



31 October 2022

S Hogan
C/- Jim Papas Civil Engineering Designer Pty Ltd
PO Box 2347
MAREEBA QLD 4880

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: OPW/22/0008
Your Reference: 1471

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 27 October 2022 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/22/0008
Street Address:	7 Kenneally Road, Mareeba
Real Property Description:	Lot 2 on RP729239
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (Road work, Stormwater, Water infrastructure, Drainage work and Earthworks for Development Permit RAL/21/0014)]
Date of Decision:	27 October 2022

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

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) 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, Queensland Urban Drainage 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) The water service road crossing pipe must be ductile iron cement lined pipe (DICL - 100mm diameter) instead of PVC. The difference in price, as agreed to by Council's delegated officer, as a result of this DICL requirement will be subtracted from the infrastructure charges payable.
- (v) The distance between the mass concrete footings for the shared access crossover must a minimum of 600mm. The material used to surface treat the crossover between the steel plate and the Kenneally Road surface must be asphalt.
- (vi) The use of "blackmax" piping for the stormwater infrastructure is permitted, however it is noted that the stormwater infrastructure between the Kenneally Road inlet pit and the property boundary is and will always be considered private stormwater infrastructure and Council will have no responsibility in its repair or replacement should any damage or loss occur in future.

- (vii) A notation will be placed on the rates notice for Lots 2 and 3 recommending that on-site stormwater detention be included in any future buildings works in order to minimise stormwater impacts to surrounding properties.

(b) 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.

(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
1471-C01 Amdt A	Existing Site Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C02 Amdt A	Soil and Water Management Strategy	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C03 Amdt A	Earthworks, Roadworks and Stormwater Drainage Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C04 Amdt A	Water Reticulation Plan	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C05 Amdt A	Access - Longitudinal Section, Typical Cross Section, Pavement Data, Set Out and Details	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C06 Amdt A	Access - Cross Sections (Sheet 1 of 1)	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C07 Amdt A	Stormwater Drainage Longitudinal Section	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22
1471-C08 Amdt A	Stormwater Drainage Catchment Plan and Stormwater Drainage Calculation Sheet	Jim Papas Civil Engineering Designer Pty Ltd	27.09.22

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.

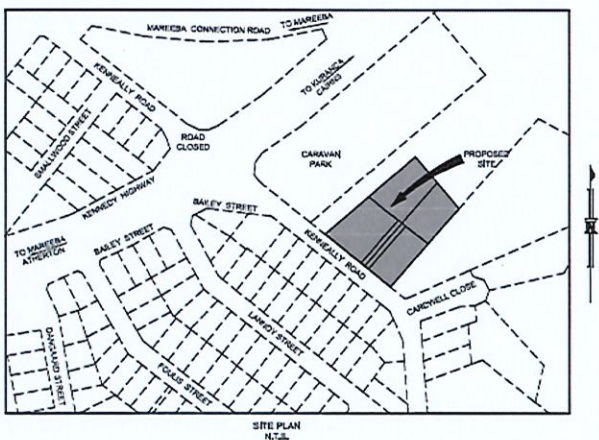
Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Appeal Rights

**PROPOSED RESIDENTIAL
SUBDIVISION
AT
7 KENNEALLY ROAD
MAREEBA
FOR
MR. S. HOGAN**

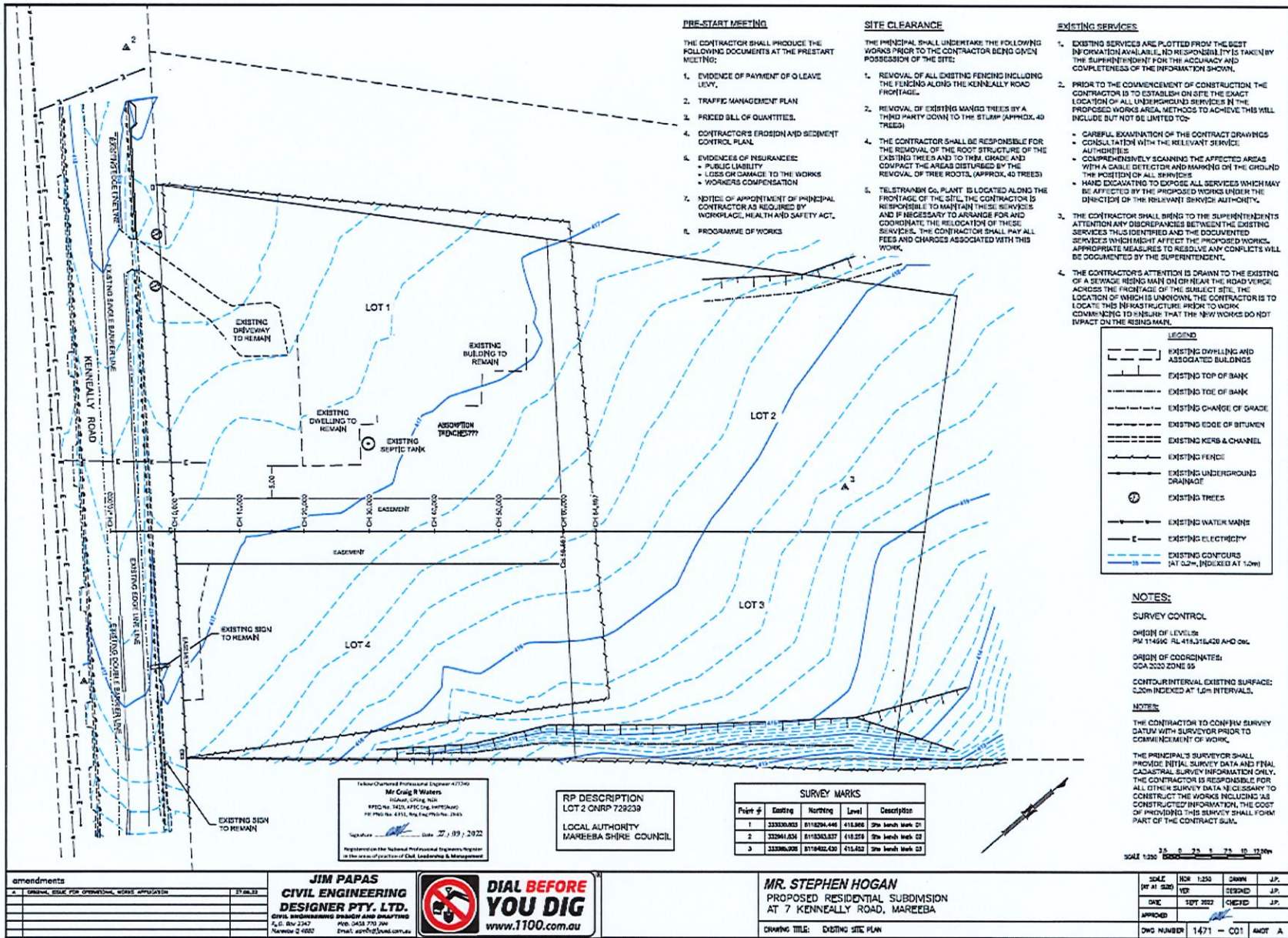


PROJECT DRAWINGS
PROJECT NO. 1471
 C 01 - EXISTING SITE PLAN.
 C 02 - SOIL AND WATER MANAGEMENT STRATEGY.
 C 03 - EARTHWORKS, ROADWORKS & STORMWATER DRAINAGE PLAN.
 C 04 - WATER REGULATION PLAN.
 C 06 - ACCESS - LONGITUDINAL SECTION, TYPICAL CROSS SECTION, PAVEMENT DATA SET OUT AND DETAILS.
 C 06 - ACCESS - CROSS SECTIONS (SHEET 1 OF 3).
 C 07 - STORMWATER DRAINAGE LONGITUDINAL SECTION.
 C 08 - STORMWATER DRAINAGE CATCHMENT PLAN AND STORMWATER DRAINAGE CALCULATION SHEET.

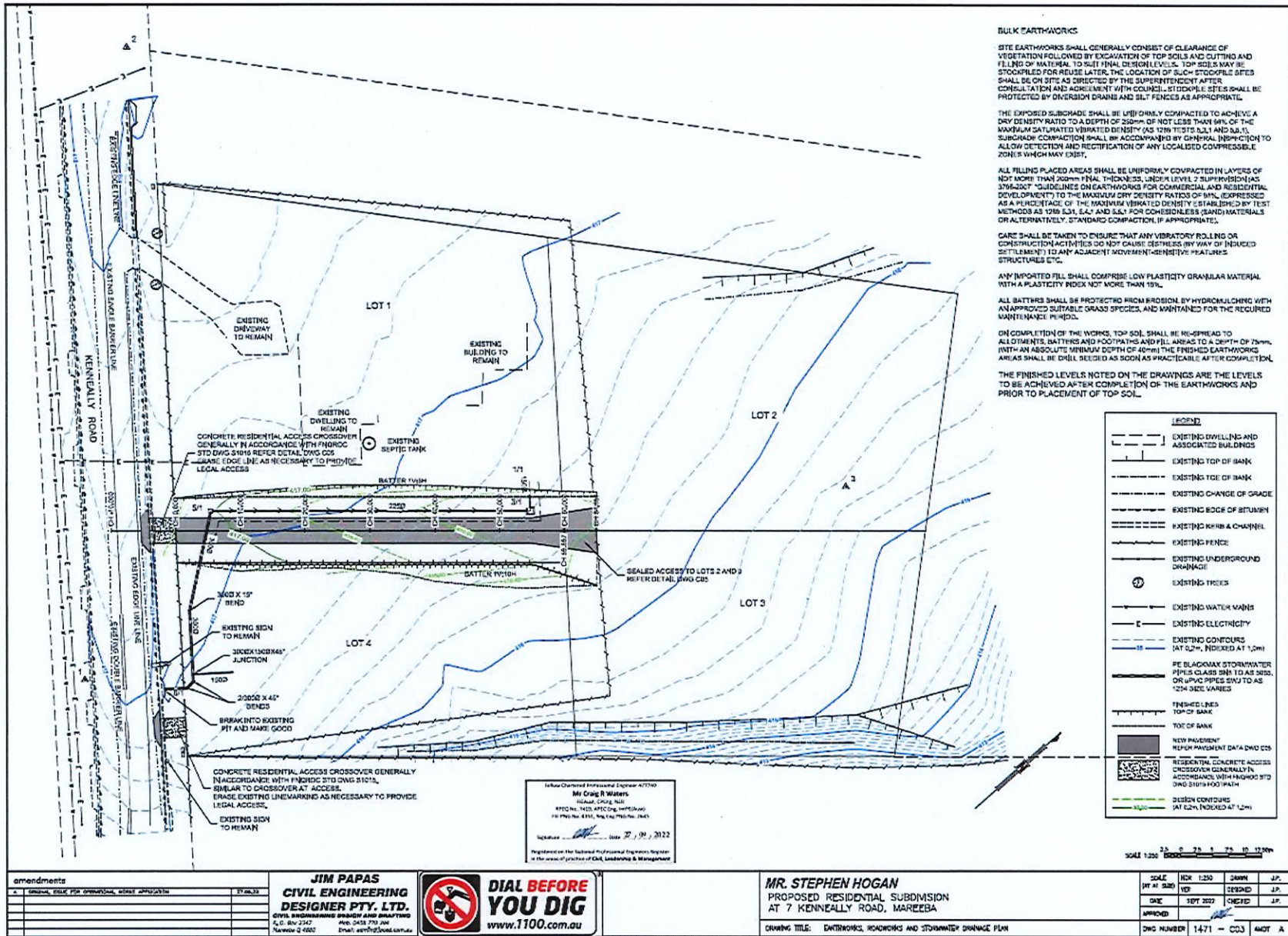


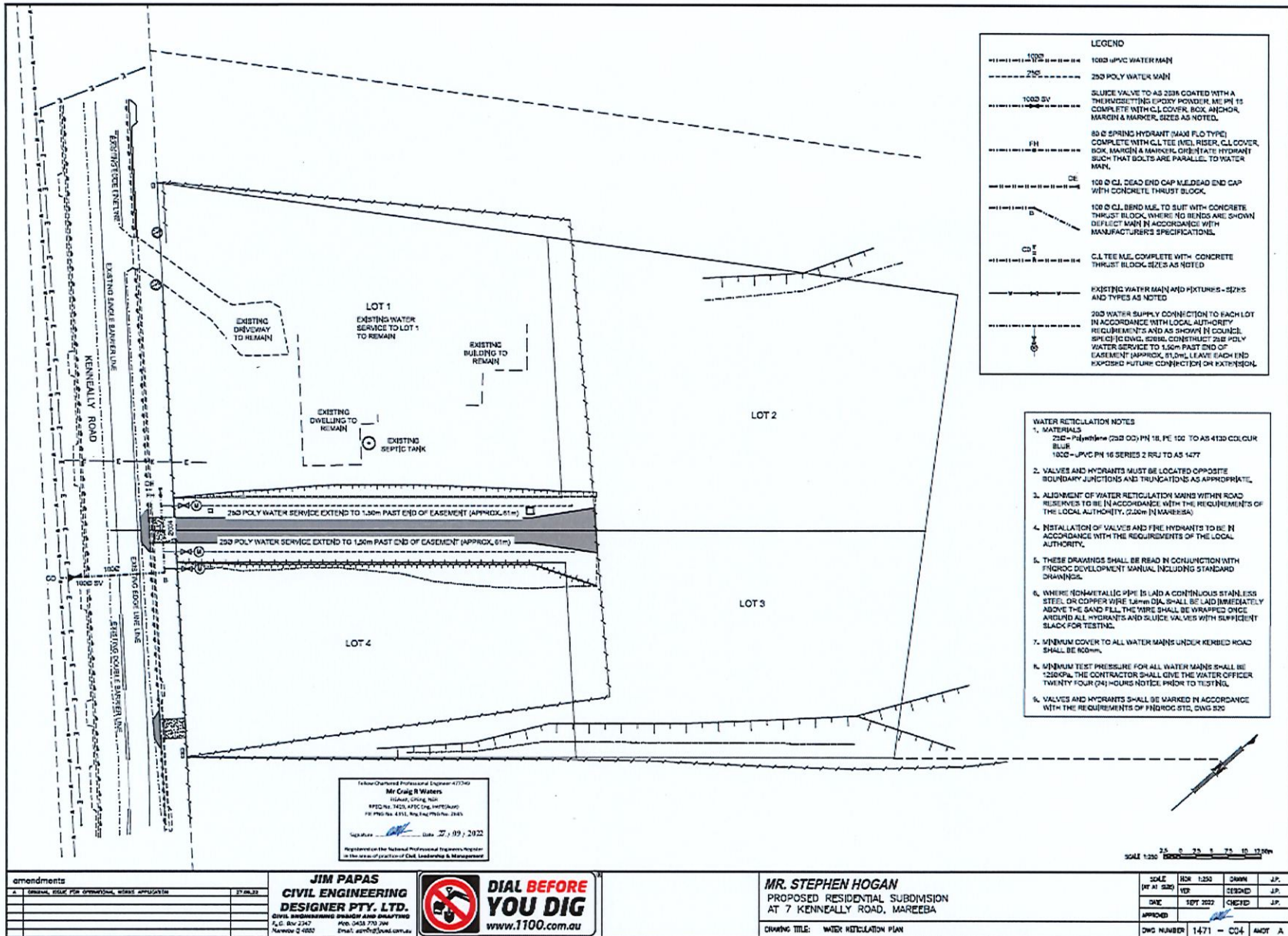
JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.
CIVIL ENGINEERING DESIGN AND DRAFTING
P. O. Box 2347 Mob. 0400 770 394
Melrose Q 4352 Email: admin@jpcivil.com.au

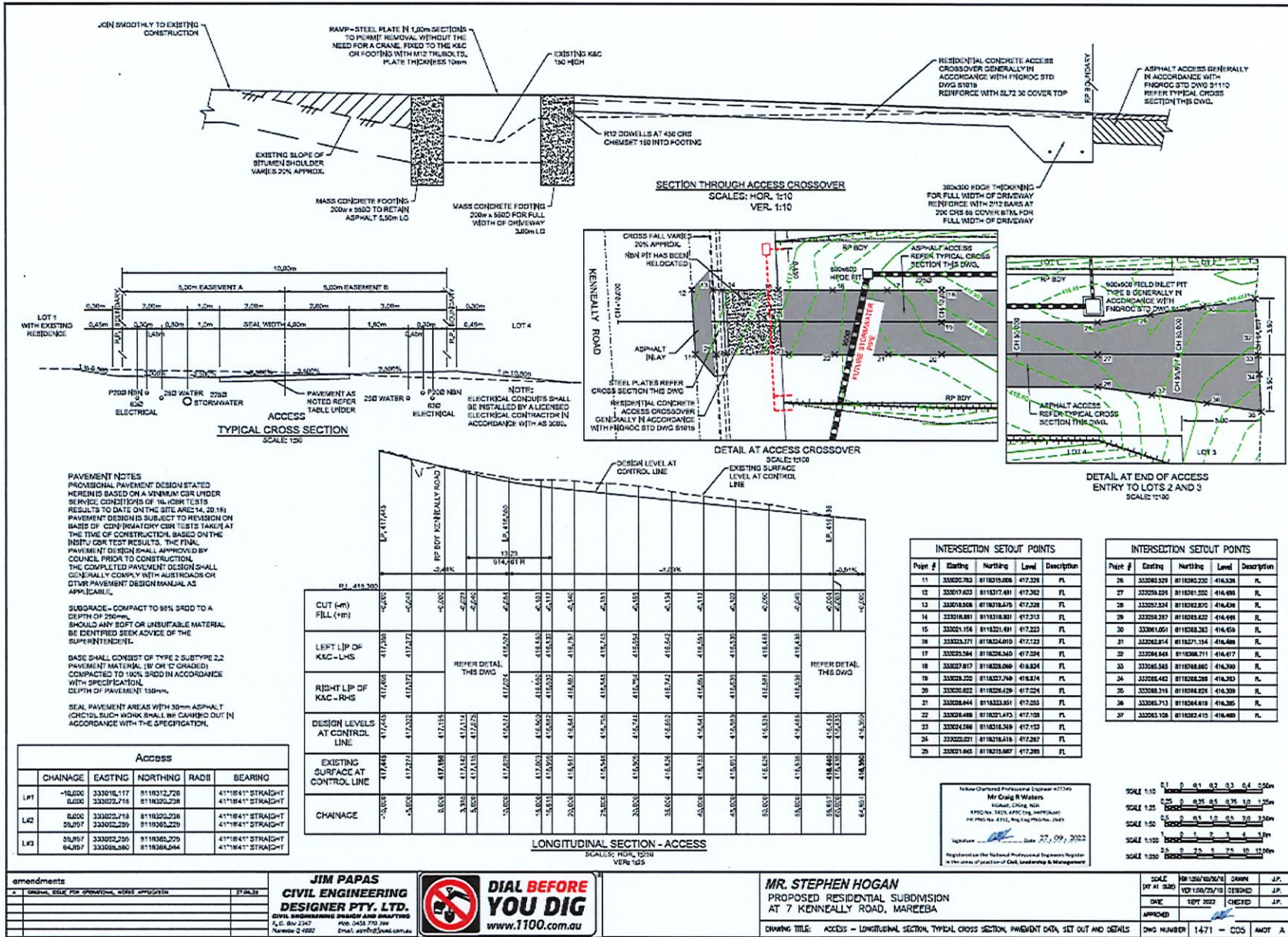
Fellow/Chartered Professional Engineer (C/P/Eng)
Mr Craig R Waters
 H&A, C/O, NGK
 PPG No. 7417, APCC Eng. 10772 (Aust)
 PE PPG No. 4311, Reg. Eng PPG No. 2645
 Signature  Date **27 09, 2002**
 Registered on the National Professional Engineers Register
 in the areas of expertise of **Electrical & Management**



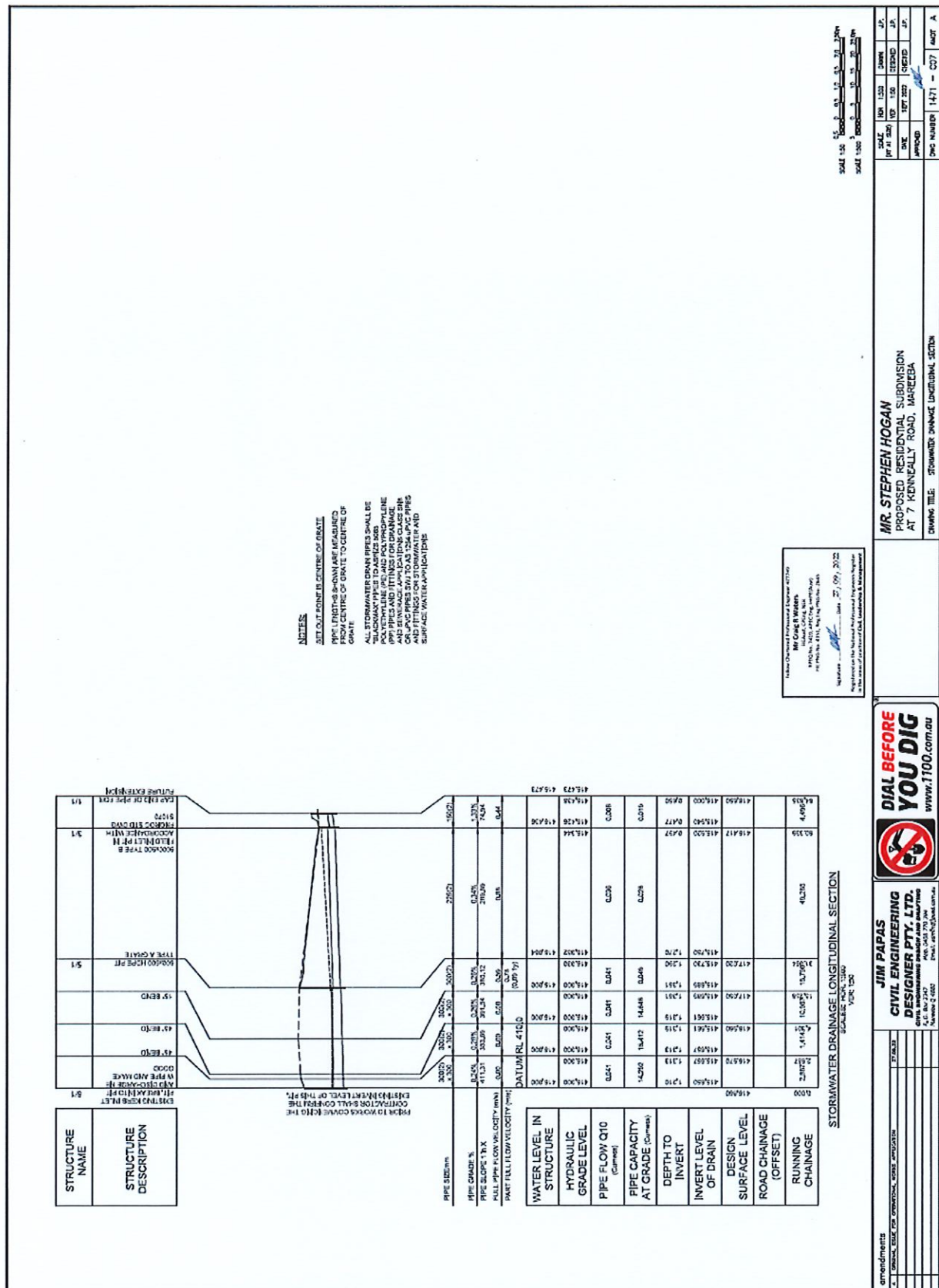


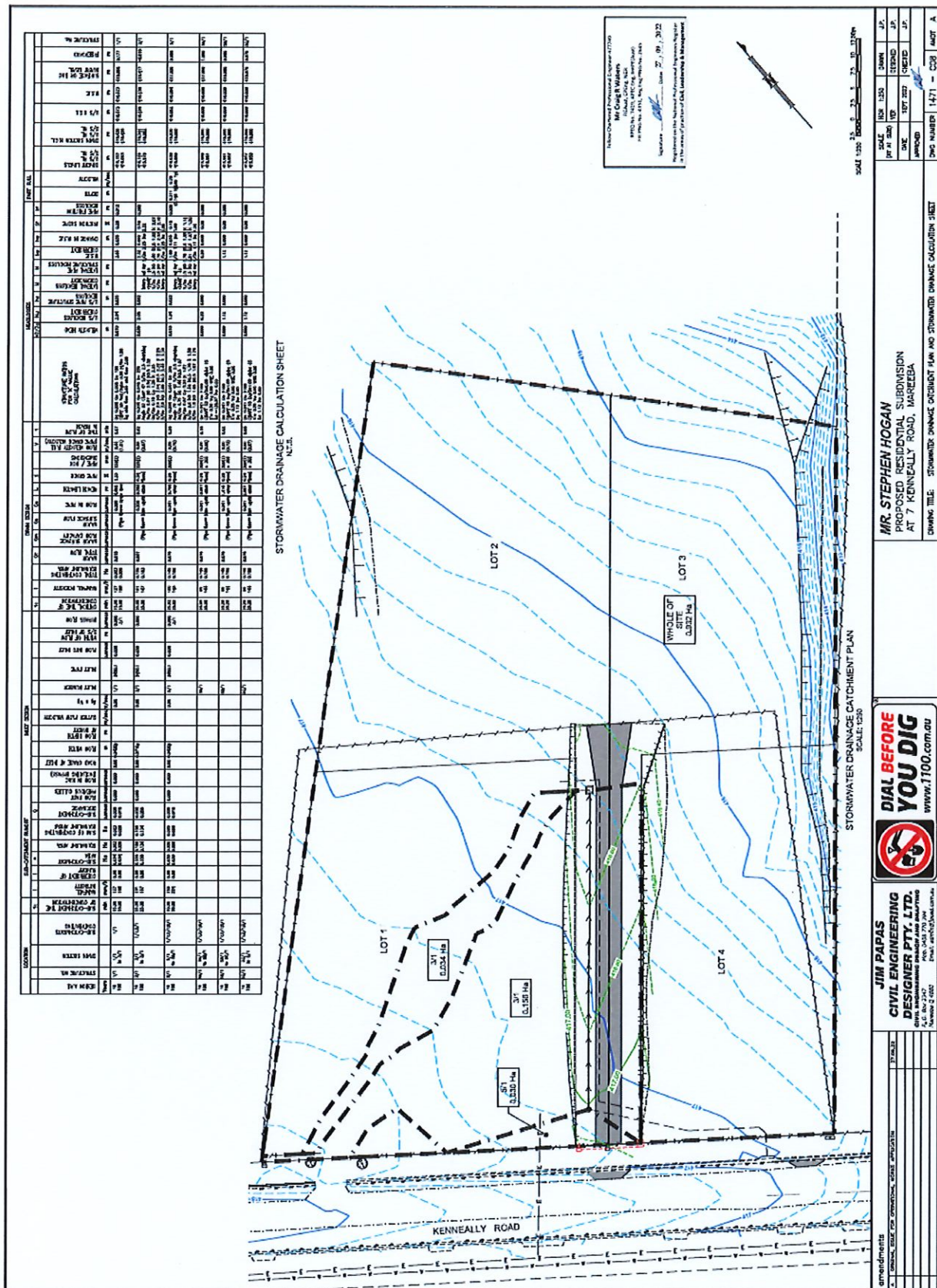












Appeal Rights

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.

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- (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.