



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

26 August 2020

N Derakhshan
C/- Trinity Engineering and Consulting Pty Ltd
PO Box 7693
CAIRNS QLD 4870

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/20/0001
Your Reference: 1415

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 25 August 2020 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	OPW/20/0001
Street Address:	2-6 Black Mountain Road, Kuranda
Real Property Description:	Lot 1 on RP743970
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks) for Development Permit RAL/18/0025
Date of Decision:	25 August 2020

CURRENCY PERIOD OF APPROVAL

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

INFRASTRUCTURE

Not Applicable.

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****1. General**

- (i) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (ii) Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.

2. Driveways

All steep driveways will need to be constructed in accordance with D2.12.2 – Steep Allotments. Generally, this will align them with FNQROC Access S1110E – Type 2.

All steep driveways are to be constructed of concrete, not bitumen or asphalt.

All driveways must achieve safe site distance for entry/exit of each proposed allotment.

3. Batters

All batters steeper than 1 in 2 and higher than 1.5m must be certified as stable by a Geotechnical Engineer.

4. Water Service Infrastructure

The water service infrastructure shown on Drawing No. 1415-013 (Rev. A) (excluding the water meters) must be installed by and at the expense of the applicant/developer in accordance with FNQROC Development Manual Standards, to the satisfaction of Council's delegated officer.

Individual water meters will be installed by Council at the request and expense of the developer/landowner as per Council's standard water meter installation procedures. Water meters are not required to be installed as part of the operational works.

Note: The applicant/developer should ensure that the water hydrants are suitably located to service all lots during an emergency.

5. Sediment Control

At time of installation of erosion and sediment control measures, the type, location and scale of erosion and sediment control should, where possible, comply with Council's Standard Erosion and Sediment Control Plans (*Drawing No. QT 150 dated 30/04/99* and *Drawing No. QT 154 dated 30/04/99*), to the satisfaction of Council's delegated officer. Drawing No. QT 150 and QT 154 are available from Council upon request.

6. Pre-start Meeting

- (i) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

7. Inspections

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

8. Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after

expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

9. Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

10. Transportation of Soil

- (i) All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1415-005 Rev. A	Locality Plan and Drawing Index	Trinity Engineering and Consulting	22/05/2020
1415-006 Rev. A	General Arrangement Plan	Trinity Engineering and Consulting	27/05/2020
1415-007 Rev. A	Roadworks and Earthworks Plan	Trinity Engineering and Consulting	27/05/2020
1415-008 Rev. A	Typical Cross Sections and Miscellaneous Details	Trinity Engineering and Consulting	27/05/2020
1415-009 Rev. A	Black Mountain Road Longitudinal Section and Annotated Cross Sections	Trinity Engineering and Consulting	27/05/2020
1415-010 Rev. A	Black Mountain Road Annotated Cross Sections Sheet 2 of 2	Trinity Engineering and Consulting	27/05/2020

1415-011 Rev. A	Lots 1 and 2 Concrete Driveway Setout and Details	Trinity Engineering and Consulting	27/05/2020
1415-012 Rev. A	Lots 3 and 4 Concrete Driveway Setout and Details	Trinity Engineering and Consulting	27/05/2020
1415-013 Rev. A	Water Reticulation Plan	Trinity Engineering and Consulting	27/05/2020
1415-014 Rev. A	Erosion and Sediment Control Strategy	Trinity Engineering and Consulting	27/05/2020

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL


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

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

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



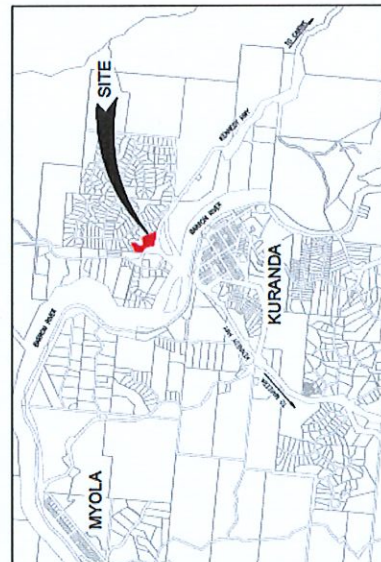
BRIAN MILLARD
SENIOR PLANNER

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

Approved Plans/Documents

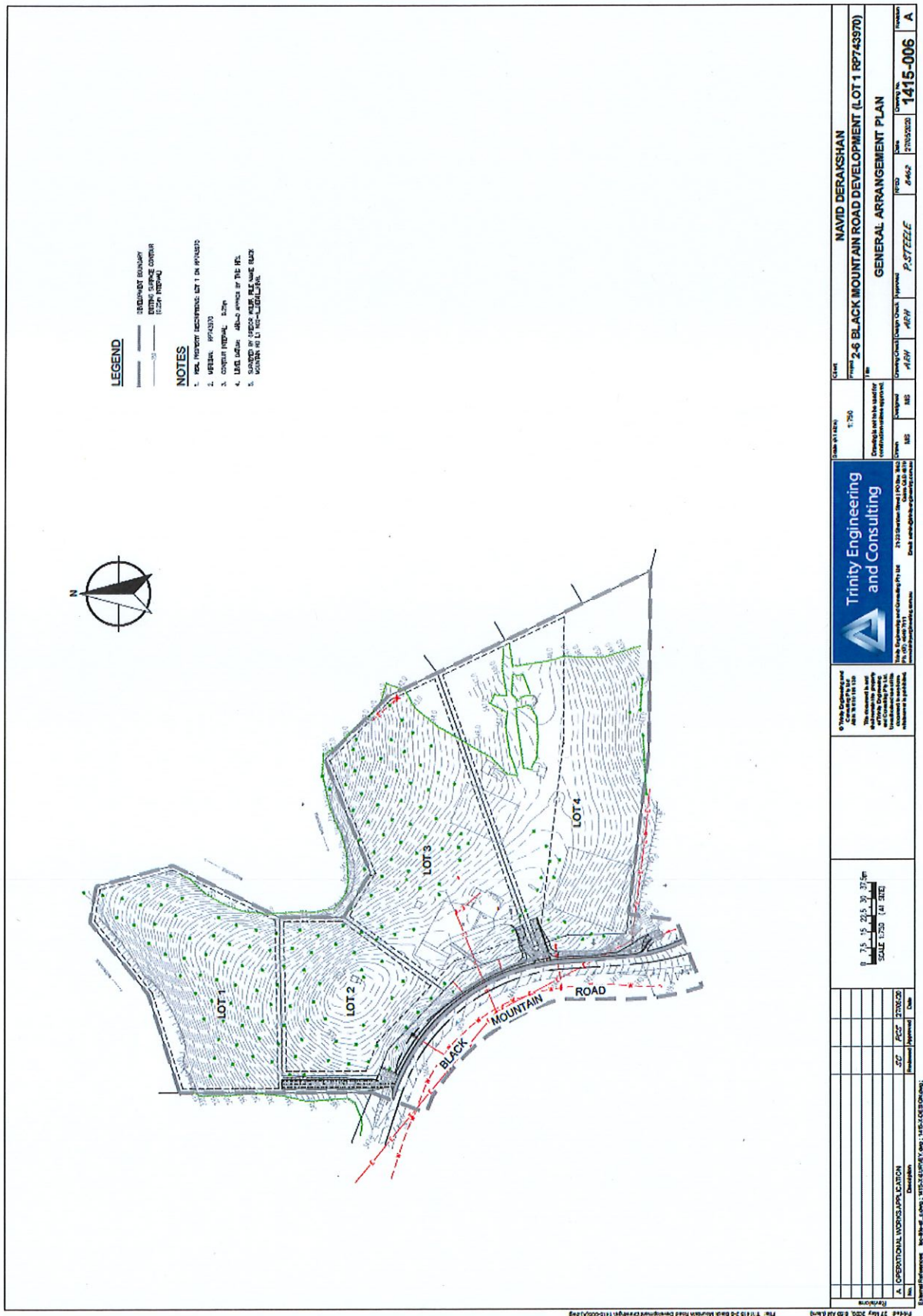


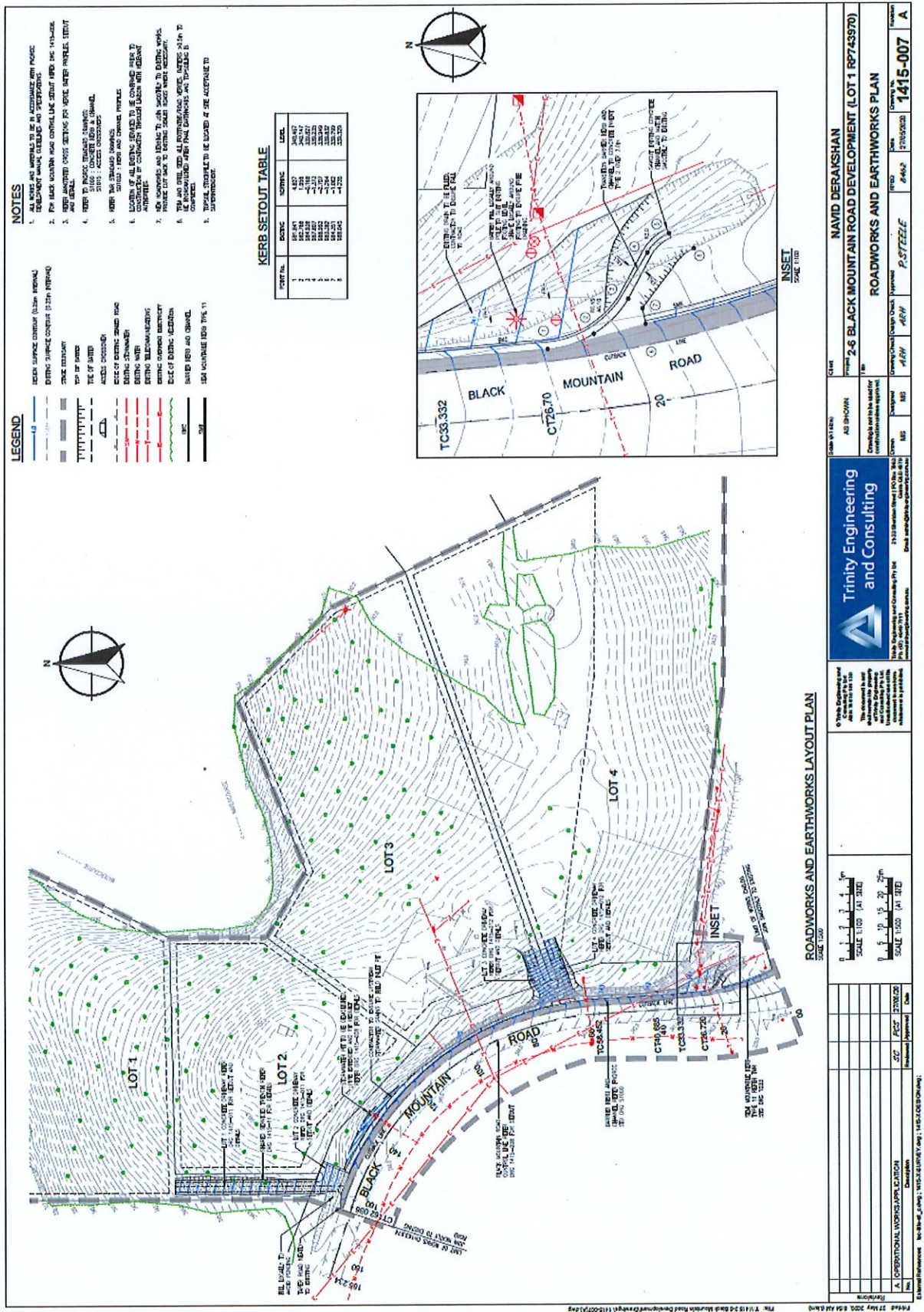
2 - 6 BLACK MOUNTAIN ROAD DEVELOPMENT (LOT 1 RP743970) *for* NAVID DERAQSHAN

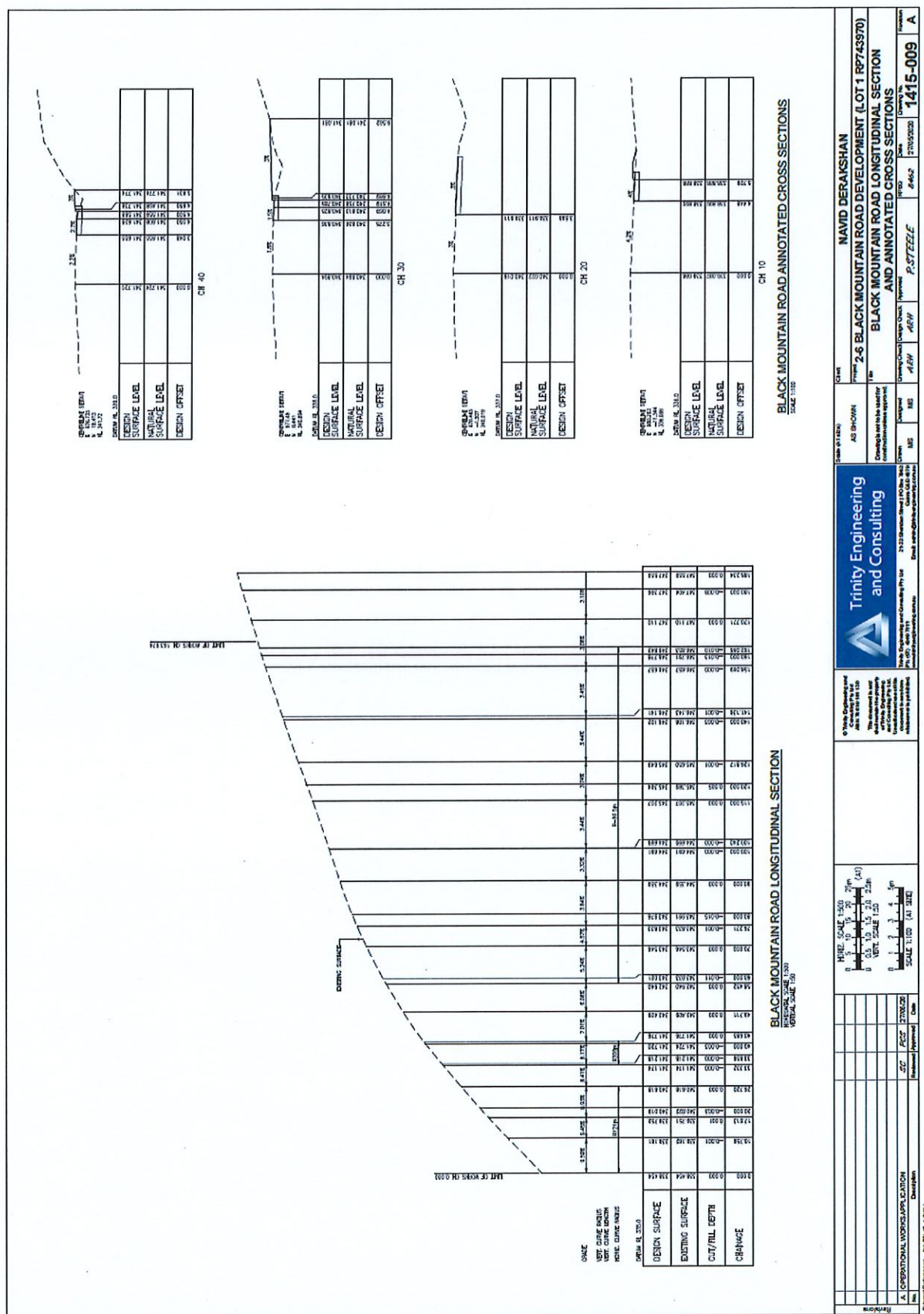


SCHEDULE OF PROJECT DRAWINGS

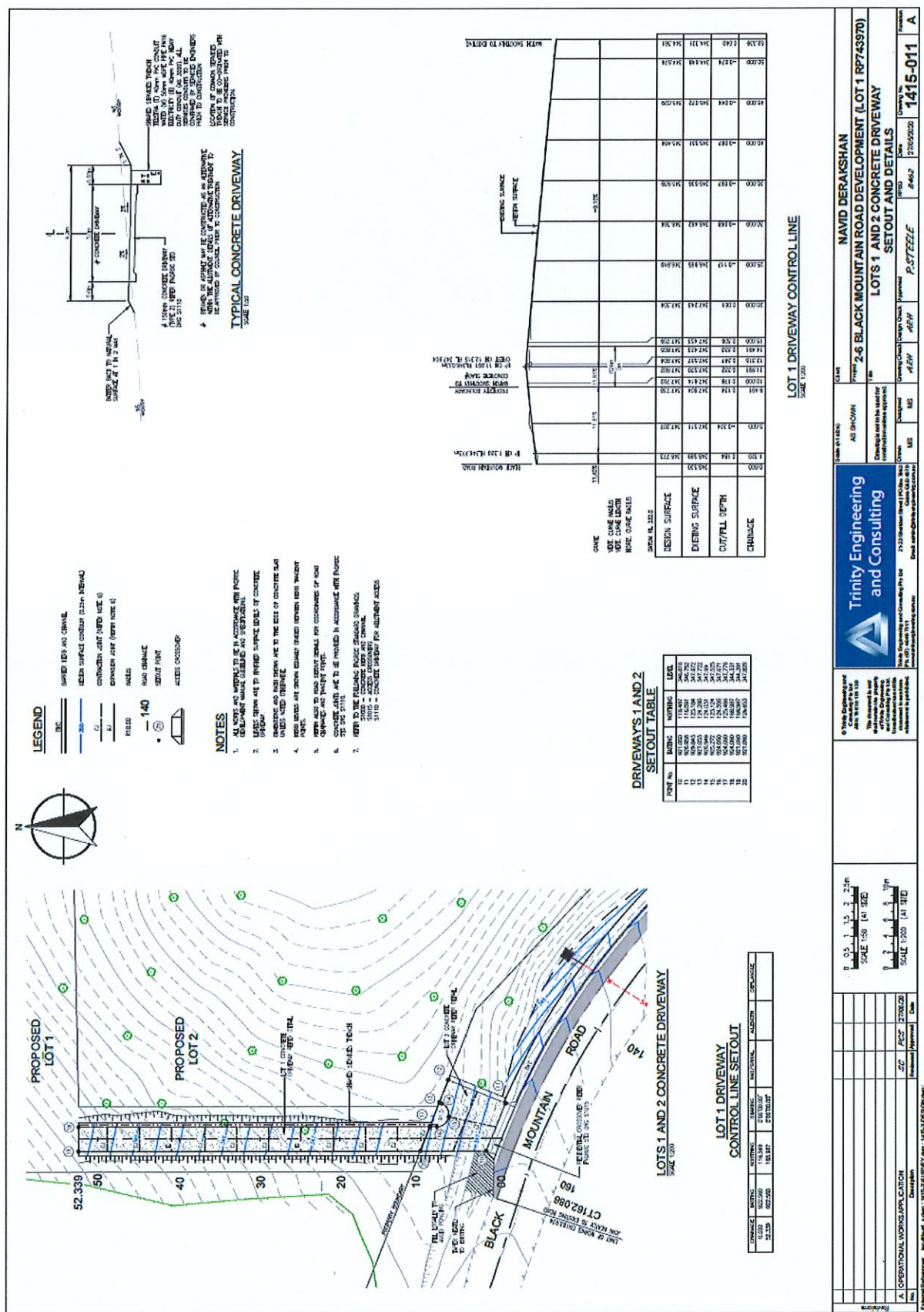
1415-005	LOCALITY PLAN AND DRAWING INDEX
1415-006	GENERAL ARRANGEMENT PLAN
1415-007	ROADWORKS AND EARTHWORKS PLAN
1415-008	TYPICAL CROSS SECTIONS AND MISCELLANEOUS DETAILS
1415-009	BLACK MOUNTAIN ROAD LONGITUDINAL SECTION AND ANNOTATED CROSS SECTIONS
1415-010	BLACK MOUNTAIN ROAD ANNOTATED CROSS SECTIONS SHEET 2 OF 2
1415-011	CONCRETE DRIVEWAY SETOUT AND DETAILS
1415-012	LOT 1 AND 2 CONCRETE DRIVEWAY SETOUT AND DETAILS
1415-013	WATER RETENTION PLAN
1415-014	EROSION AND SEDIMENT CONTROL STRATEGY



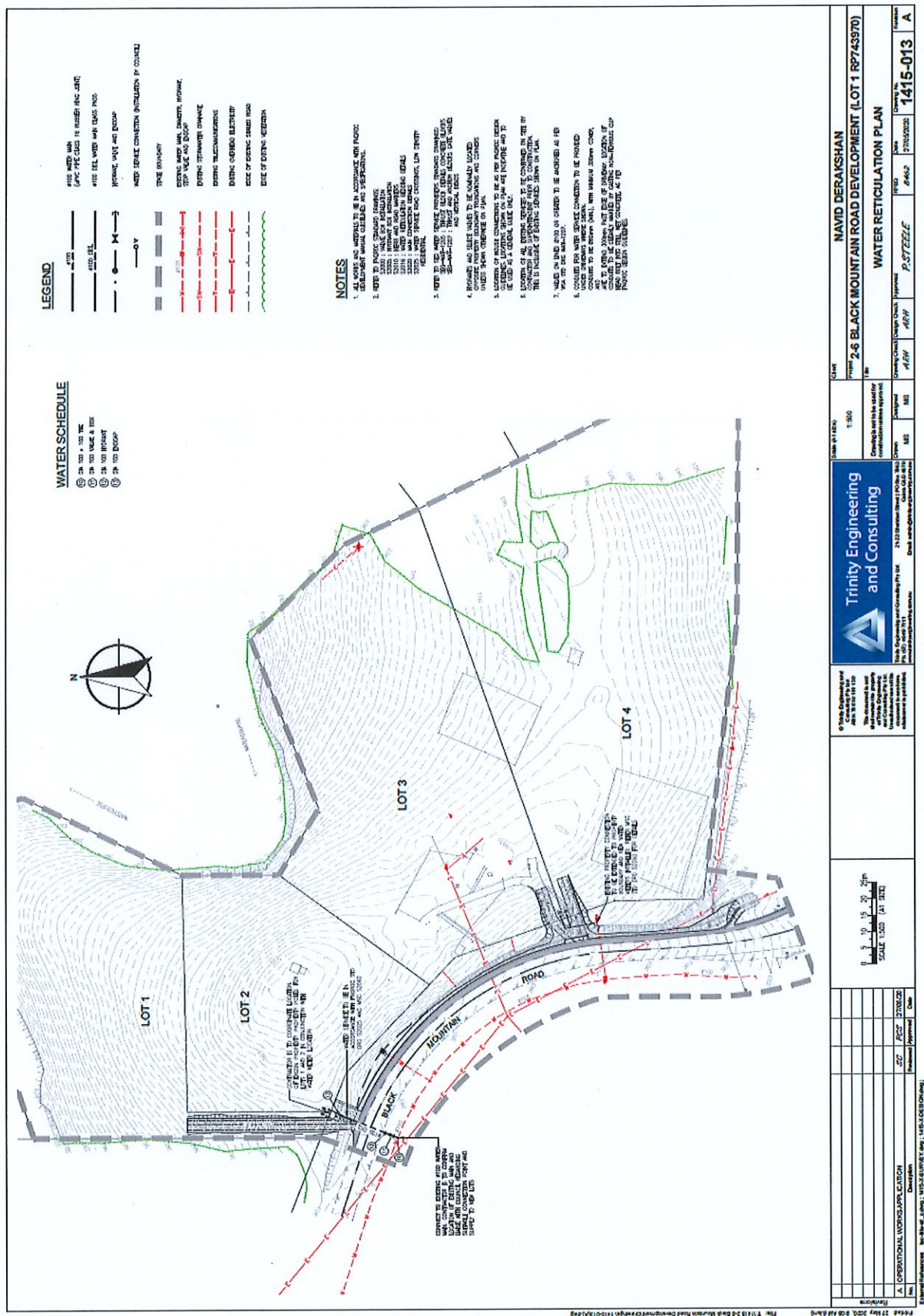


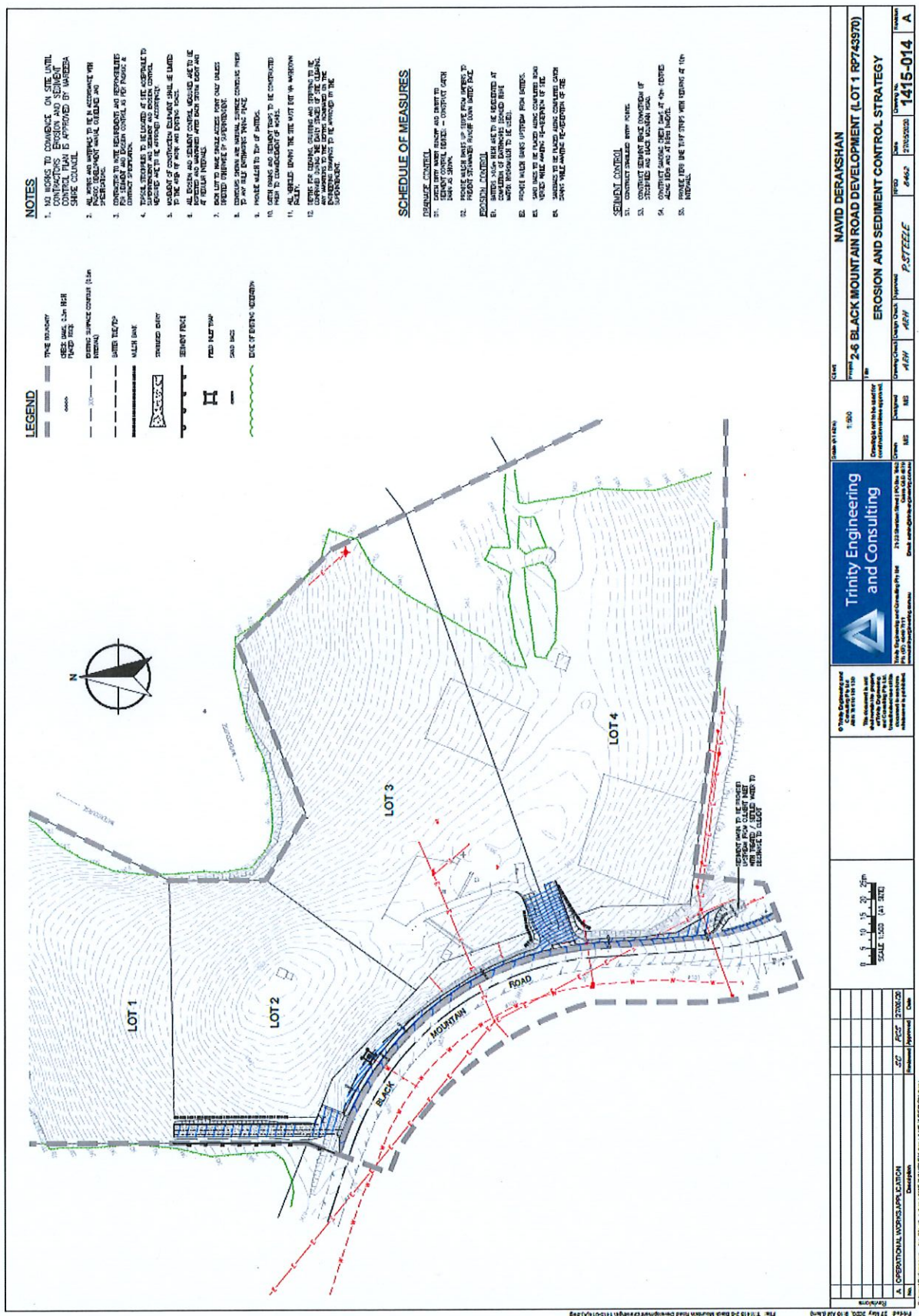












Appeal Rights

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.