



8 December 2020

G Owen & C Retter
C/- KFB Engineers
PO Box 927
CAIRNS QLD 4870

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/20/0005
Your Reference: K-4331

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 8 December 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/20/0005
Street Address: 19 Kullaroo Close, Kuranda
Real Property Description: Lot 2 on RP734383
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 & Sewerage Infrastructure, Drainage and Earthworks) for Development Permit RAL/19/0016
Date of Decision: OPW/20/0005

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. Batters

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

3. Water Service Infrastructure

Prior to the pre-start meeting occurring, Council's Water and Waste Department should be contacted, and agreements set in place in relation to the proposed water reticulation network (house connections and for fire hydrants).

It is Council's preference that all internal water supply infrastructure beyond the water main connection point/s and meters remain private (not Council's asset) and that separate water meters for each allotment be provided just within the property boundary at the commencement of the shared driveway. This will generally require individual water pipes to be trenched to service each allotment.

Individual water meters will be installed by Council at the request and expense of the developer/landowner as per Councils 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 water hydrants are suitably located to service all lots during an emergency.

4. Sewer Infrastructure

Council is not responsible for any private sewerage infrastructure beyond the existing sewer main/s and the proposed house connection branches that are to be installed by and at the expense of the developer/landowner.

That section of the existing sewer rising main situated under the proposed shared driveway must be replaced with ductile iron piping to protect the infrastructure and its function. Should an alternate outcome be provided for protecting the existing rising main infrastructure, it must be approved by Councils Water and Waste Department prior to the pre-start meeting occurring.

5. Pre-start Meeting

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.

6. Inspections

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

7. 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

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
K-6633 Sheet C01	General Arrangement	KFB Engineers	05/10/20
K-6633 Sheet C02	Setout	KFB Engineers	05/10/20
K-6633 Sheet C03	Typical Sections	KFB Engineers	05/10/20
K-6633 Sheet C04	Typical Sections and Details	KFB Engineers	05/10/20
K-6633 Sheet C05	Stormwater Details	KFB Engineers	05/10/20
K-6633 Sheet C06	Longitudinal Section Along Stormwater Line A & C	KFB Engineers	05/10/20
K-6633 Sheet C07	Longitudinal Section Along Driveway	KFB Engineers	05/10/20
K-6633 Sheet C08	Cross Sections Along Driveway CHGE 10 - 100	KFB Engineers	05/10/20
K-6633 Sheet C09	Cross Sections Along Driveway CHGE 110 - 149.150	KFB Engineers	05/10/20
K-6633 Sheet C10	Water and Sewer Reticulation	KFB Engineers	05/10/20
K-6633 Sheet C11	Stormwater Calculations	KFB Engineers	05/10/20

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

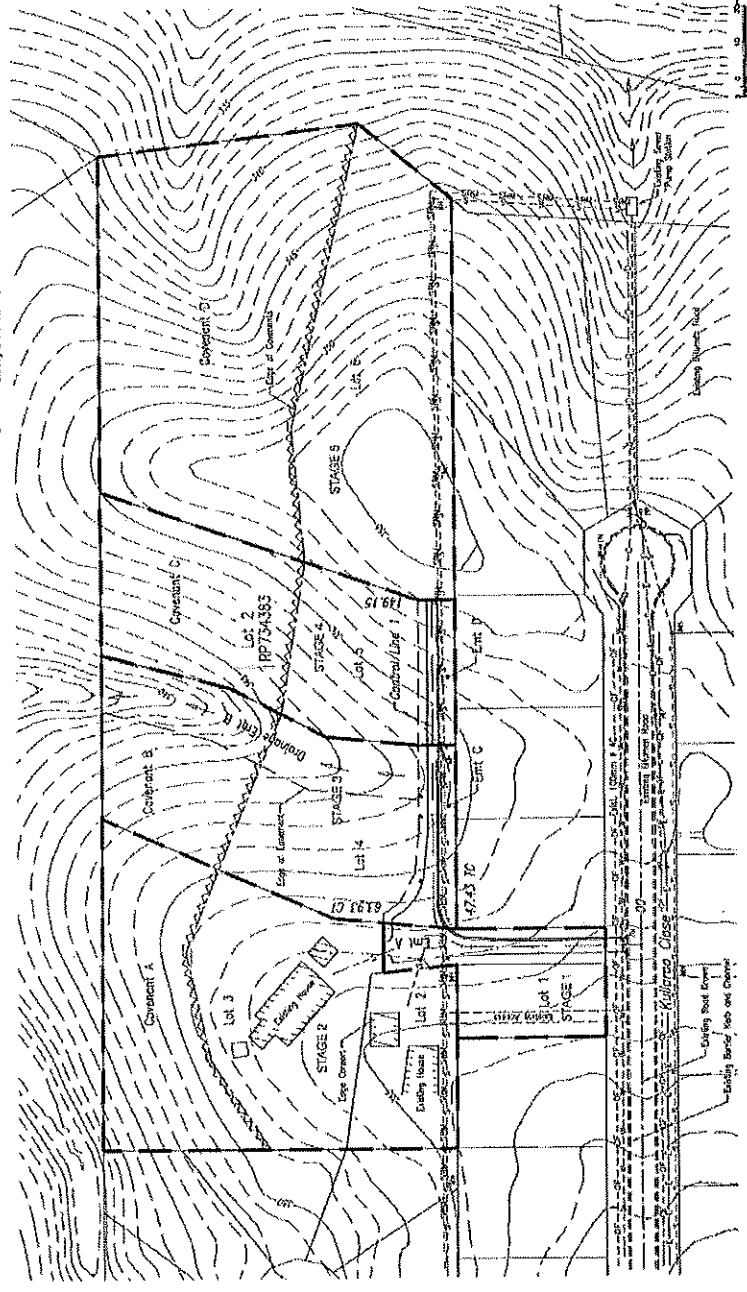
- LEGEND**
- 20' --- Existing Line Section Contours
 - 5' --- Existing Shrub Boundary
 - 10' --- Existing Fire Boundary
 - 15' --- Existing Power Pole
 - 20' --- Existing Street Boundary
 - 10' --- Existing Water Main
 - 15' --- Existing Storm Drainage Line
 - 10' --- Existing Gas Pipe
 - 15' --- Existing Structure Foot

KFB Engineers Civil & Structural
 20 Scott St | PO Box 577 | Cairns Q 4870
 P 07 4952 1700 | F 07 4052 1624 | E: email@kfbeng.com.au

Date: 26/11/20
 Job No: K-6633

Signed: [Signature]
 RPEO No: 20191

- NOTES**
- The location of boundaries shown are shown for reference only. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.
 - Existing structures and underground services to be shown on drawings for lots 2 and 3 to be indicated with Owner's consent.



Job No: K-6633
 Sheet: 001/1
 Date: 26/11/20

KFB ENGINEERS
 Civil & Structural
 20 Scott St Cairns, QLD 4870
 P 07 4952 1700 F 07 4052 1624
 E: email@kfbeng.com.au



GENERAL ARRANGEMENT

19 KULLAROO CLOSE
 KUPANDA
 G OWEN & C PLETTER

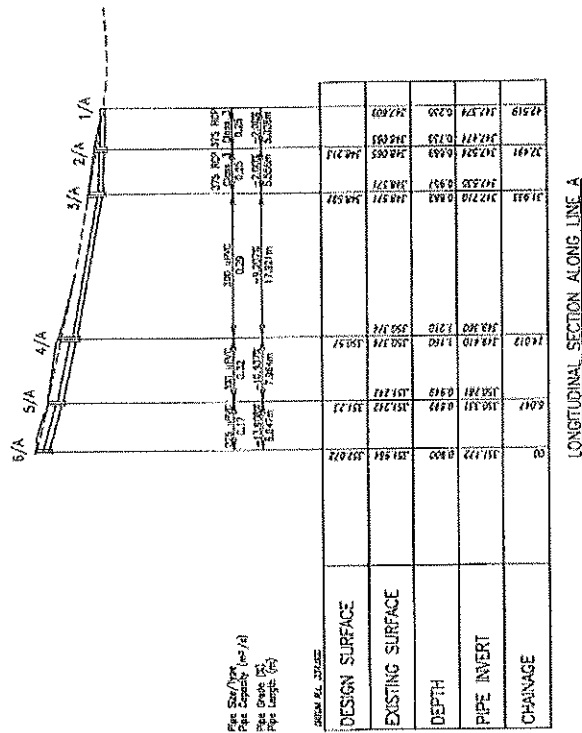
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	26/11/20
2	ISSUED FOR PERMIT	26/11/20
3	ISSUED FOR PERMIT	26/11/20
4	ISSUED FOR PERMIT	26/11/20
5	ISSUED FOR PERMIT	26/11/20

Document Set ID: 3894679
 Version: 1, Version Date: 26/11/2020

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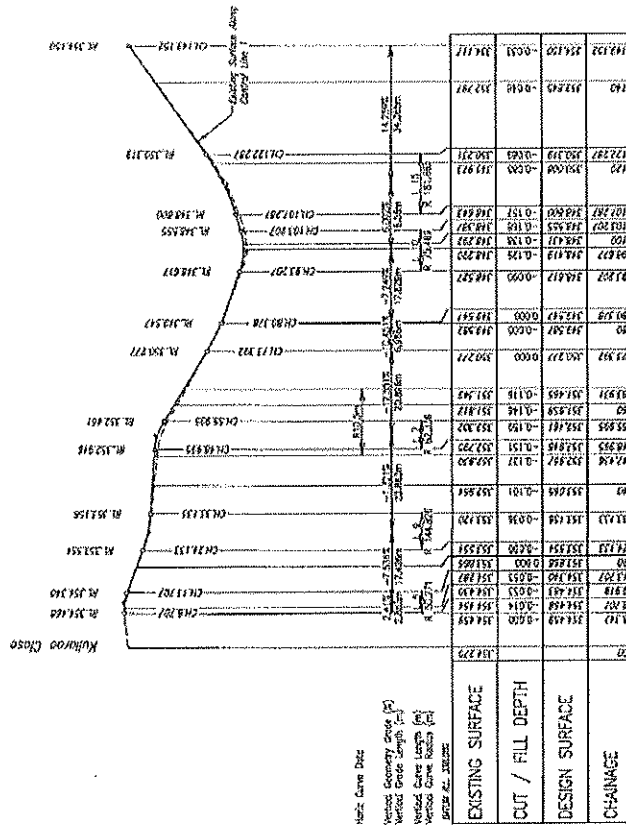
KFB Engineers Civil & Structural
 20 South St | PO Box 977 Cairns, Q. 4870
 P. 07 4052 1122 | F. 07 4052 1534 | E. email@kfbeng.com.au

Date: 26/11/20 Signed: [Signature]
 Job No: K-6633 RPEQ No. 00491



KFB Engineers Civil & Structural
20 Scott St PO Box 927 Cairns Q 4878
P: 07 4052 1700 | F: 07 4052 1634 | E: email@kfbeng.com.au

Date: 26/11/20 Signed: [Signature] RPEQ No. 20199
Job No: K-6633



LONGITUDINAL SECTION ALONG CONTROL LINE 1

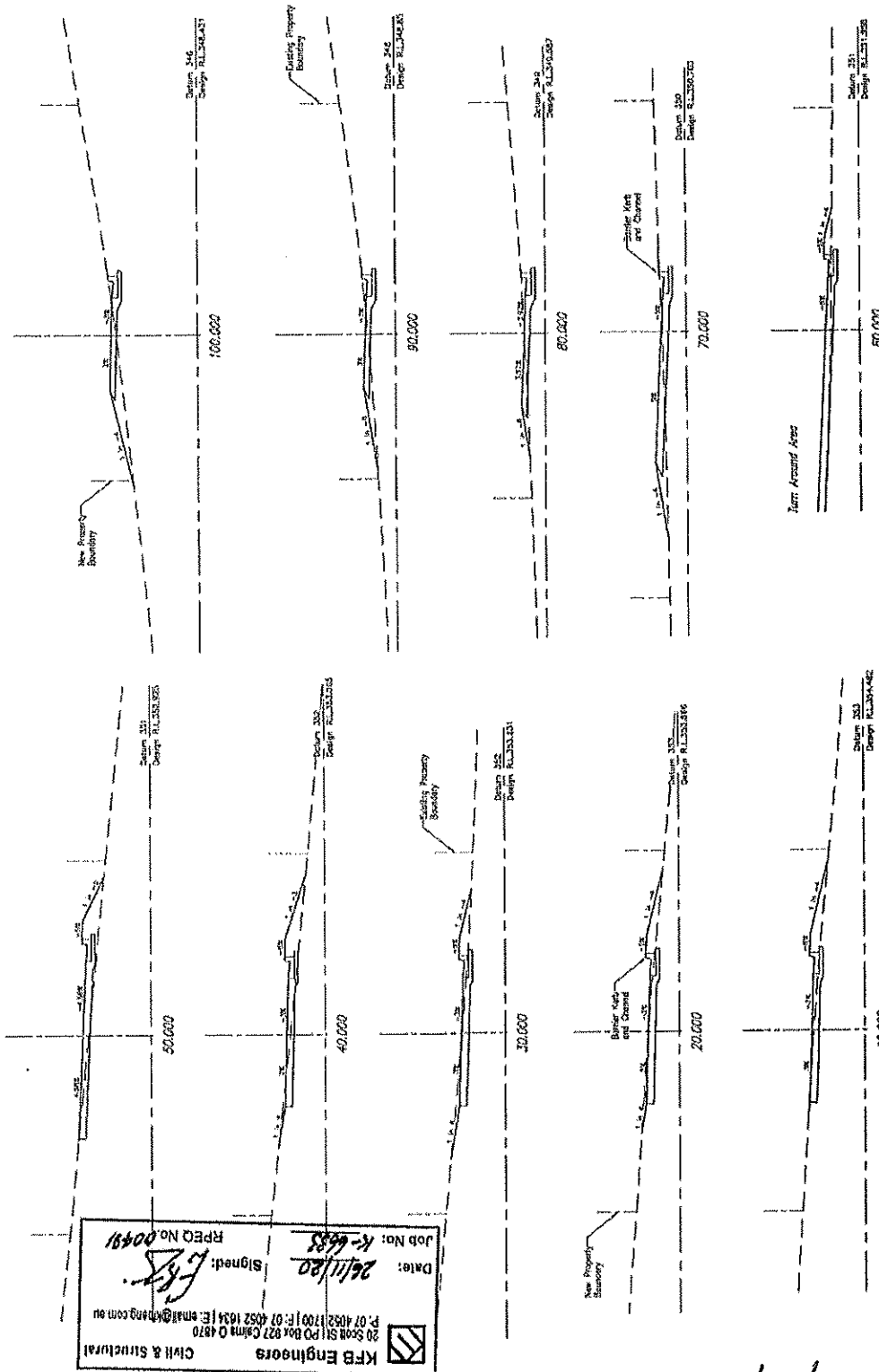
KFB ENGINEERS
Civil & Structural
20 Scott St, Cairns, QLD 4878
P: 07 4052 1700 | F: 07 4052 1634 | E: email@kfbeng.com.au

Job No: **K-6633**
Project: **CO71A**
Scale: **1:500**

19 KULLAROO CLOSE
KURANDA
G OWEN & C RETTER

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8/12/2020
[Signature]



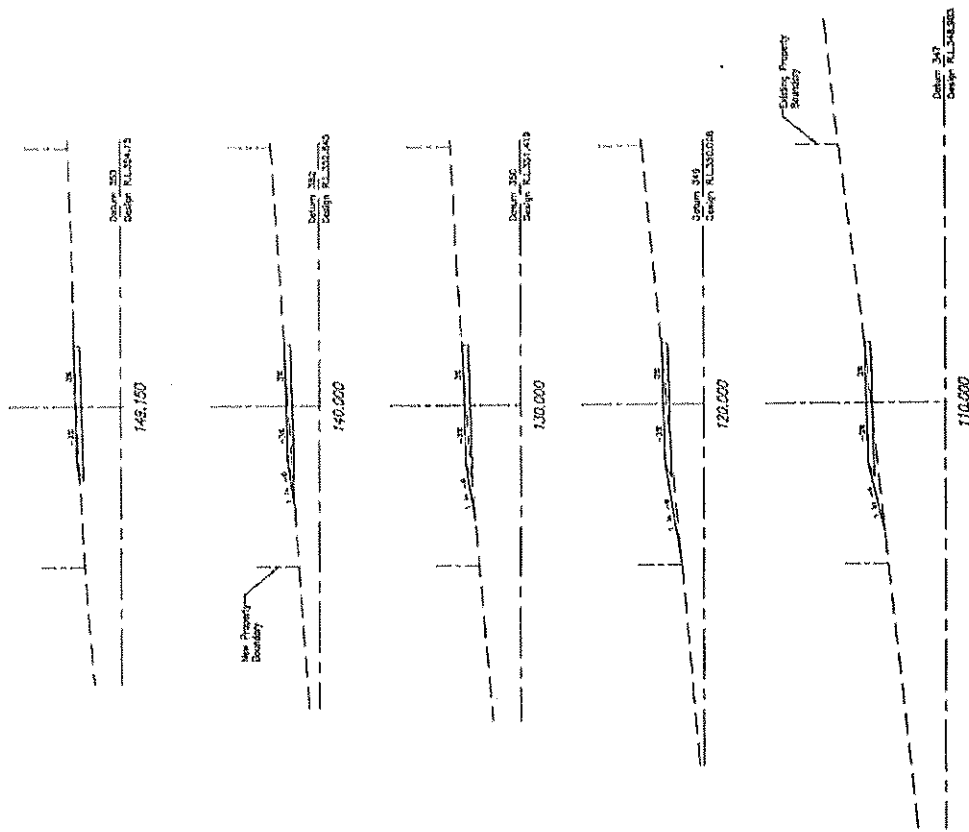
KFB Engineers
Civil & Structural
20 Scott St, PO Box 827 Cairns Q 4870
P: 07 4052 1700 | F: 07 4052 1034 | E: email@kfbeng.com.au

Date: 26/11/20
Job No: K-6633
Signed: [Signature]
RPEQ No. 00481

19 KULLAROO CLOSE KULLAROO CHANGE 10 - 100 C OWEN & C PLETTER		KFB ENGINEERS RPEQ 2017/0428	CIVIL & STRUCTURAL 20 SCOTT STREET CAIRNS QLD 4870 P: 07 4052 1700 F: 07 4052 1034 E: email@kfbeng.com.au	JOB NO: K-6633 SHEET: 0081 A SCALE: 1:50 DATE: 26/11/20
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0202/218
B. n. B.

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KFB Engineers Civil & Structural
 20 South St | PO Box 527 Cairns 0 4870
 P: 07 4632 1700 | F: 07 4632 1634 | E: email@kfbeng.com.au

Date: **26/11/20** Signed: *[Signature]*
 Job No: **K-6633** PREQ No. **00491**

FORM	K-6633
DATE	26/11/20
PROJECT	CROSS A
SHEET	14 OF 14
SCALE	1:100

KFB ENGINEERS
 CIVIL & STRUCTURAL
 20 SOUTH ST | PO BOX 527 CAIRNS QLD 4870
 PH: 07 4632 1700 | FAX: 07 4632 1634
 WWW.KFBENGINEERS.COM.AU

19 KULLAROO CLOSE
 CROSS SECTIONS ALONG DRIVEWAY
 CHG# 110 - 142.150

NO.	DATE	DESCRIPTION
1	26/11/20	ISSUED FOR APPROVAL
2	26/11/20	ISSUED FOR APPROVAL
3	26/11/20	ISSUED FOR APPROVAL
4	26/11/20	ISSUED FOR APPROVAL
5	26/11/20	ISSUED FOR APPROVAL

ALORANIA
 G OWEN & C RETTER

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8/12/2020
[Signature]

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.