



26 August 2021

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: MCU/21/0017
Your Reference: 21000342

The Trustees for Carroll Bros Family Trust
C/- Emergent Building Approvals
PO Box 2784
MAREEBA QLD 4880

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 26 August 2021 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: MCU/21/0017
Street Address: 3 Martin Tenni Drive, Mareeba
Real Property Description: Lot 11 on SP146296
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Development Permit for Material Change of Use - Low Impact Industry (Including Seafood Processing Factory, Cold Stores and associated Administration Office), Food and Drink Outlet (Café), Showroom and Caretakers Accommodation (x2)
Type of Approval:
Date of Decision: 26 August 2021

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 notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.

3.4 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.5 Each caretaker's residence must be provided with a separate area for clothes drying which are screened from public view.

3.6 Signage

Advertising devices are limited to the size and locations shown on the approved plans and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. All advertising devices must be removed should the use cease.

4. Infrastructure Services and Standards

4.1 Access

Industrial access crossovers (x 3) must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban

Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

- (c) The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.
- (d) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
- (e) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 11 on-site car parking spaces including 1 disabled parking space which are available solely for the parking of vehicles associated with the use of the premises. 1 additional parking space must be provided for each caretaker's residence.

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

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

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

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

4.4 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The plan is to include a landscape strip no less than 1.5 metres wide along the entire length of both frontages of the site (excluding access crossovers).
- (b) Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) The developer must connect the proposed development to Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

- (a) Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
136 - SK1 A	Cover Sheet	Own Home Design	29/04/2021
136 - SK2	Site Plan	Own Home Design	29/04/2021
136 - SK3 A	Floor Plan	Own Home Design	29/04/2021
136 - SL4 A	Elevations	Own Home Design	29/04/2021

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) Water Meters/Water Service Connection**

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

(b) Property Connection to existing sewer main

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

(c) Endorsement Fees

Council charges a fee for the endorsement of Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) 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.

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

(g) 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.

(h) 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

(i) 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

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

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

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

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

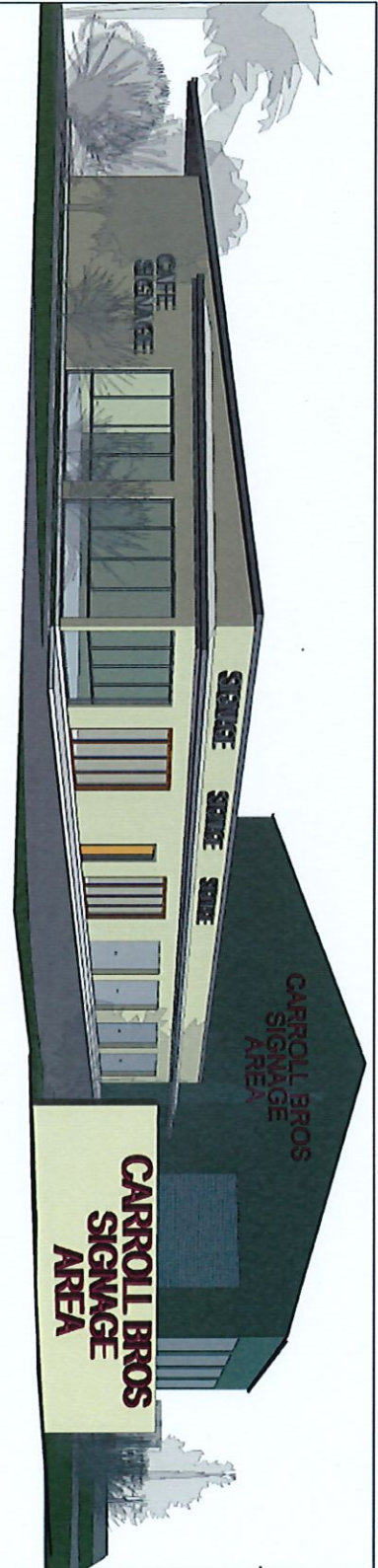
Yours faithfully



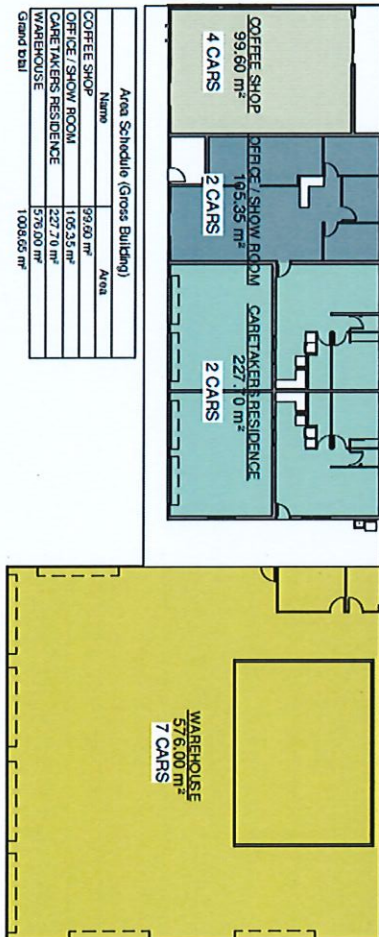
**BRIAN MILLARD
SENIOR PLANNER**

Enc: Approved Plans/Documents
Appeal Rights

Approved Plans/Documents



1 South Western View



2 Gross Floor Area Plan
1:250

PRELIMINARY



Owen Home Design
Adrian Gallo Lic. No. 0659385
9137 Kennedy Highway,
Upper Barron, Va. Allerton, 4883,
P.O. Box 1420 Allerton, 4883,
telephone 07 40950240
adrian@owenhomeesign.com.au

No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

Proposed Development
At: Lot 11 Martin Tenni Drive,
Mareeba, Qld. 4880.
Carroll Bros. Family Trust.

COVER SHEET	
Project number	136
Date	29th April 2021
Drawn by	AG
Checked by	AG
Scale	1:250 @ A3
136 - SK1 A	

Document Ref: 07/2017/2
Version: 1, Version Date: 06/07/2021

26/8/2021
B. n. [Signature]

1 Site Plan
 Drawing No. 136-SK2
 Version 1, Version Date: 06/08/2021



OWN HOME DESIGN
 Adrian Gallo, Lic. No. 0653385
 9137 Kennedy Highway,
 Upper Barron, Via Arnhem, 4883,
 P.O. Box 1420 Arnhem, 4883,
 telephone 07 40950240
 adrian@ownhomedesign.com.au

No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

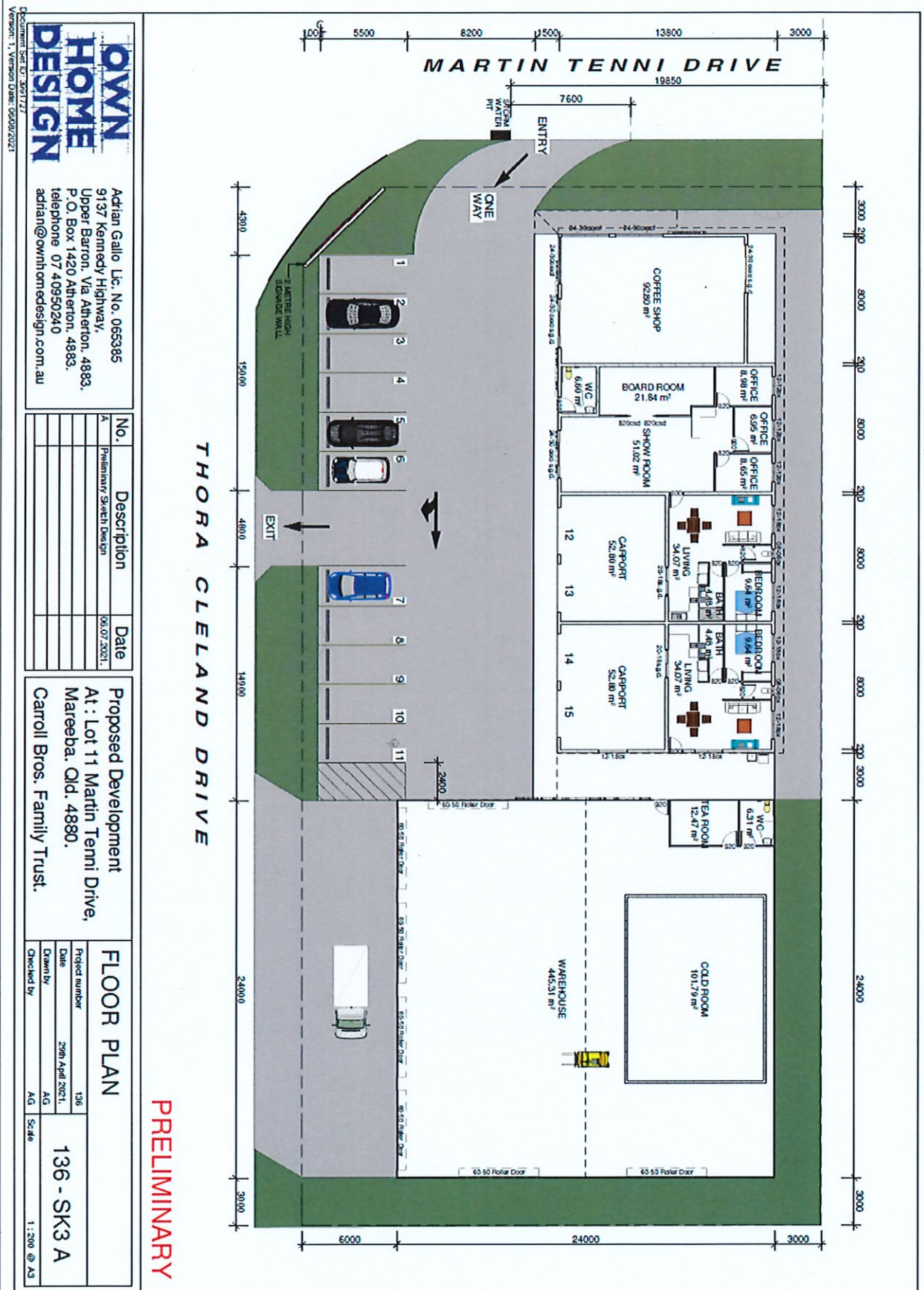
Carroll Bros.
 Family Trust.
 Proposed Development At: Lot 11 Martin Tenni Drive, Mareeba. Qld. 4880.

SITE PLAN

Project number	136
Date	26th April 2021
Drawn by	AG
Checked by	AG
Scale	1 : 500

136 - SK2

26/8/2021
 B. [Signature]



OWN HOME DESIGN

Adrian Gallo Lic. No. 065385
9137 Kennedy Highway,
Upper Barron, Via Atherton, 4883,
P.O. Box 1420 Atherton, 4883,
telephone 07 40950240
adrian@ownhomedesign.com.au

No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

Proposed Development
At : Lot 11 Martin Tenni Drive,
Mareeba, Qld. 4880.
Carroll Bros. Family Trust.

FLOOR PLAN	
Project Number	136
Date	29th April 2021
Drawn by	AG
Checked by	AG
Scale	1:200 @ A3
	136 - SK3 A

26/8/2021
[Signature]

1 North Elevation
1 : 200

2 South Elevation
1 : 200

3 East Elevation
1 : 200

4 West Elevation
1 : 200

PRELIMINARY

OWN HOME DESIGN

Adrian Gallo Lc. No. 065385
9137 Kennedy Highway,
Upper Barron, Via Atherton, 4883,
P.O. Box 1420 Atherton, 4883.
telephone 07 40950240
adrian@owhomedesign.com.au

No.	Description	Date
A	Preliminary Sketch Design	06/07/2021

Proposed Development
At : Lot 11 Martin Tenni Drive,
Mareeba. Qld. 4880.
Carroll Bros. Family Trust.

ELEVATIONS	
Project number	136
Date	29th April 2021.
Drawn by	AG
Checked by	AG
Scale	1 : 200 @ A3

Project number: 136
Date: 29th April 2021.
Drawn by: AG
Checked by: AG
Scale: 1 : 200 @ A3

26/8/2021
B. [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.