources, Mining and Energy 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):	At all times.
2.	No built structure, other than for fences, tracks/roads and underground services, is to be established, constructed or located within area identified as Area B (B ¹ – B ⁴) as shown on attached Technical Agency Response Plan (TARP) 2003-15753 SRA dated 1 April 2020.	At all times.
3.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing.

2003-15753 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) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').
3.	Under the <i>Forestry Act 1959</i> , forest products on specific tenures are the property of the State. The Department of Agriculture and Fisheries may liaise with the landowners to organise the salvage harvesting of forest products (native forest log timber), if in a commercial quantity, approved for clearing by this development approval.
4.	To request an electronic file of the Derived Points (Attached to Plan: 2003-15753 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at northvegetation@dnrme.qld.gov.au and include application reference (2003-15753 SRA).

2003-15753 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the Planning Act 2016)

The reasons for the department's decision are:

- Unavoidable clearing, to provide for the construction of new buildings and infrastructure, has been minimised to ensure maximum vegetation is retained.
- Watercourses associated with the dam (lake) will not be adversely impacted by the vegetation clearing.
- The clearing will occur along the edge of a large vegetated area, and sufficient vegetation remains in the landscape to ensure ecological connectivity.
- There is negligible risk that the clearing will contribute to land degradation through waterlogging, or salinisation of groundwater, surface water or soil.
- The proposed development complies with the relevant provisions of State code 16: Native vegetation clearing.

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 [2.6]), as published by the department*
- *The Development Assessment Rules*
- *SARA DA Mapping system*
- *State Planning Policy mapping system*

2003-15753 SRA

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

2003-15753 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 2010*

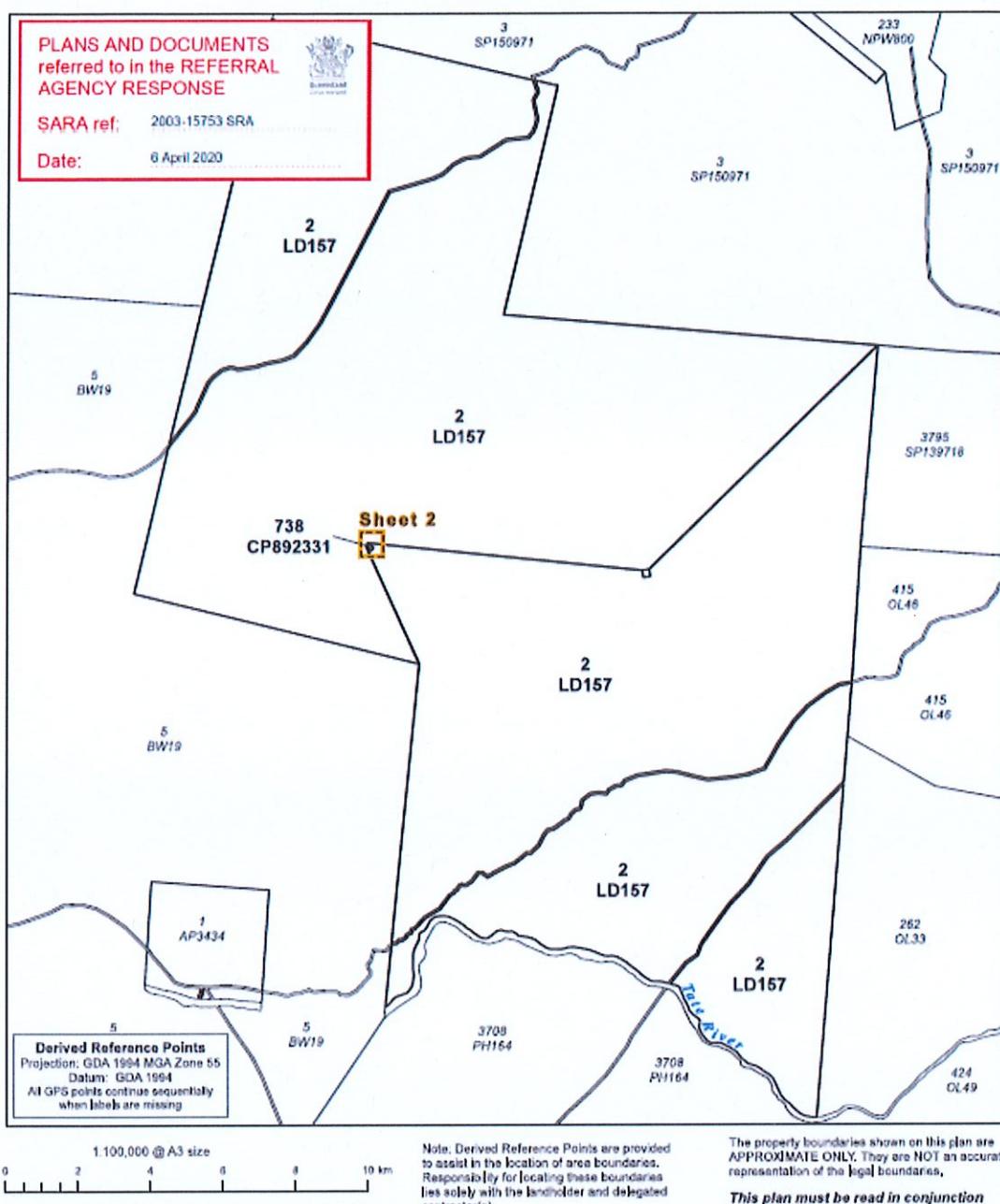
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

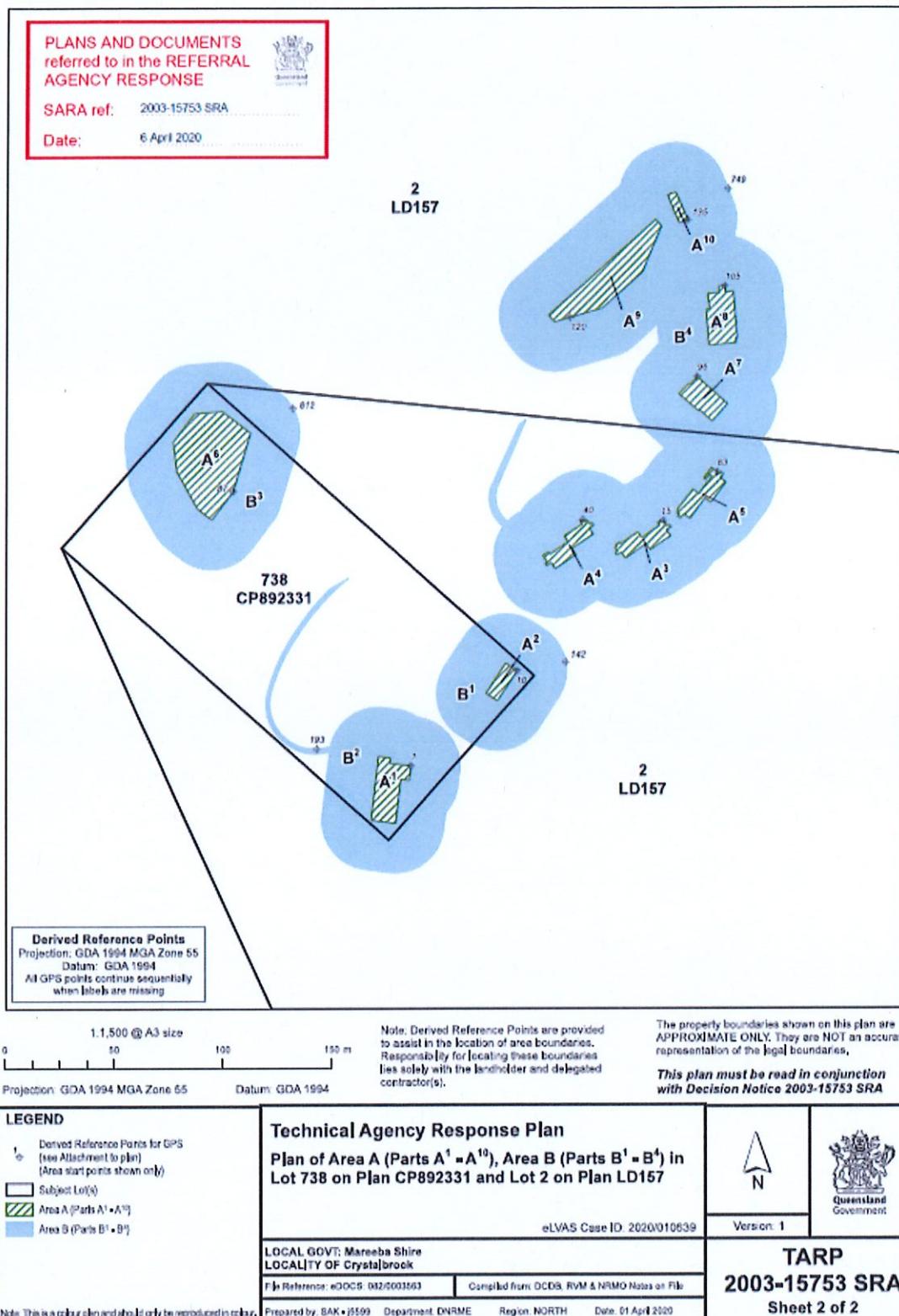
30 Representations about a referral agency response

- 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.



LEGEND	Technical Agency Response Plan	N	Version: 1
<ul style="list-style-type: none"> Derived Reference Points for GPS (see Attachment 1 to plan) (Area start points shown by) Subject Lot(s) Area A (Parts A¹ - A¹⁰) Area B (Parts B¹ - B⁴) 	Technical Agency Response Plan Plan of Area A (Parts A¹ - A¹⁰), Area B (Parts B¹ - B⁴) in Lot 738 on Plan CP892331 and Lot 2 on Plan LD157 eLVAS Case ID: 2020/010639	 N	Version: 1
	LOCAL GOVT: Mareeba Shire LOCALITY OF: Crystalbrook		
	File Reference: DDCS_002/200315753 Compiled from: DDCS, RVM & NRMO Notes on File		
Prepared by: BAK • JS100 Department: DNRME Region: NORTH Date: 01 April 2020		TARP 2003-15753 SRA Sheet 1 of 2	



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.