



20 May 2021

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/20/0003
Your Reference: 20-557

RA Function Services Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Attn: Matt Ingram

Dear Sir,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 19 May 2021, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	OPW/20/0003
Street Address:	189 Fichera Road, Mareeba
Real Property Description:	Lot 1 on RP745867
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (External Roadworks & On-Site Civil Works) associated with Development Permit DA/16/0054
Date of Decision:	19 May 2021

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)****(a) General**

- (i) All operational works must be designed and constructed in accordance with the standards and procedures as set out in the FNQROC Development Manual.
- (ii) Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) All driveways (retained and reinstated) must include bitumen or asphalt sealed flares in order to protect the road edge at driveway locations.
- (v) The landowners of all properties whose accesses will be affected by the operational works should be notified at least 1 month in advance of works commencing. Plans should be made available to them upon request.
- (vi) **Prior to the pre-start meeting occurring**, the applicant/developer provide a cross-section drawing and swept path diagrams of the winery access demonstrating compliance with Condition 4.1 of the Decision Notice Approval for MCU/16/0054, to the satisfaction of Council's delegated officer. All works must be carried out in accordance with any plan amendments that may result from compliance with this condition.

(b) Pre-start Meeting

- (i) Prior to the pre-start meeting occurring, the applicant/developer must ensure that Condition (a) (vi) has been complied with.

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

(c) Inspections

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

(d) Construction Security Bond and Defects Liability Bond

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

(e) Hours of Work

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

(f) Transportation of Soil

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

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Internal Works			
260361-CIAL-DRG-101	Drawing Index and Locality Plan	ARUP	19/06/2019
260361-CIAL-DRG-102	General Notes	ARUP	12/03/2021
260361-CIAL-DRG-103	Roads and Paths Typical Sections and Details	ARUP	12/03/2021
260361-CIAL-DRG-104	Existing Features/PUP and Overall Site Layout	ARUP	19/06/2019
260361-CIAL-DRG-105	Roads and Paths General Arrangements Sheet 1 of 2	ARUP	11/07/2019
260361-CIAL-DRG-106	Roads and Paths General Arrangements Sheet 2 of 2	ARUP	19/06/2019
260361-CIAL-DRG-107	MC01 Longitudinal Section	ARUP	19/06/2019
260361-CIAL-DRG-108	Annotated Cross Section Sheet 1 of 3	ARUP	19/06/2019
260361-CIAL-DRG-109	Annotated Cross Section Sheet 2 of 3	ARUP	19/06/2019
260361-CIAL-DRG-110	Annotated Cross Section Sheet 3 of 3	ARUP	19/06/2019
260361-CIAL-DRG-111	Internal Pathways Longitudinal Sections Sheet 1 of 2	ARUP	19/06/2019
260361-CIAL-DRG-112	Internal Pathways Longitudinal Sections Sheet 2 of 2	ARUP	19/06/2019
260361-CIAL-DRG-113	Internal Pathways Cross Sections Sheet 1 of 6	ARUP	19/06/2019
260361-CIAL-DRG-114	Internal Pathways Cross Sections Sheet 2 of 6	ARUP	19/06/2019
260361-CIAL-DRG-115	Internal Pathways Cross Sections Sheet 3 of 6	ARUP	19/06/2019
260361-CIAL-DRG-116	Internal Pathways Cross Sections Sheet 4 of 6	ARUP	19/06/2019
260361-CIAL-DRG-117	Internal Pathways Cross Sections Sheet 5 of 6	ARUP	19/06/2019
260361-CIAL-DRG-118	Internal Pathways Cross Sections Sheet 6 of 6	ARUP	19/06/2019
260361-CIAL-DRG-119	Stormwater Drainage General Arrangement Sheet 1 of 2	ARUP	2/03/2020

260361-CIAL-DRG-120	Stormwater Drainage General Arrangement Sheet 2 of 2	ARUP	12/03/2021
260361-CIAL-DRG-121	Stormwater Drainage Longitudinal Sections	ARUP	2/03/2020
260361-CIAL-DRG-122	Stormwater Catchment Plan	ARUP	19/06/2019
260361-CIAL-DRG-123	Stormwater Calculations Table	ARUP	2/03/2020
260361-CIAL-DRG-124	Water and Sewer Reticulation Plan 1 of 4	ARUP	19/06/2019
260361-CIAL-DRG-125	Water and Sewer Reticulation Plan 2 of 4	ARUP	19/06/2019
260361-CIAL-DRG-126	Water and Sewer Reticulation Plan 3 of 4	ARUP	19/06/2019
260361-CIAL-DRG-127	Water and Sewer Reticulation Plan 4 of 4	ARUP	19/06/2019
260361-CIAL-DRG-128	Water and Sewer Reticulation Details	ARUP	19/06/2019
260361-CIAL-DRG-129	Sewer Longitudinal Sections Sheet 1 of 3	ARUP	19/06/2019
260361-CIAL-DRG-130	Sewer Longitudinal Sections Sheet 2 of 3	ARUP	19/06/2019
260361-CIAL-DRG-131	Sewer Longitudinal Sections Sheet 3 of 3	ARUP	19/06/2019
260361-CIAL-DRG-132	Erosion and Sediment Control Strategy	ARUP	19/06/2019
260361-CIAL-DRG-133	Drainage Longitudinal Sections	ARUP	12/03/2021
External Works			
260361-CIAL-DRG-201	Drawing Index and Locality Plan	ARUP	19/07/2019
260361-CIAL-DRG-202	General Notes and Pavement Tables	ARUP	12/03/2021
260361-CIAL-DRG-211	Site A Typical Sections and Details	ARUP	12/03/2021
260361-CIAL-DRG-221	Site A General Arrangement	ARUP	19/07/2019
260361-CIAL-DRG-222	Site B General Arrangement and Typical Sections	ARUP	12/03/2021
260361-CIAL-DRG-223	Site C General Arrangement	ARUP	12/03/2021
260361-CIAL-DRG-224	Site B & C Alignment Tables	ARUP	12/03/2021
260361-CIAL-DRG-225	Drainage Longitudinal Sections	ARUP	12/03/2021
260361-CIAL-DRG-231	Site A Pavement Markings	ARUP	19/07/2019
260361-CIAL-DRG-301	Site A Cross Sections Sheet 1 of 2	ARUP	19/07/2019
260361-CIAL-DRG-302	Site A Cross Sections Sheet 2 of 2	ARUP	19/07/2019
260361-CIAL-DRG-303	Site B Cross Sections Sheet 1 of 3	ARUP	3/12/2021
260361-CIAL-DRG-304	Site B Cross Sections Sheet 2 of 3	ARUP	3/12/2021

260361-CIAL-DRG-305	Site B Cross Sections Sheet 3 of 3	ARUP	3/12/2021
260361-CIAL-DRG-306	Site C Cross Sections Sheet 1 of 4	ARUP	19/07/2019
260361-CIAL-DRG-307	Site C Cross Sections Sheet 2 of 4	ARUP	19/07/2019
260361-CIAL-DRG-308	Site C Cross Sections Sheet 3 of 4	ARUP	19/07/2019
260361-CIAL-DRG-309	Site C Cross Sections Sheet 4 of 4	ARUP	19/07/2019

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) 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.

(b) 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.

(c) 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.

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

Internal Works

DE BRUEYS WINERY UPGRADE INTERNAL CIVIL DRAWINGS

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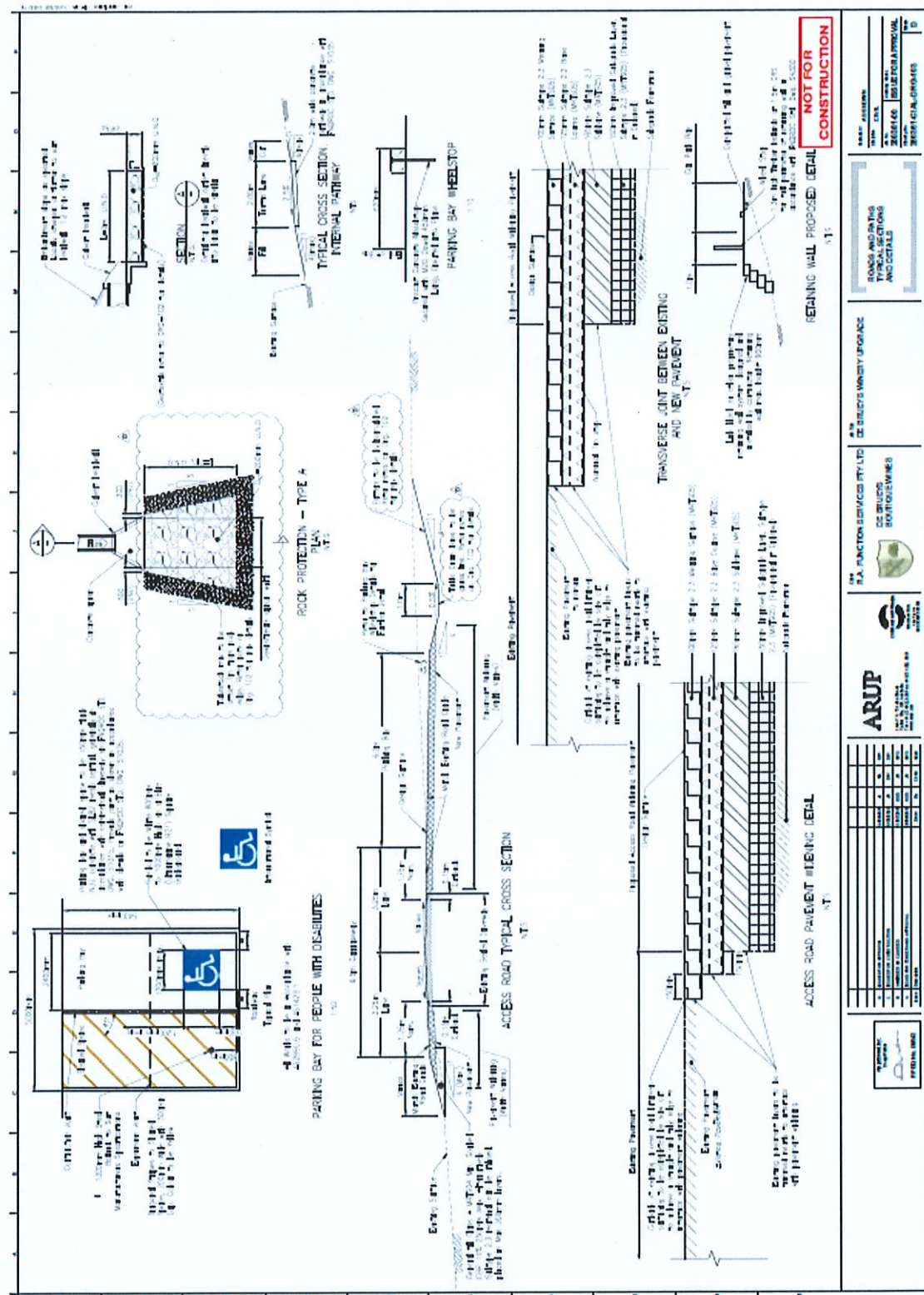
DESIGN OF SURVEY

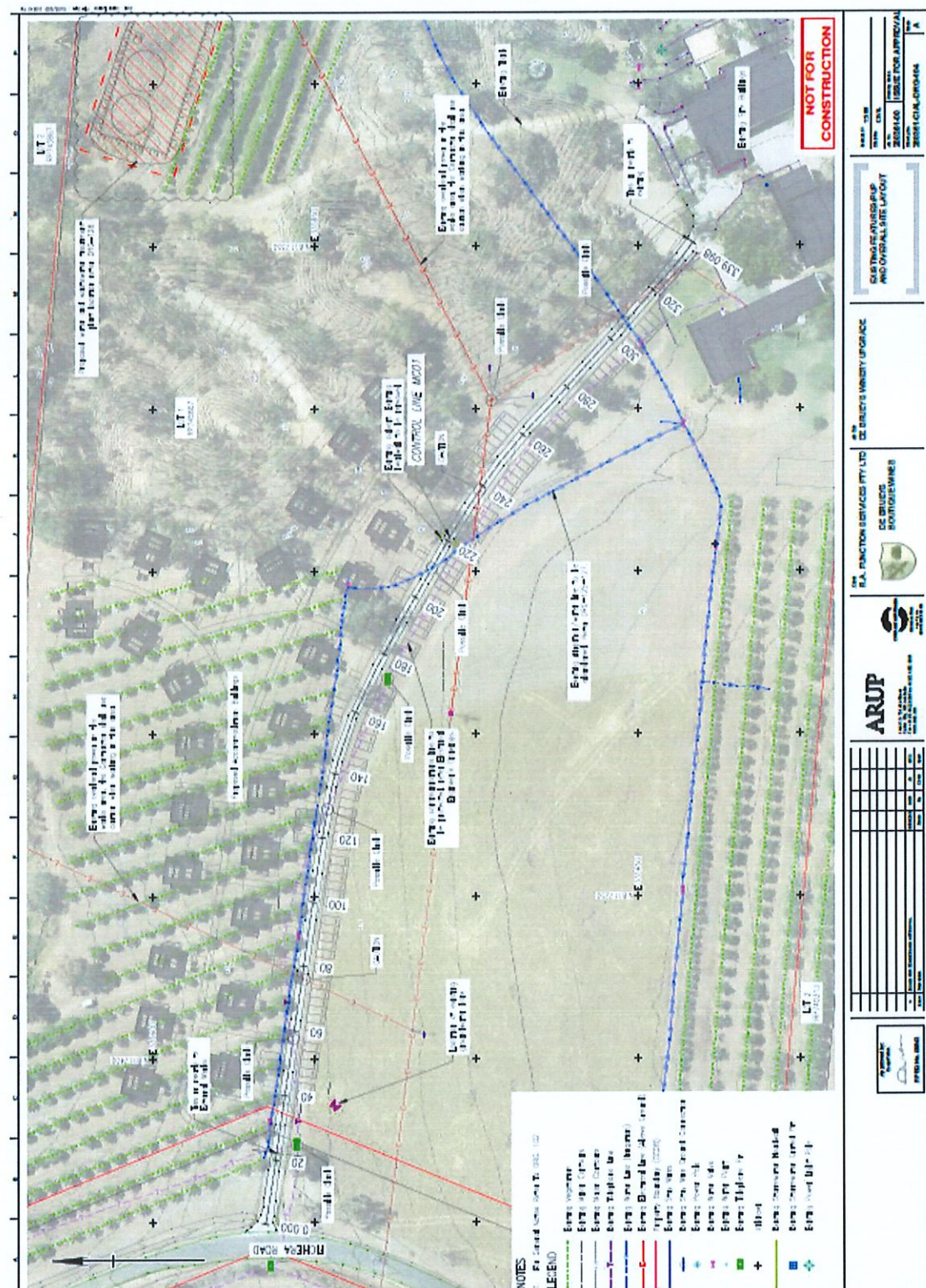
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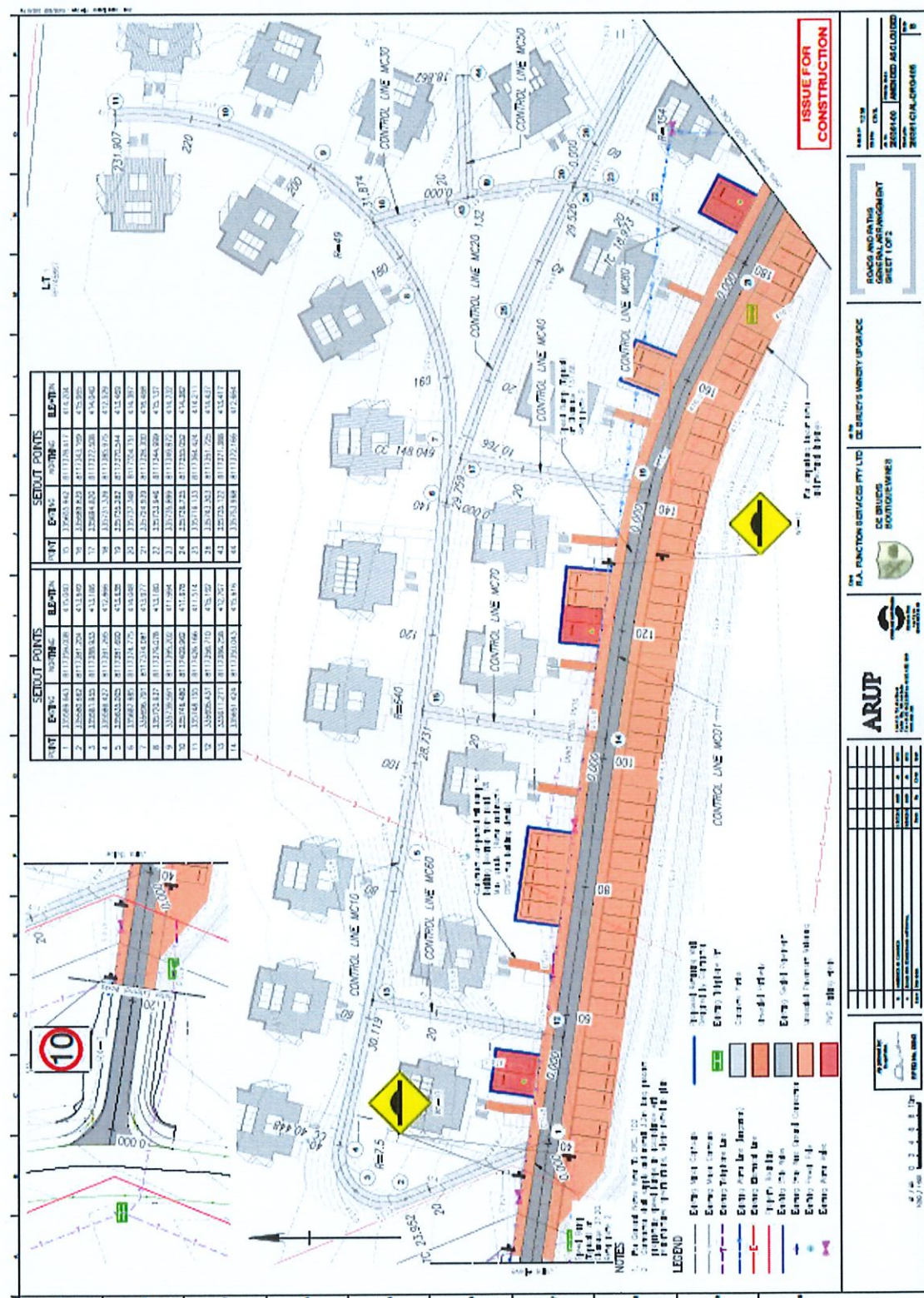
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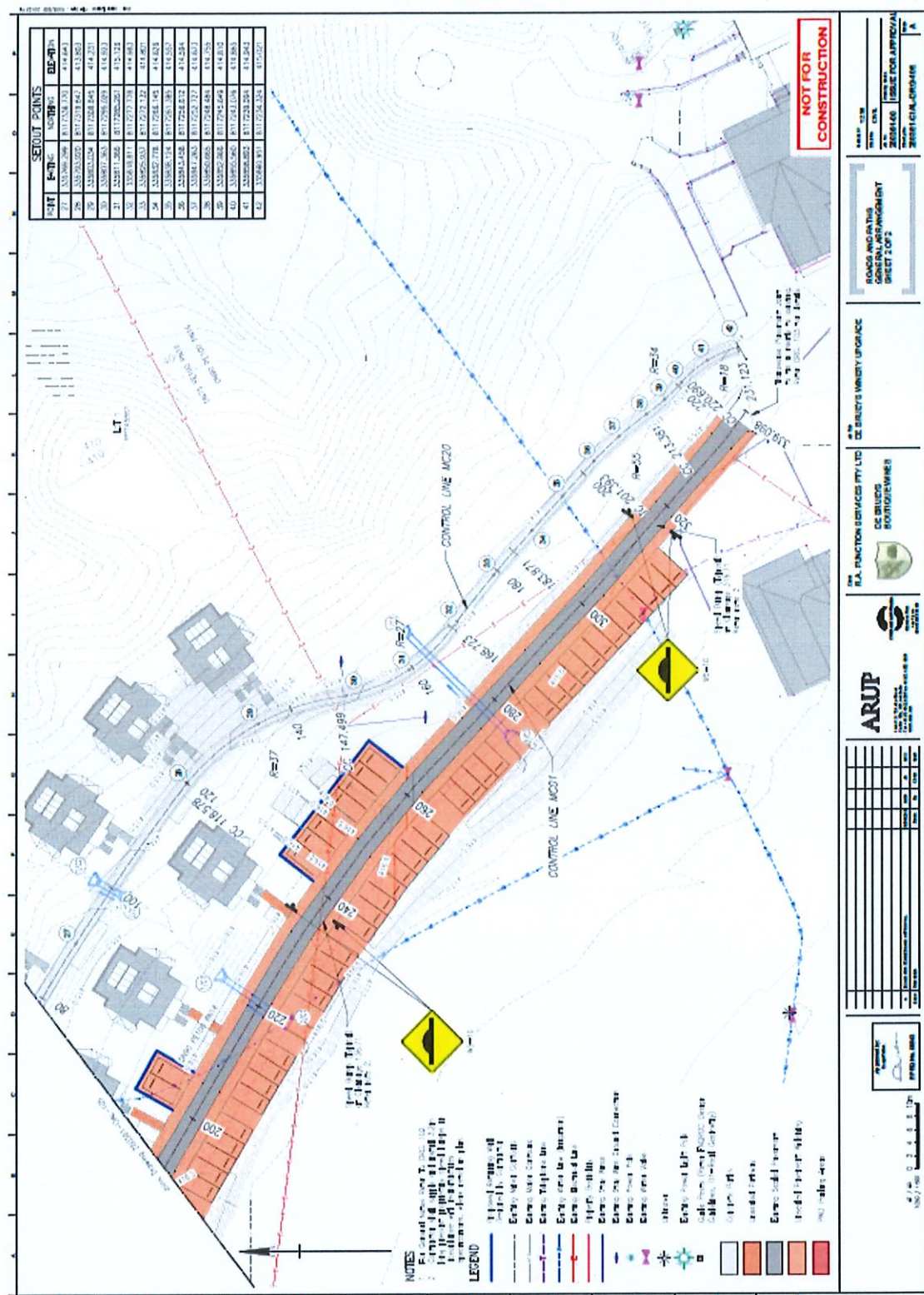
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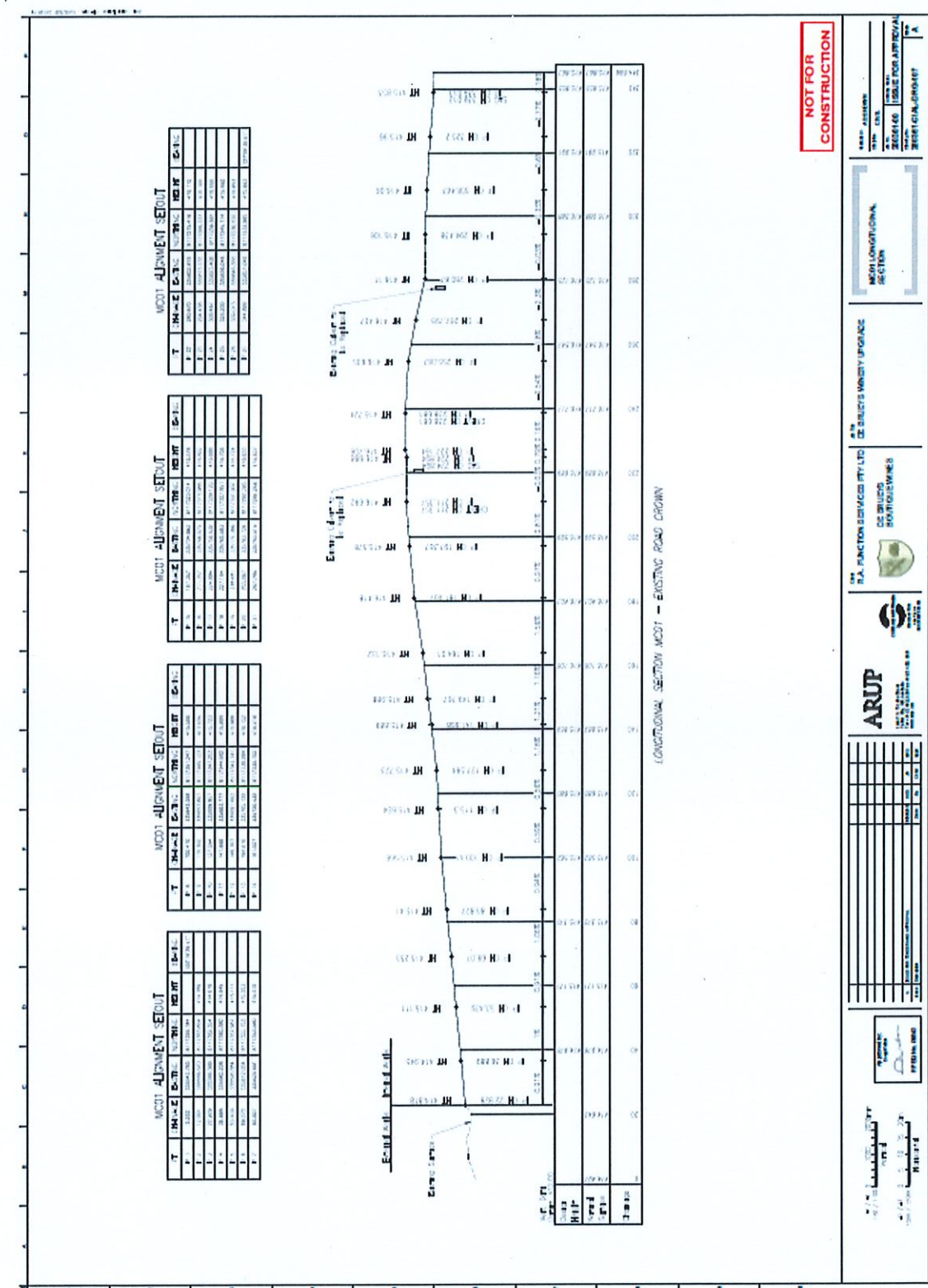
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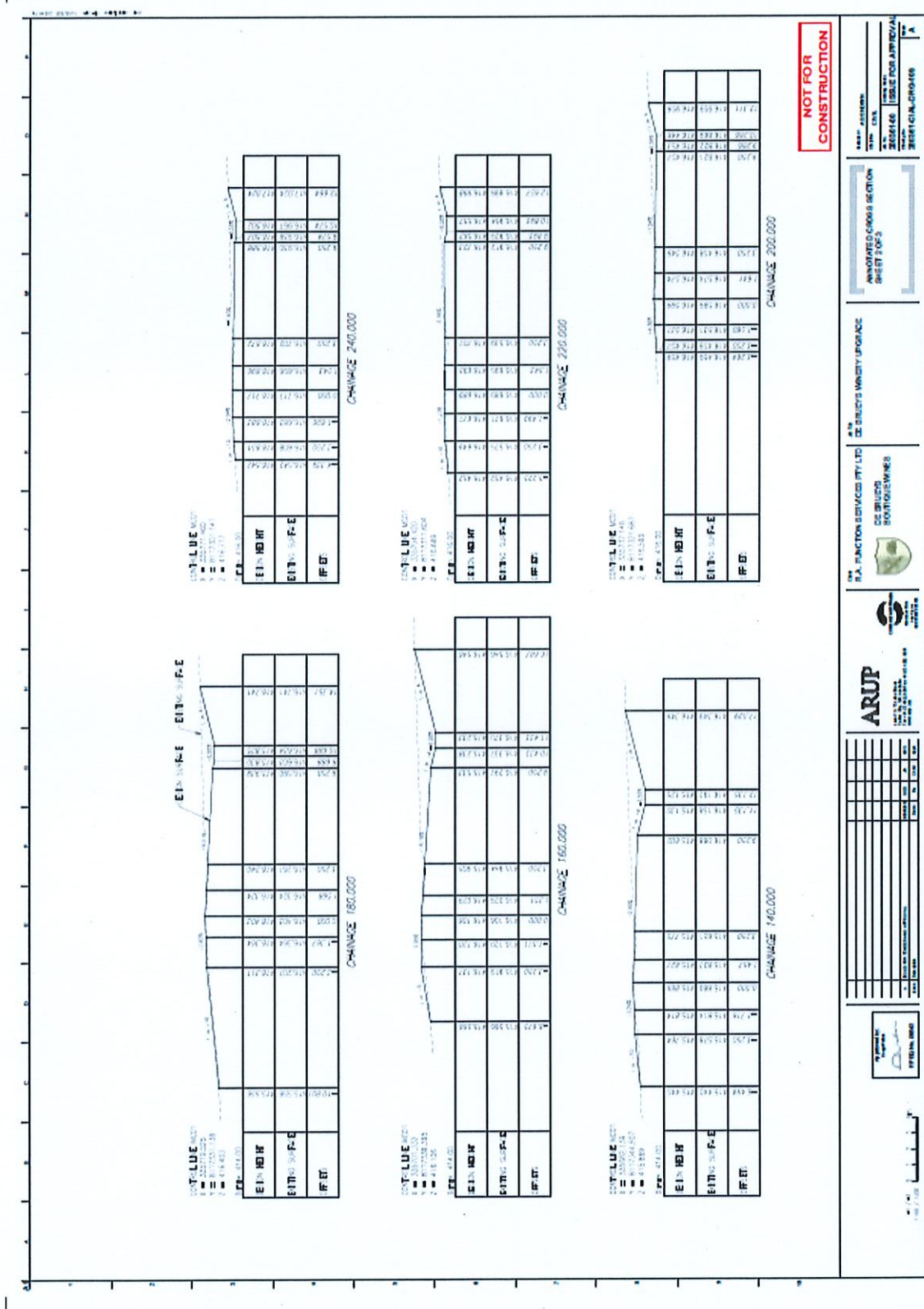


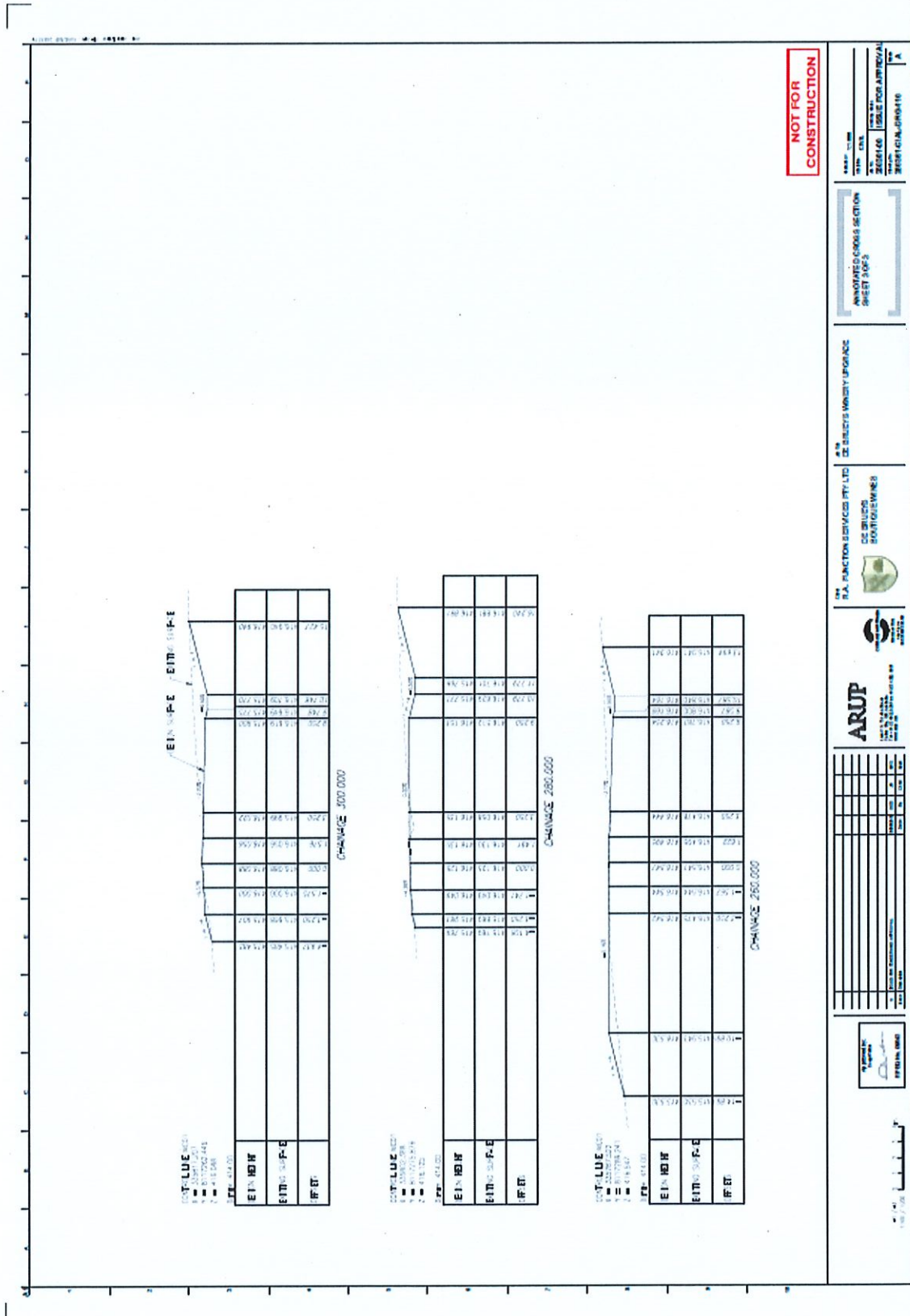




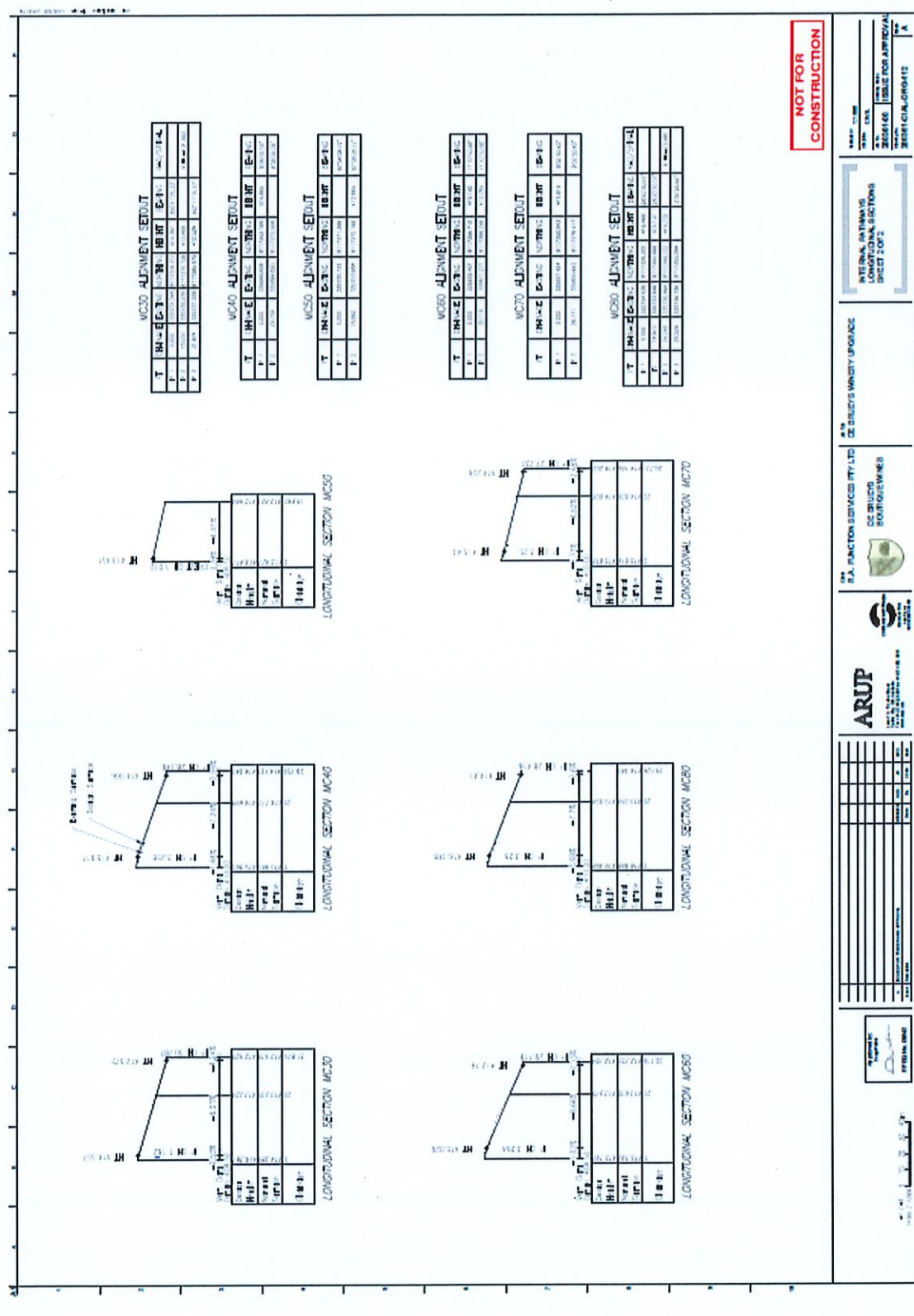


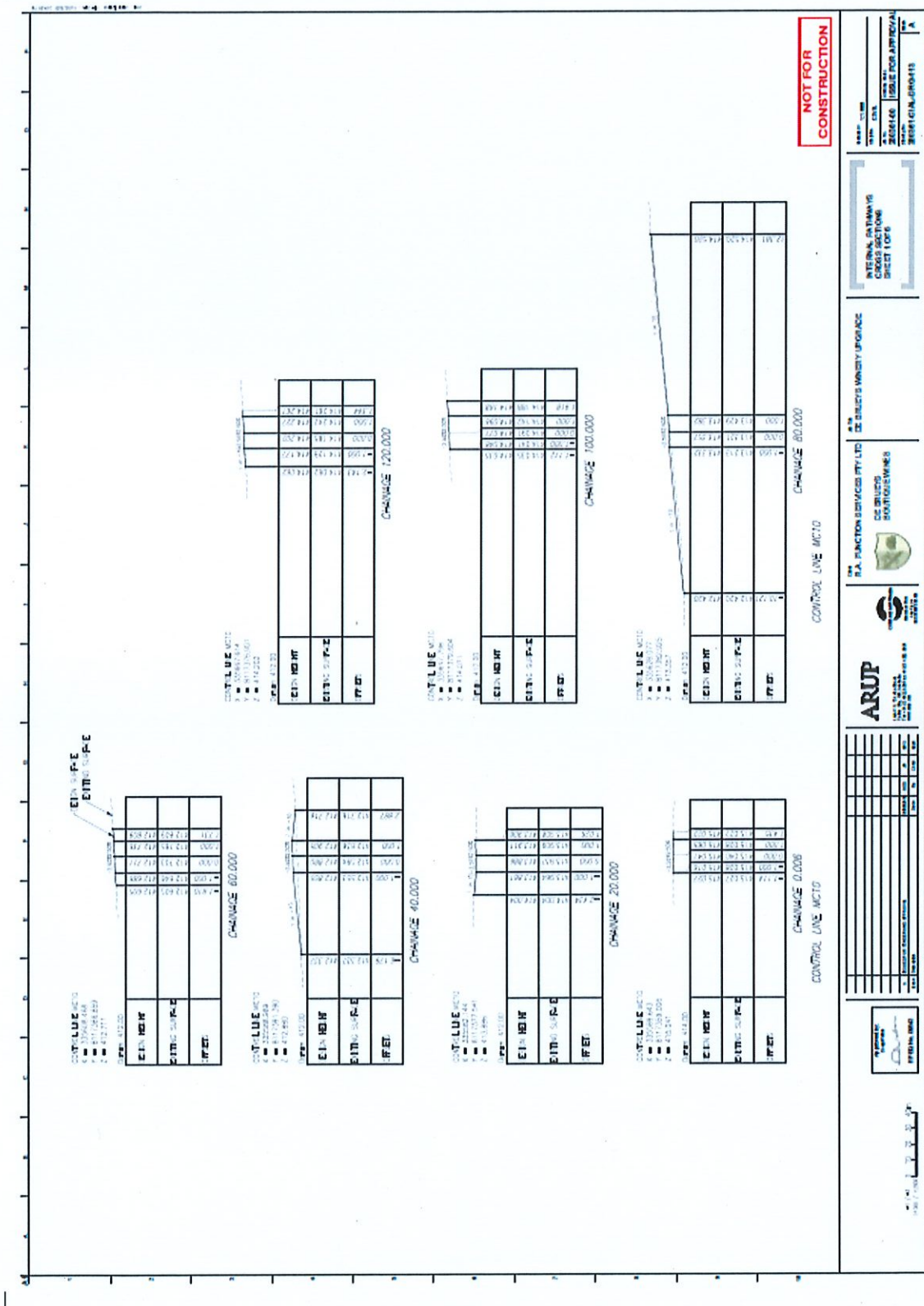


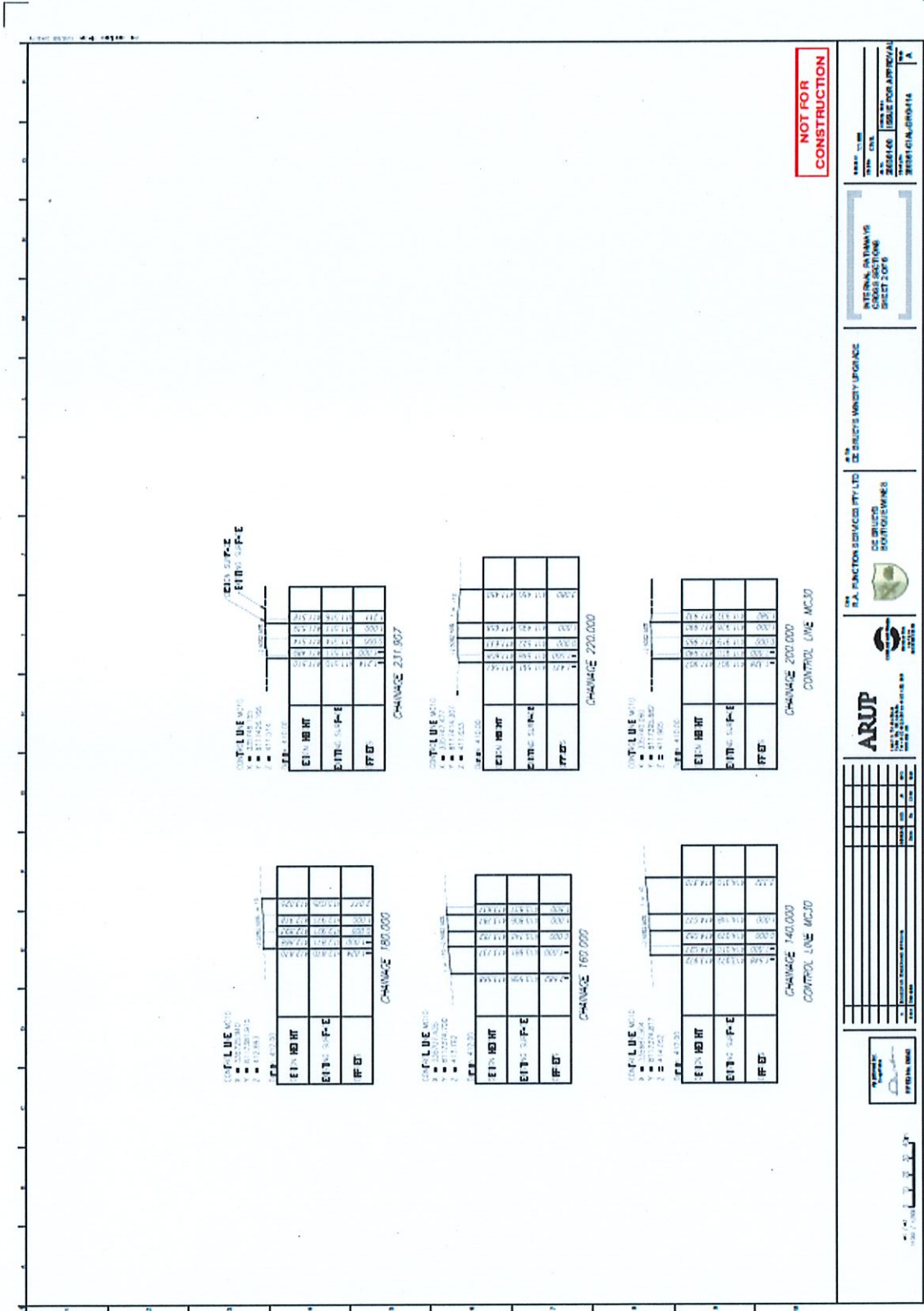


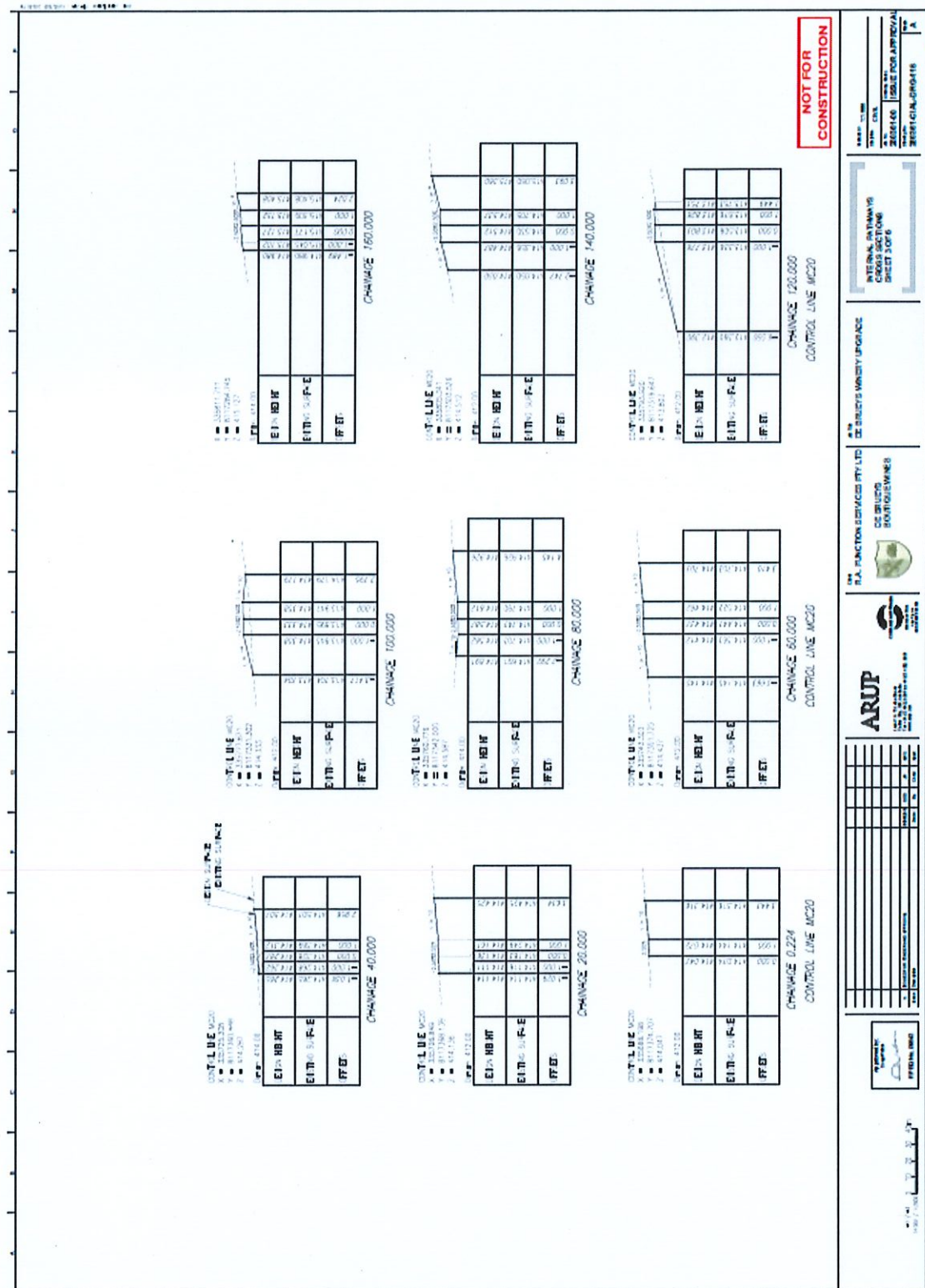


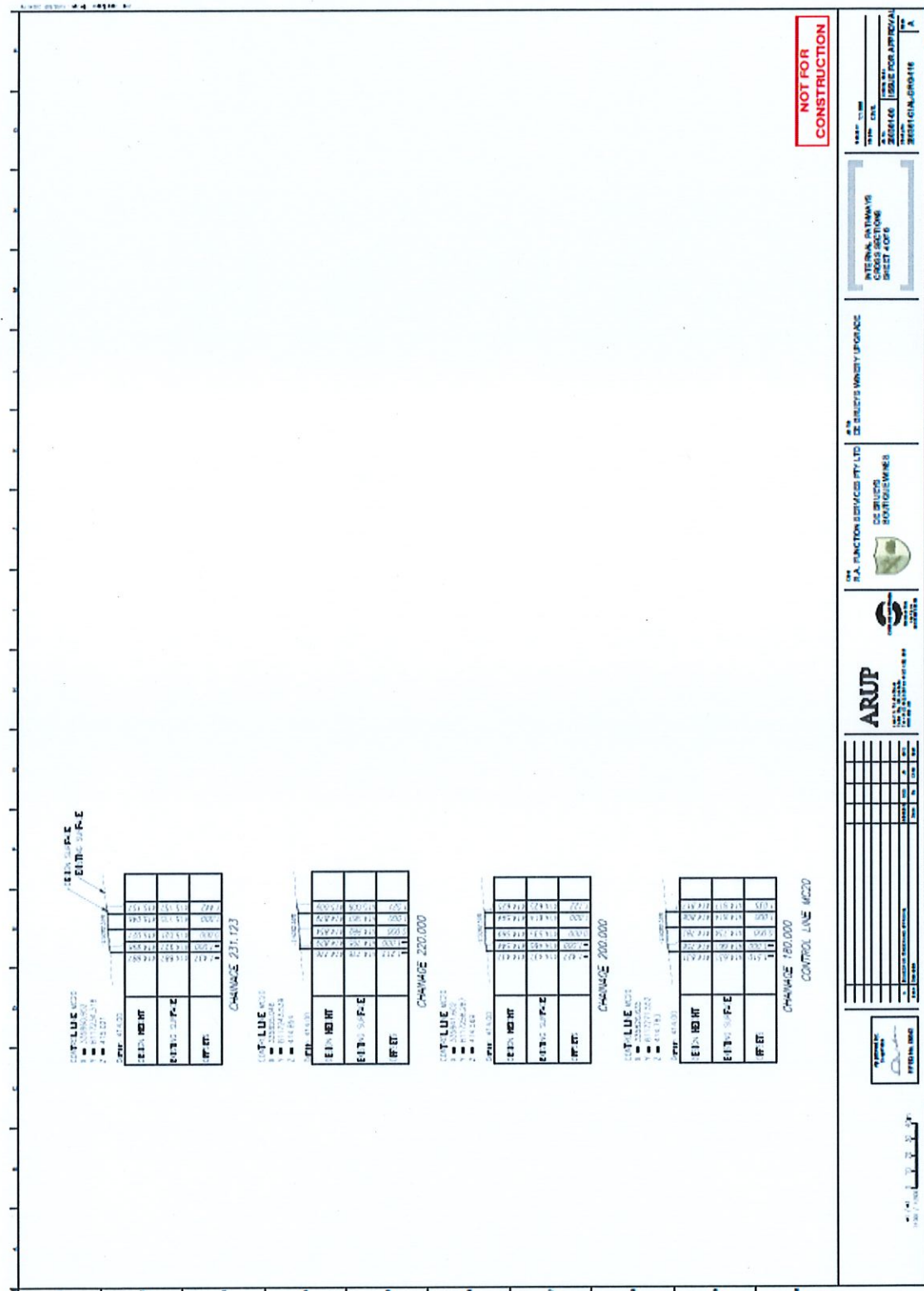






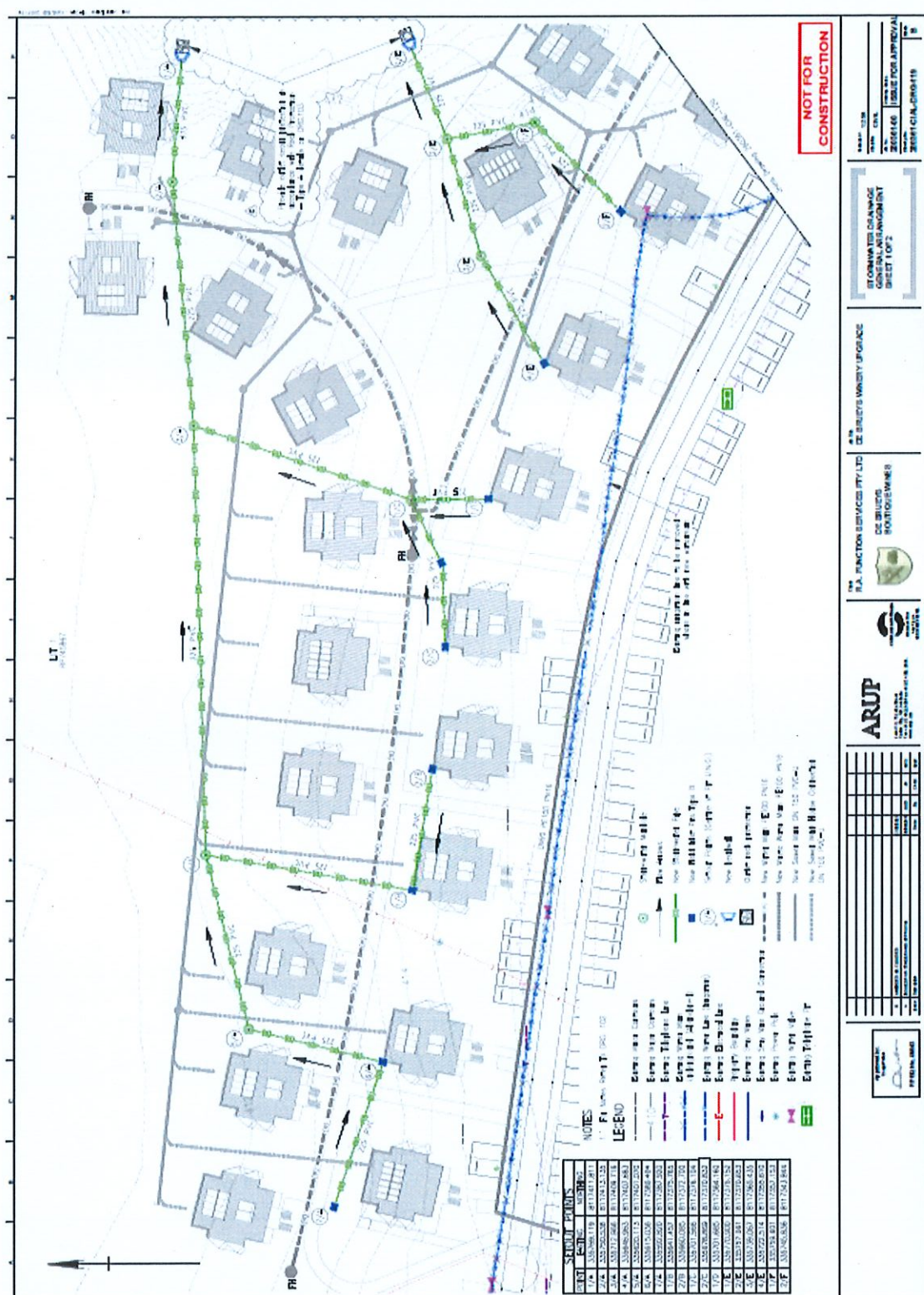


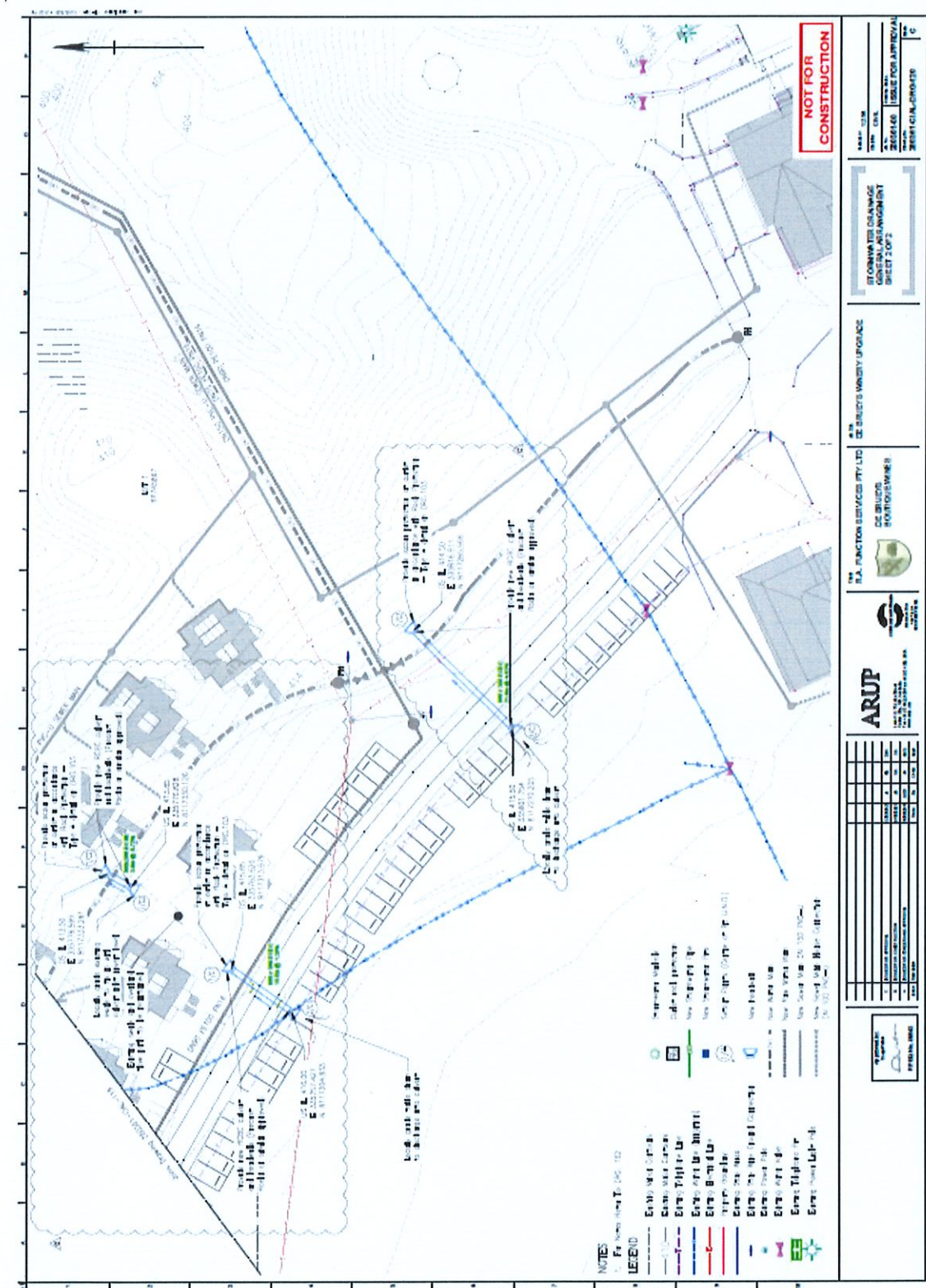
















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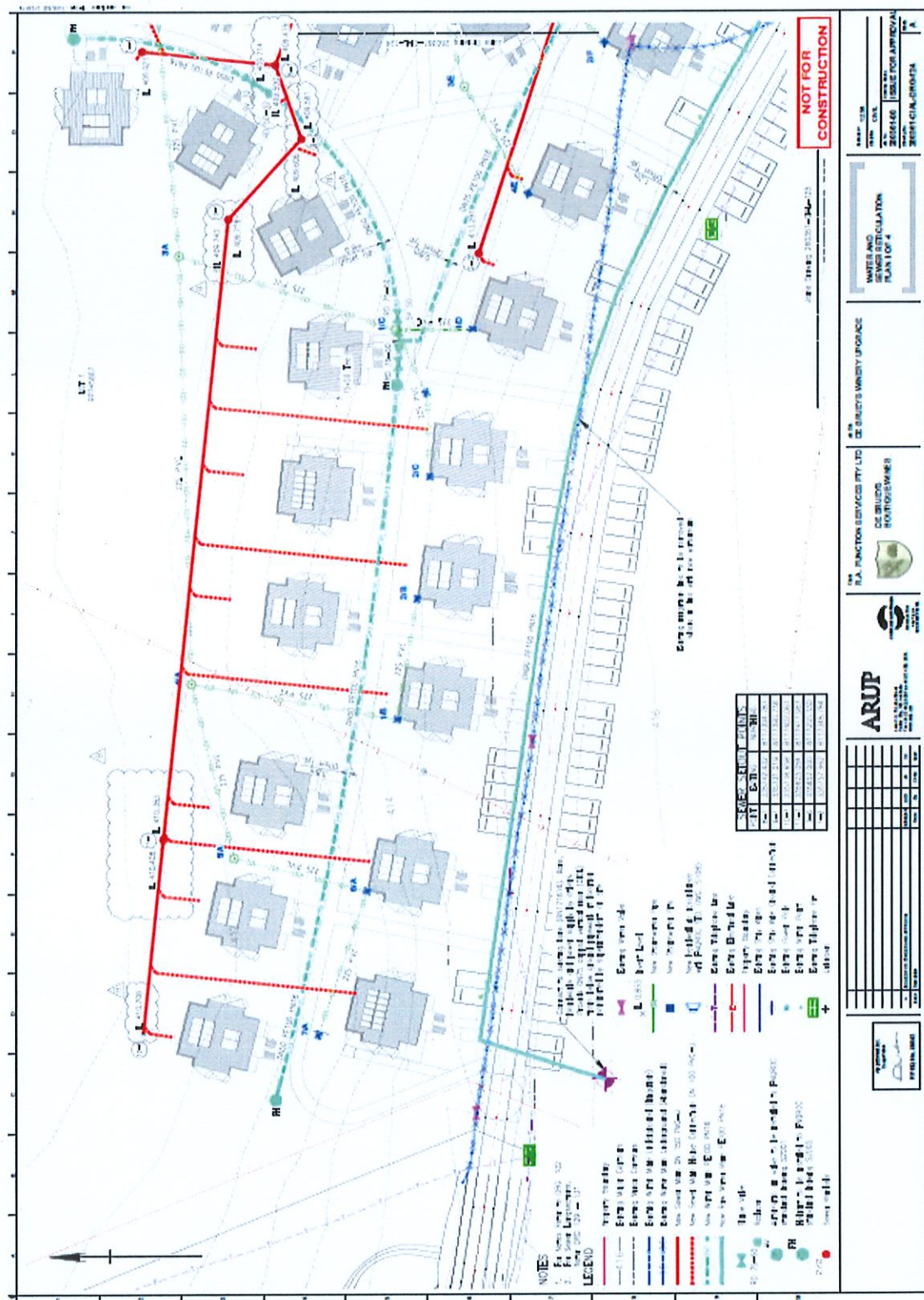
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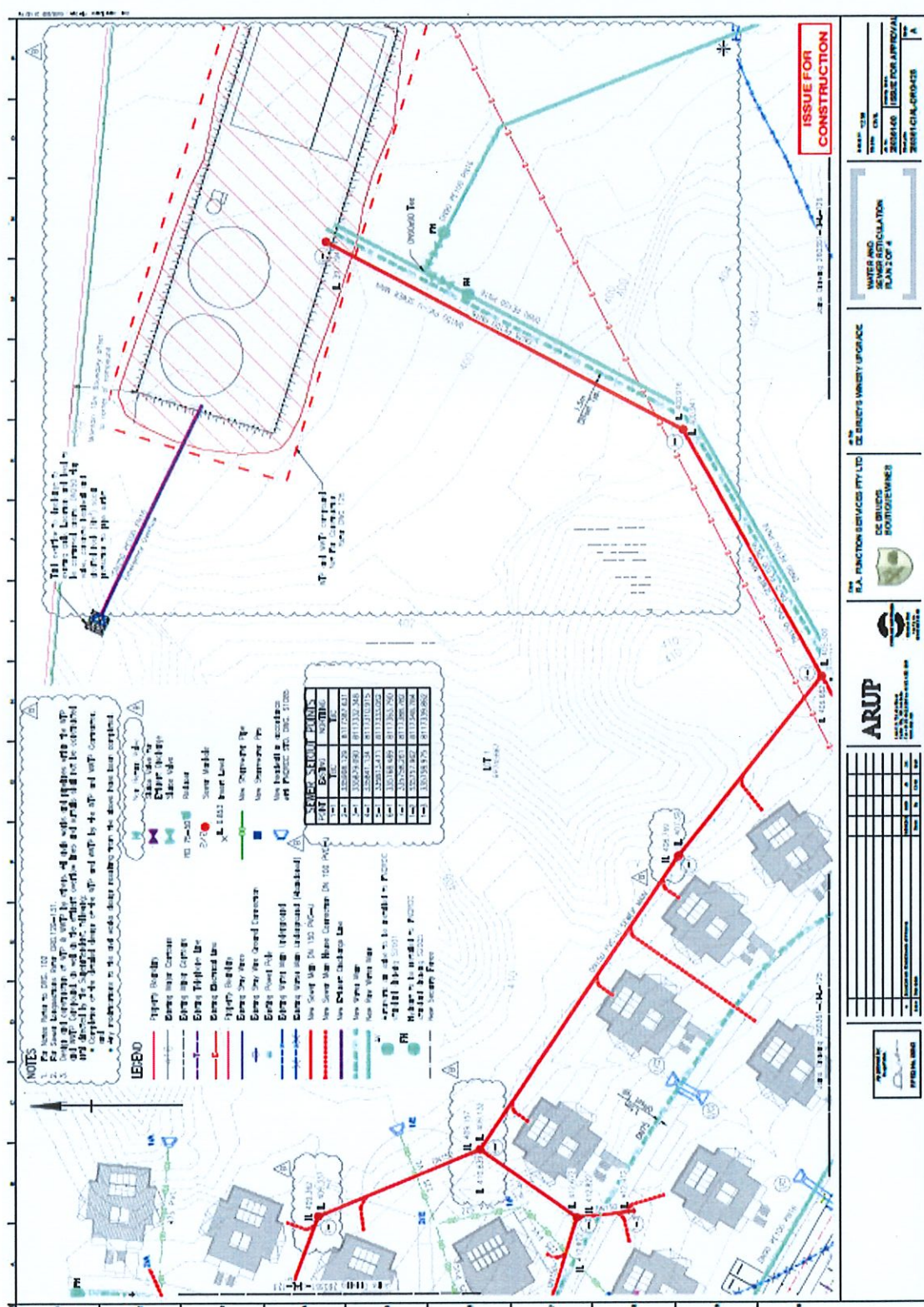
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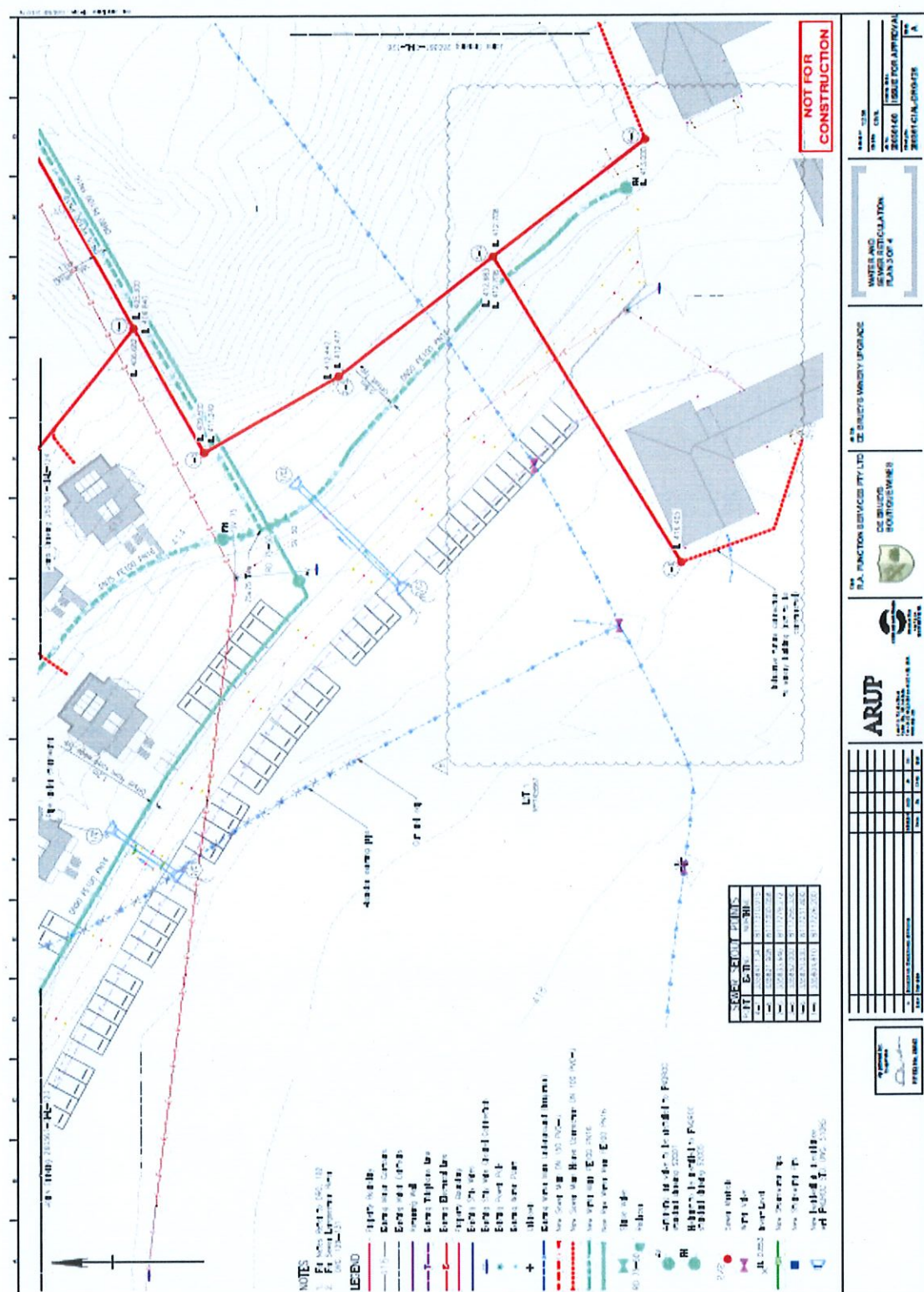
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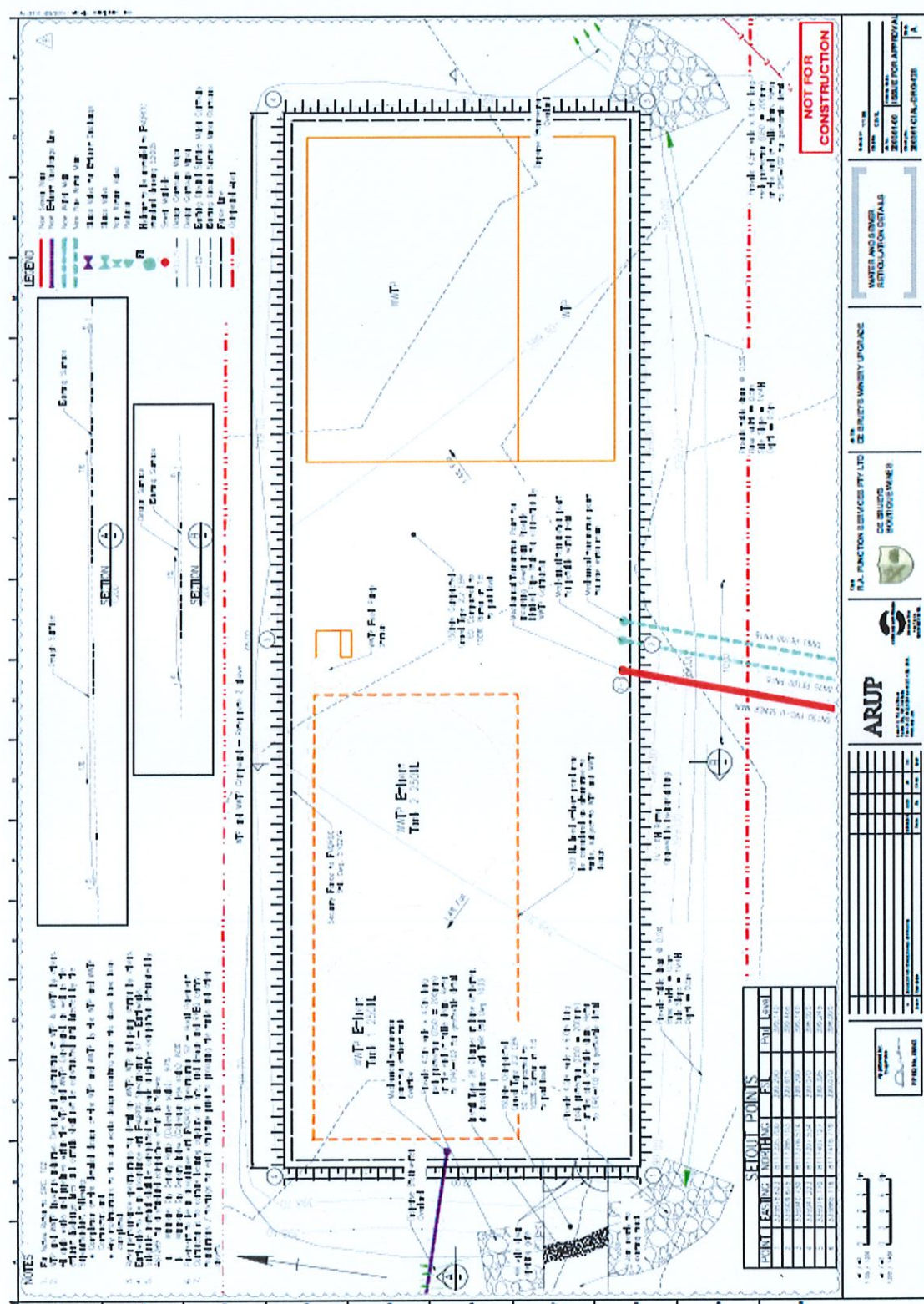
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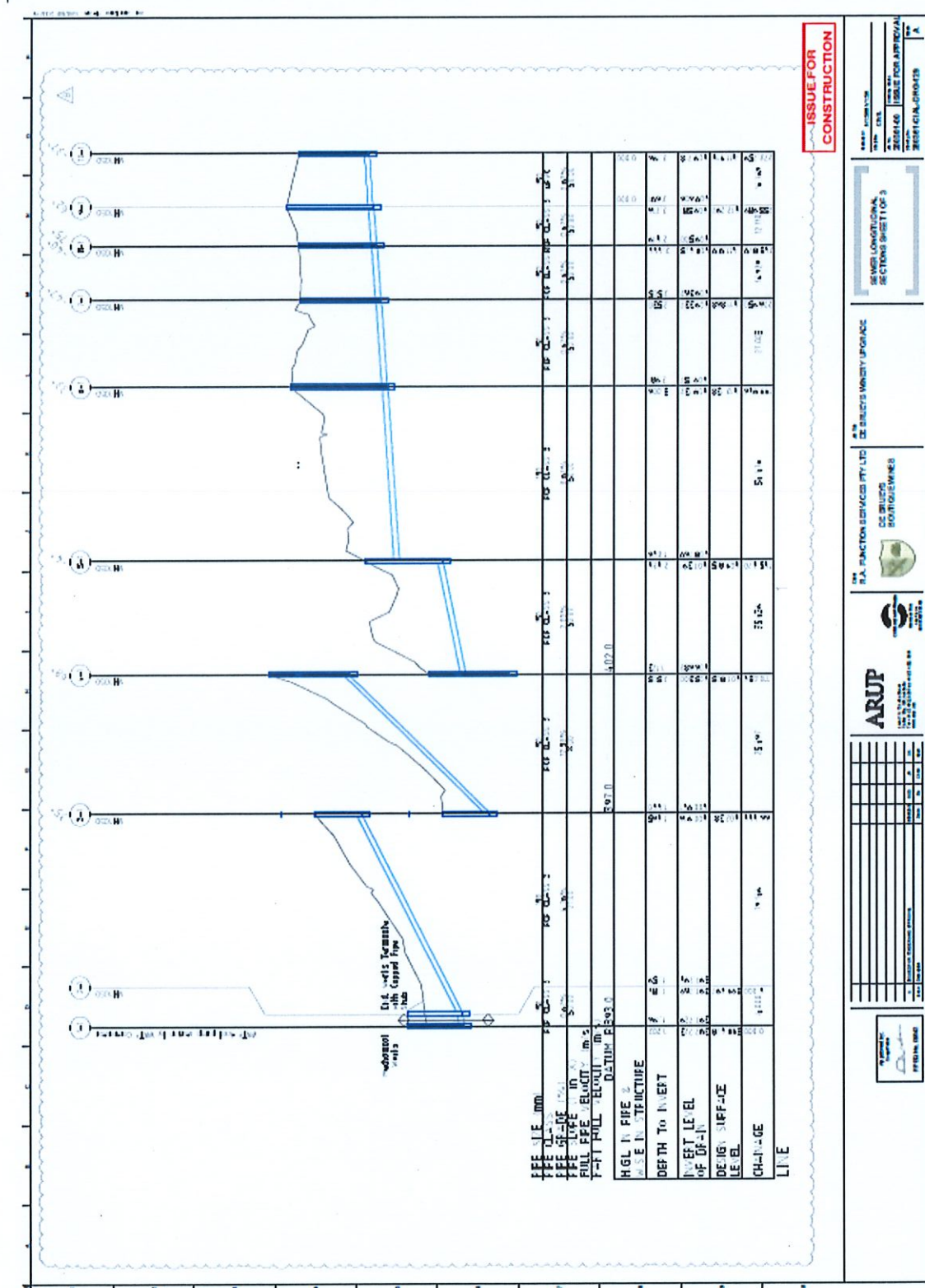
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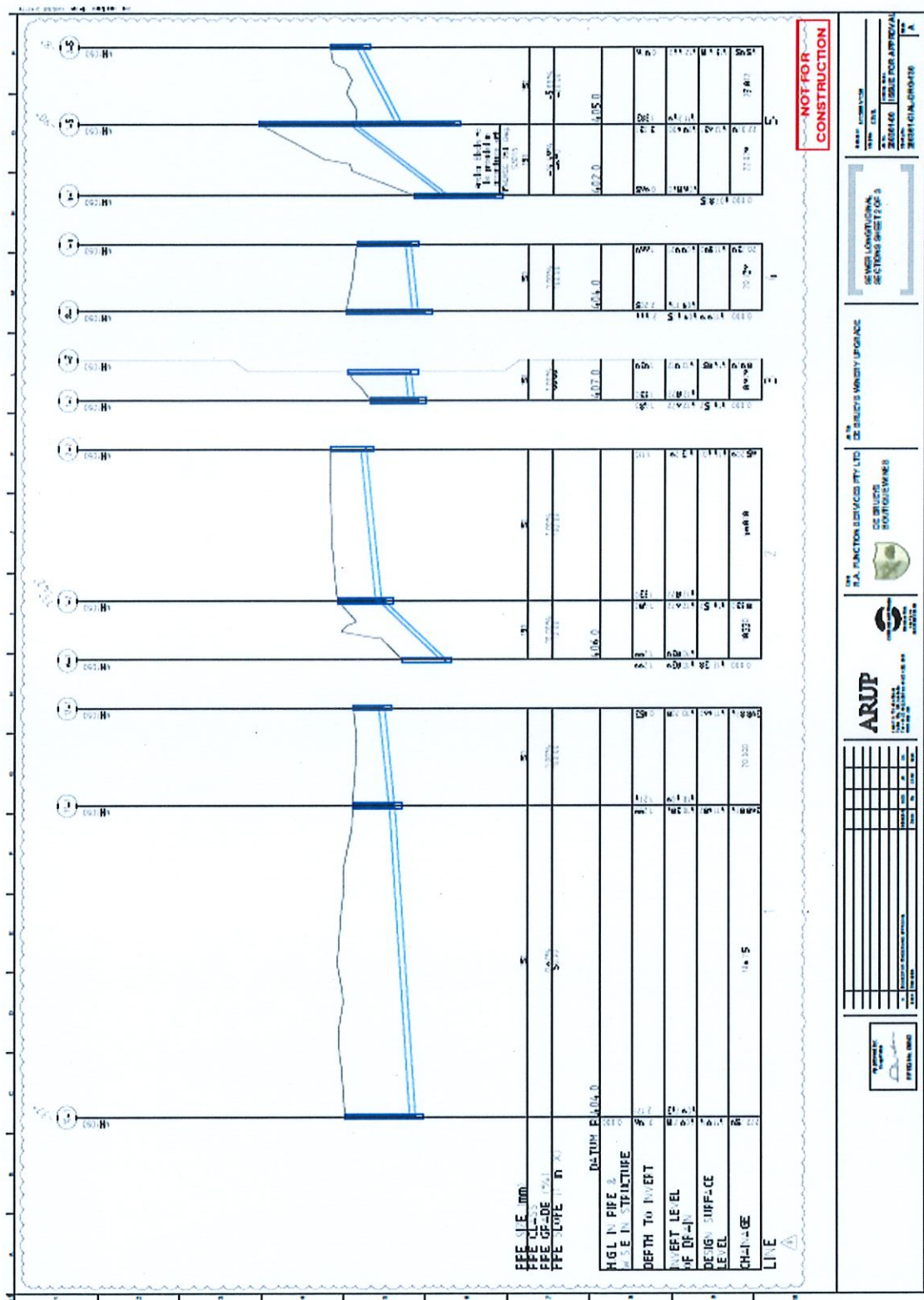


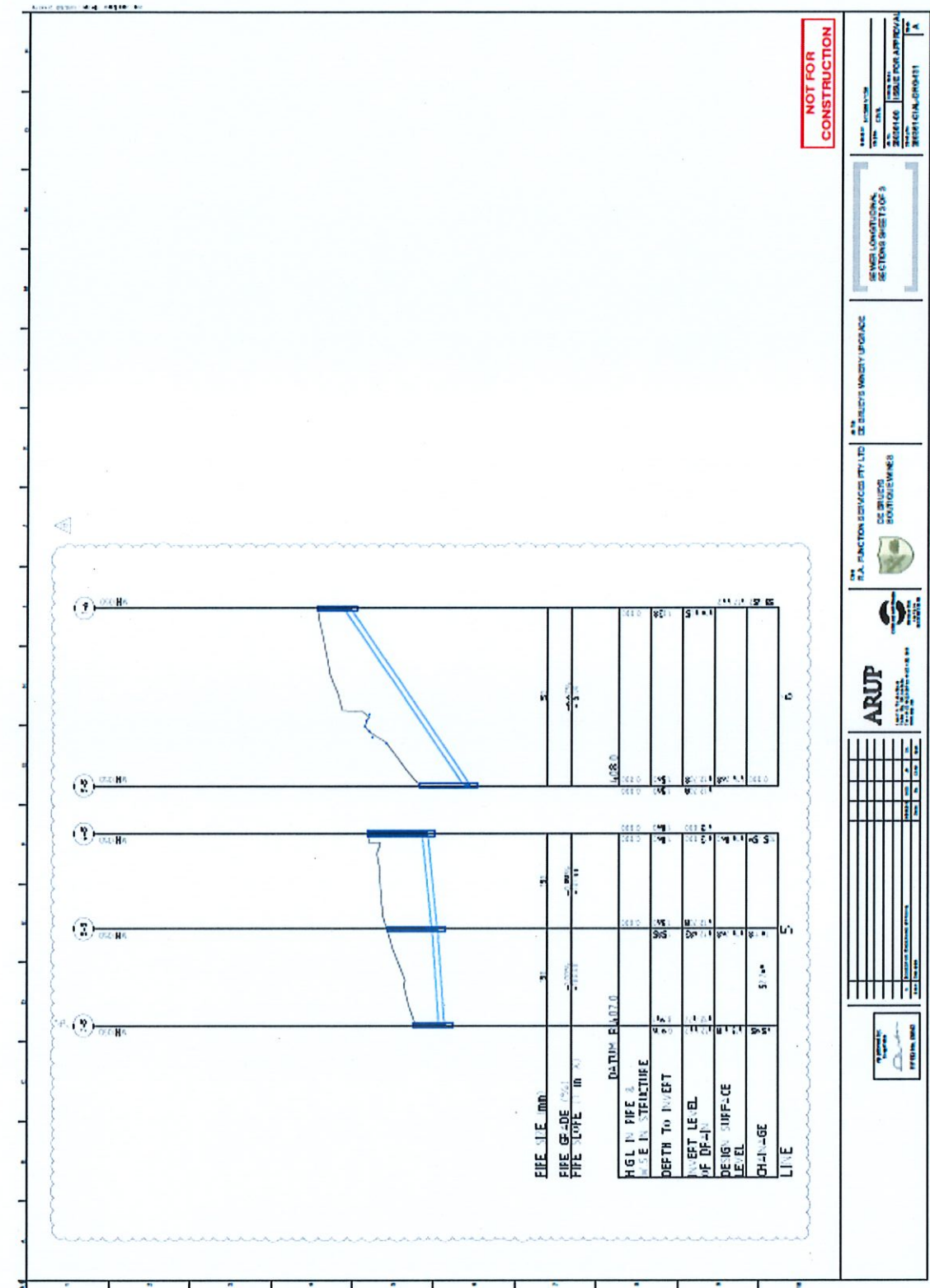


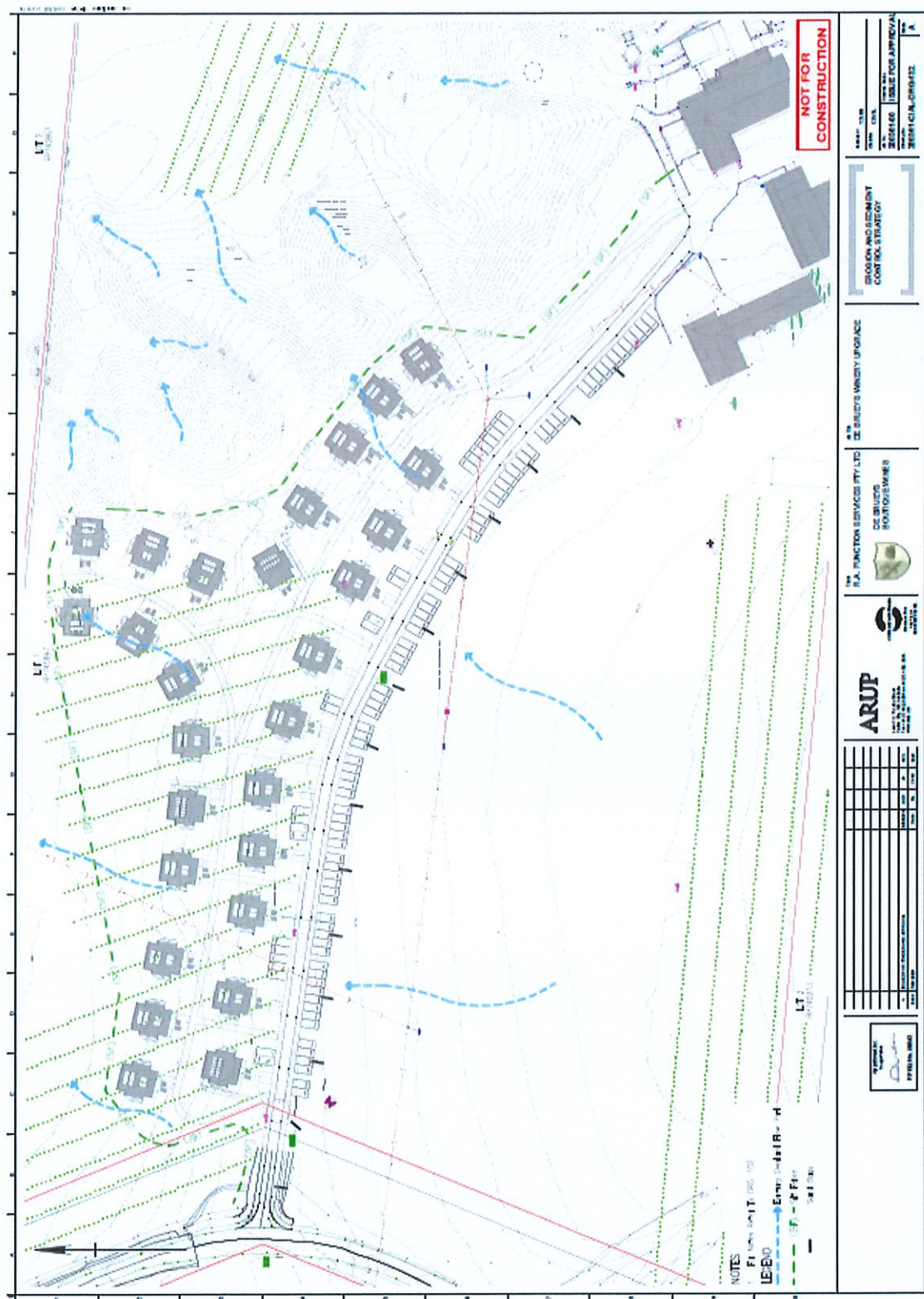








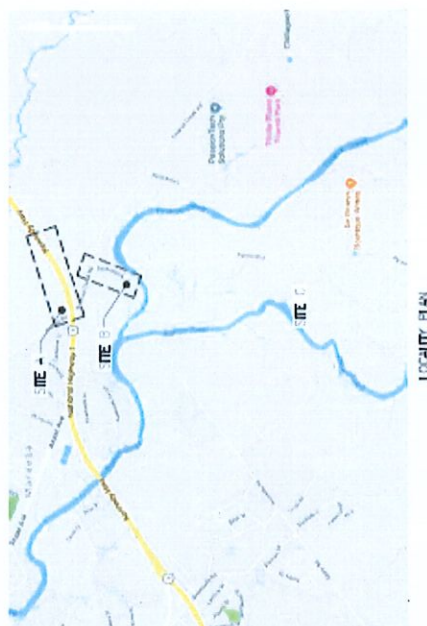






External Works

DE BRUEYS WINERY UPGRADE
EXTERNAL
CIVIL DRAWINGS



name	age	sex	name	age	sex
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2024-11-10-2	10	M	2024-11-10-2	10	M
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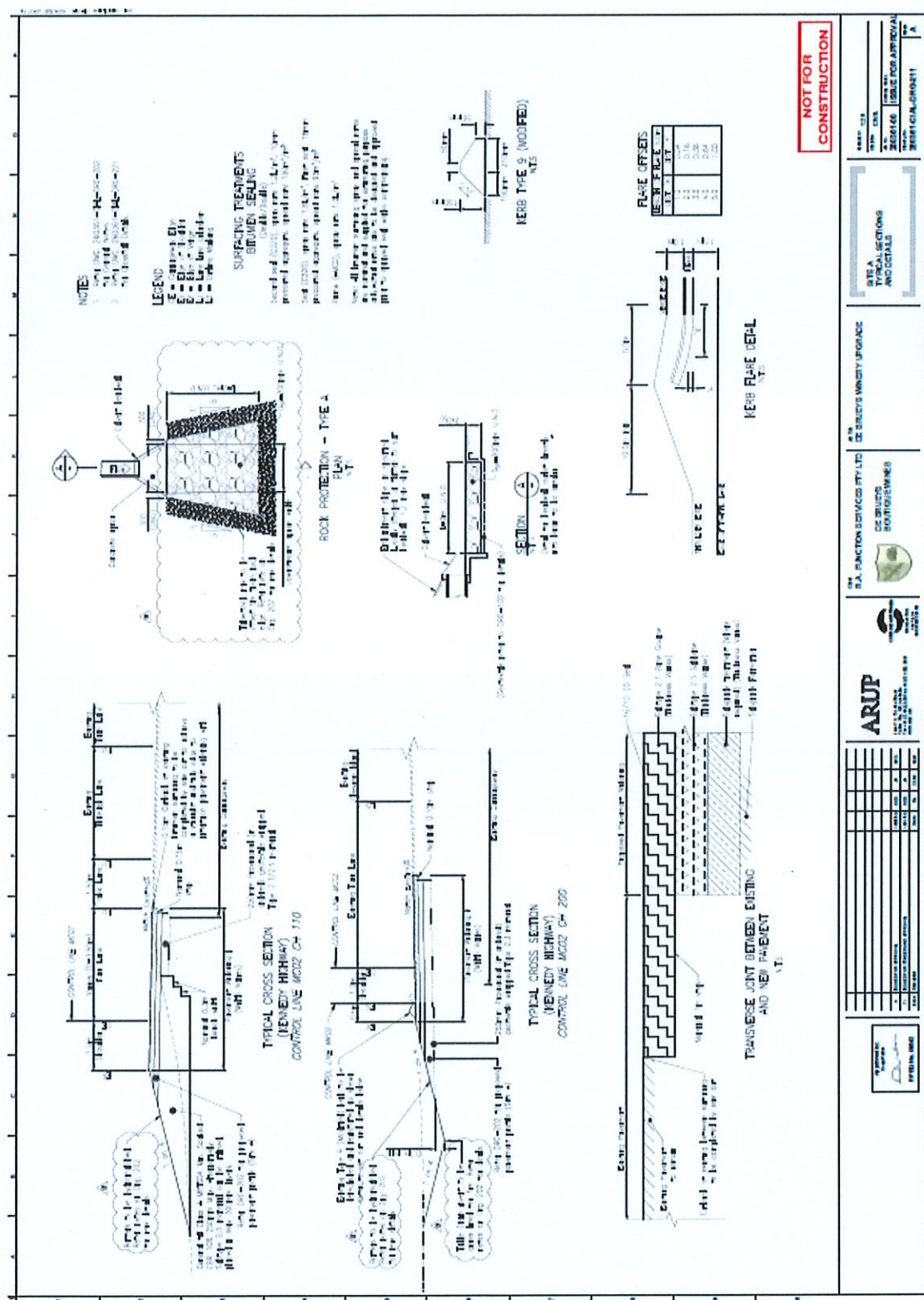
REPORTS OF SURVEY

TEL: 0754 411 121
TELEFAX: 0754 4427
TEL: 421 311
EMAIL: info@e-europe.com
WWW.E-EUROPE.COM

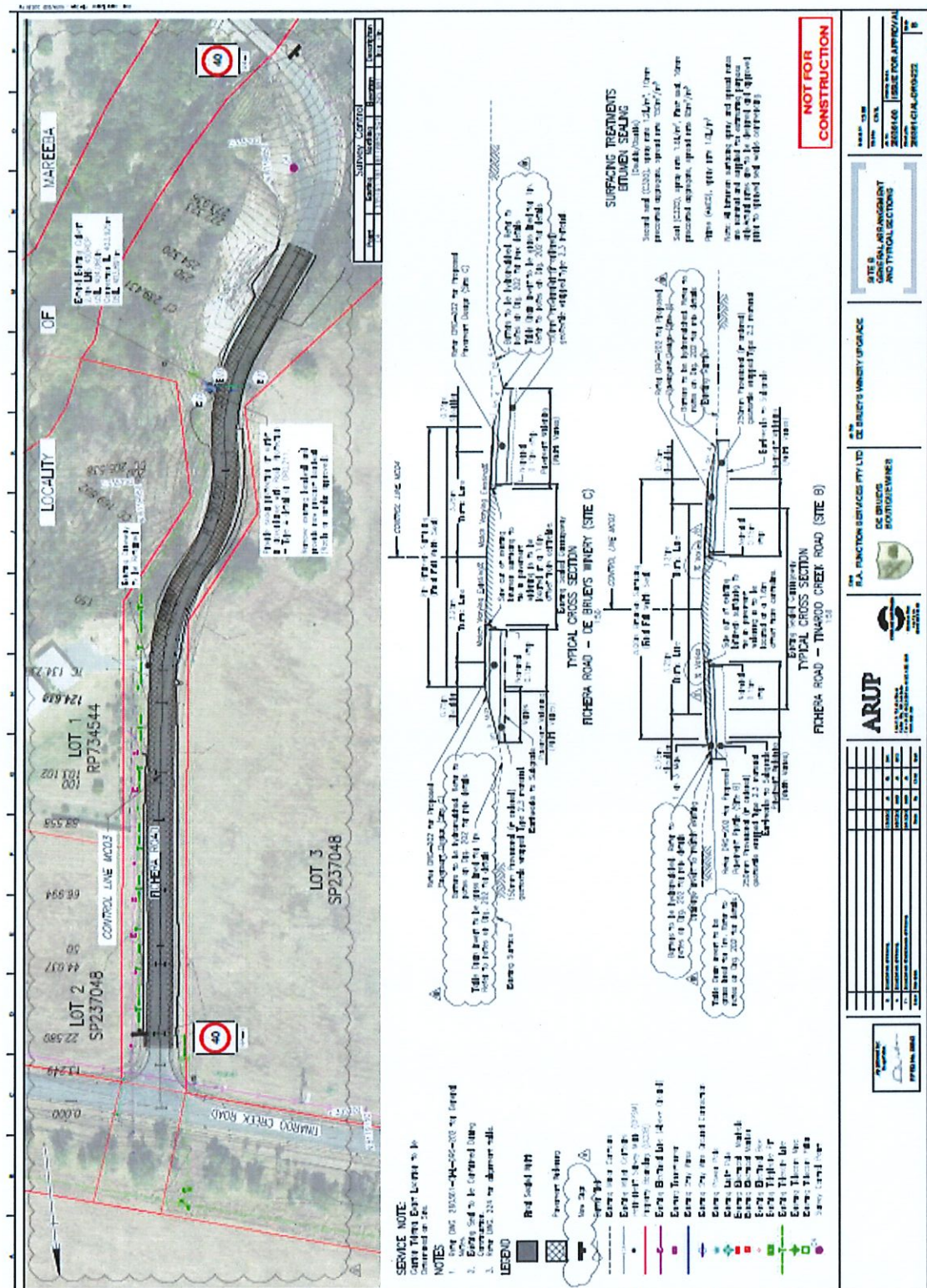
**NOT FOR
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Mareeba Shire Council





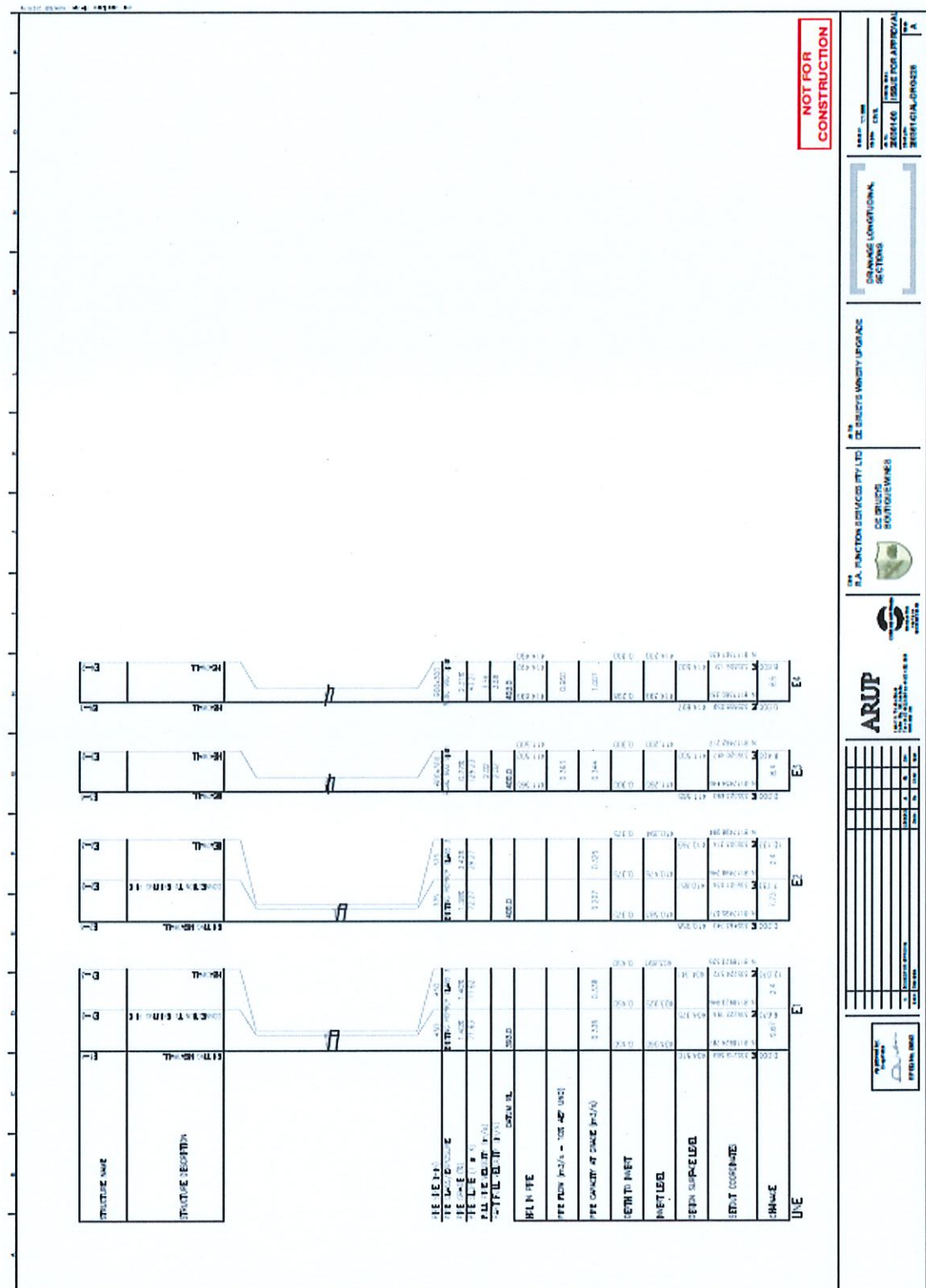


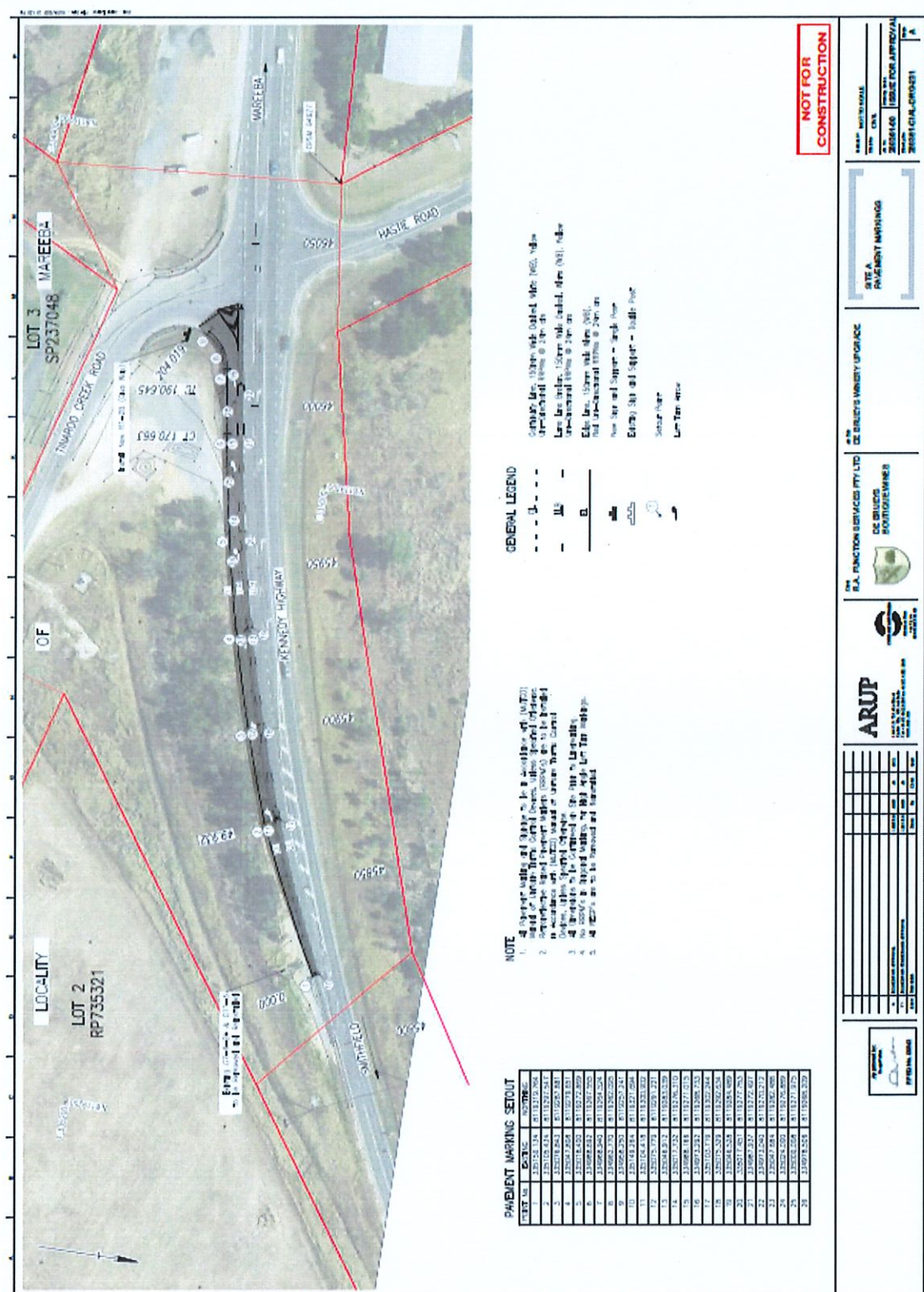


MO03. CONTROL LINE SEOUT					MO04. CONTROL LINE SEOUT					MO05. CONTROL LINE SEOUT				
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**NOT FOR
CONSTRUCTION**

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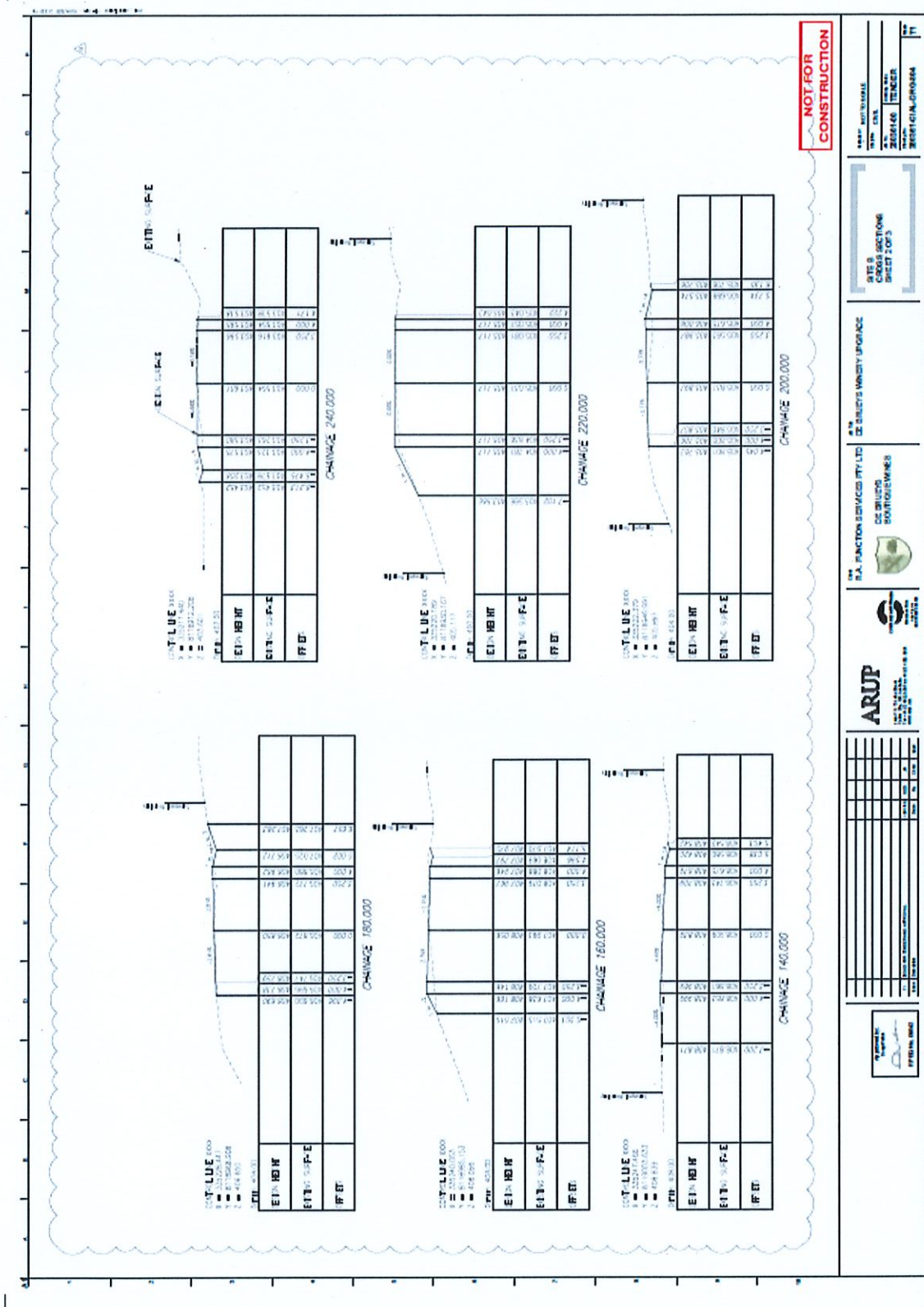


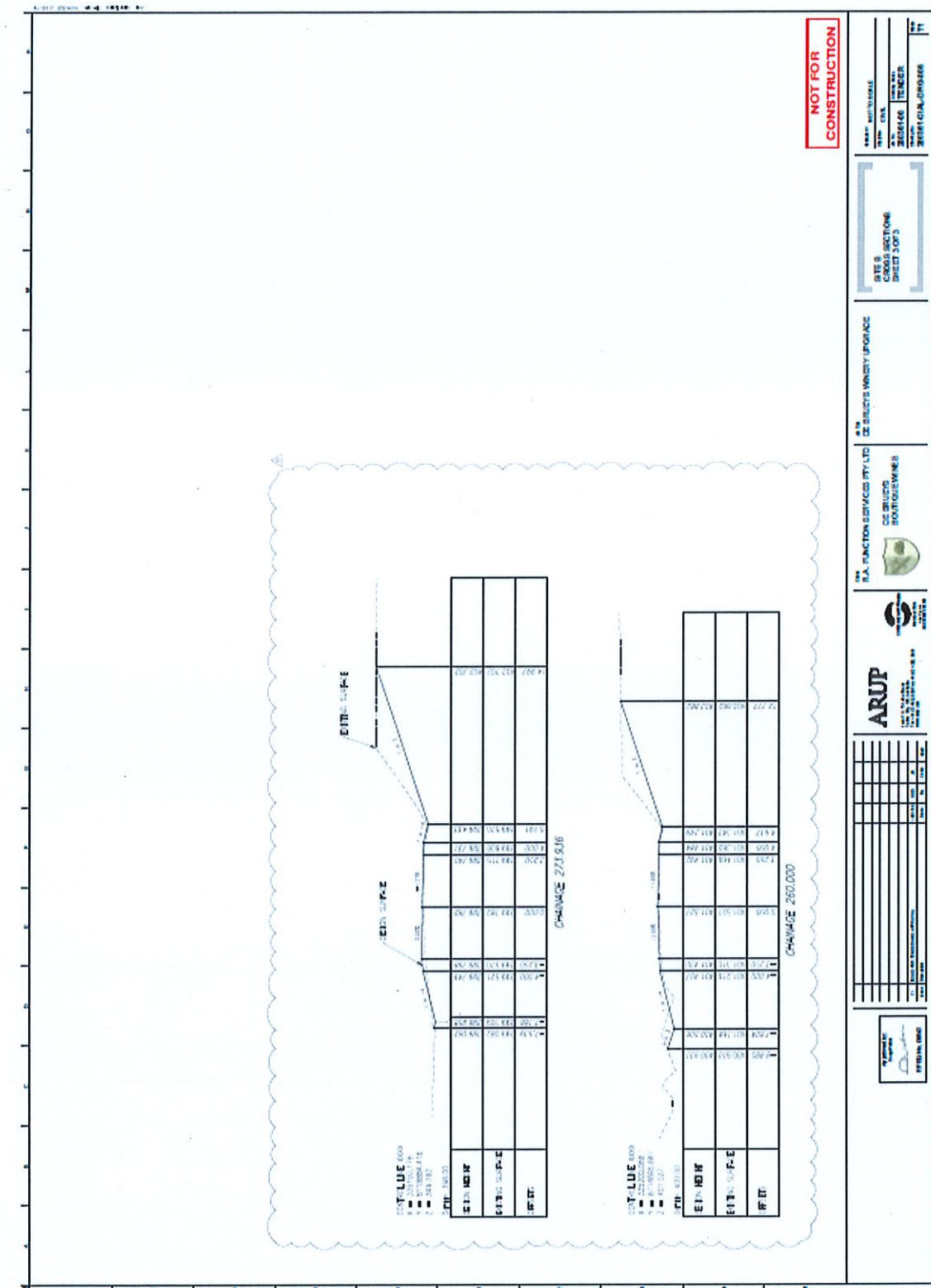








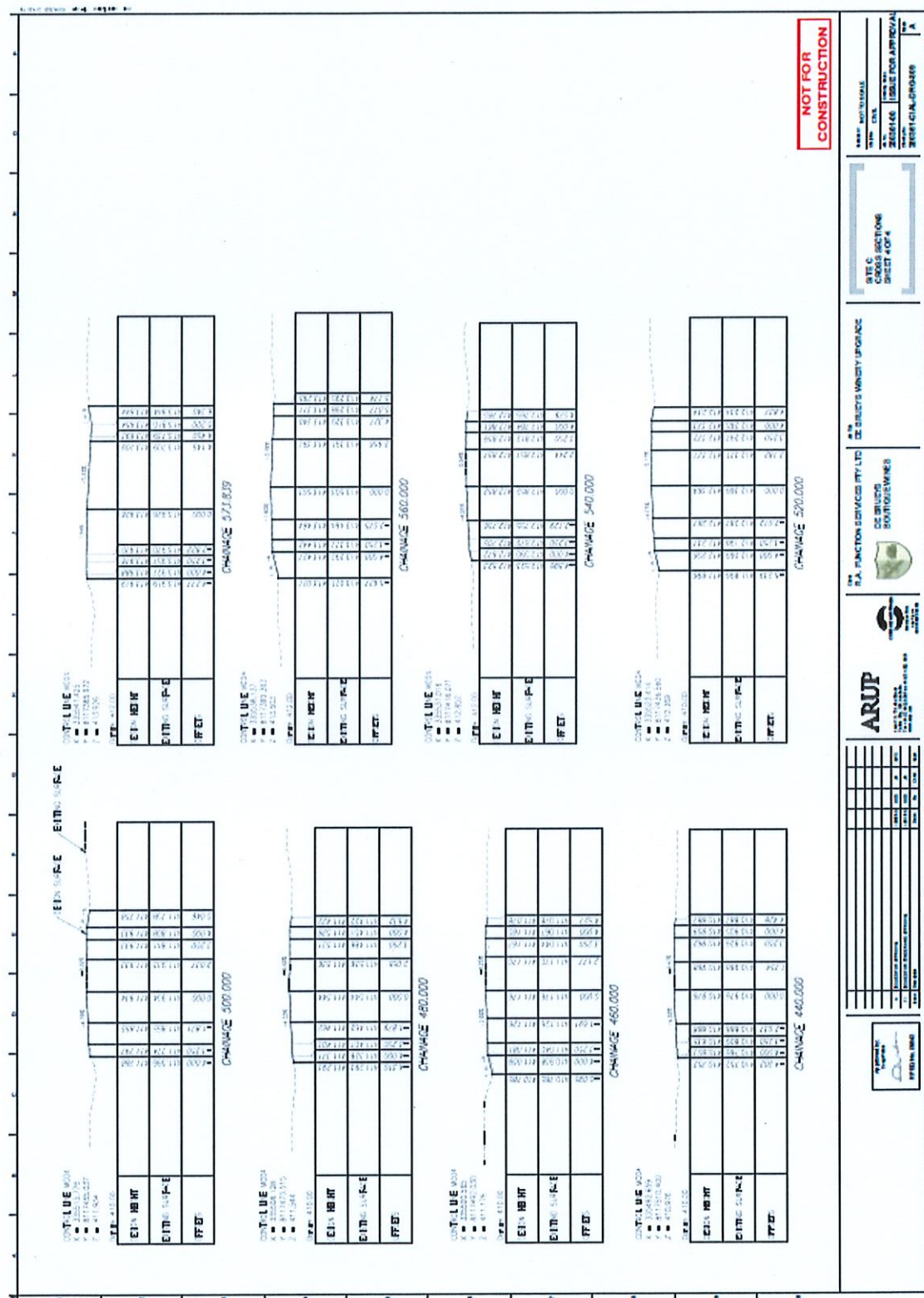












Appeal Rights

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.