Mareeba SHIRE COUNCIL

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28 August 2024

Planning Officer:	Carl Ewin
Direct Phone:	074086 4656
Our Reference:	OPW/24/0005
Your Reference:	J001684

MSF Sugar Limited
C/- Gilvear Planning
Owen Dalton
PO Box 228
BABINDA QLD 4861

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 26 August 2024 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/24/0005
Street Address:	1823 Springmount Road, Arriga
Real Property Description:	Lot 1 on SP100452
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works Earthworks (Molasses Bladder)
Date of Decision:	26 August 2024

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

(C) 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 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.

(b) Filling or excavation (excluding access roads) is not permitted within 1.5 metres of any property boundary.

(c) This approval does not authorise any works within Lot 7 on SP100452.

(d) 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.

(e) 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
MSF20001-C01 A	General Arrangement	GDT Lining Systems Pty Ltd	14/8/24
MSF20001-C02 A	Longitudinal Section Along New Access Track Control Line	GDT Lining Systems Pty Ltd	14/8/24
MSF20001-C03 A	Erosion and Sediment Control Plan	GDT Lining Systems Pty Ltd	15/8/24

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

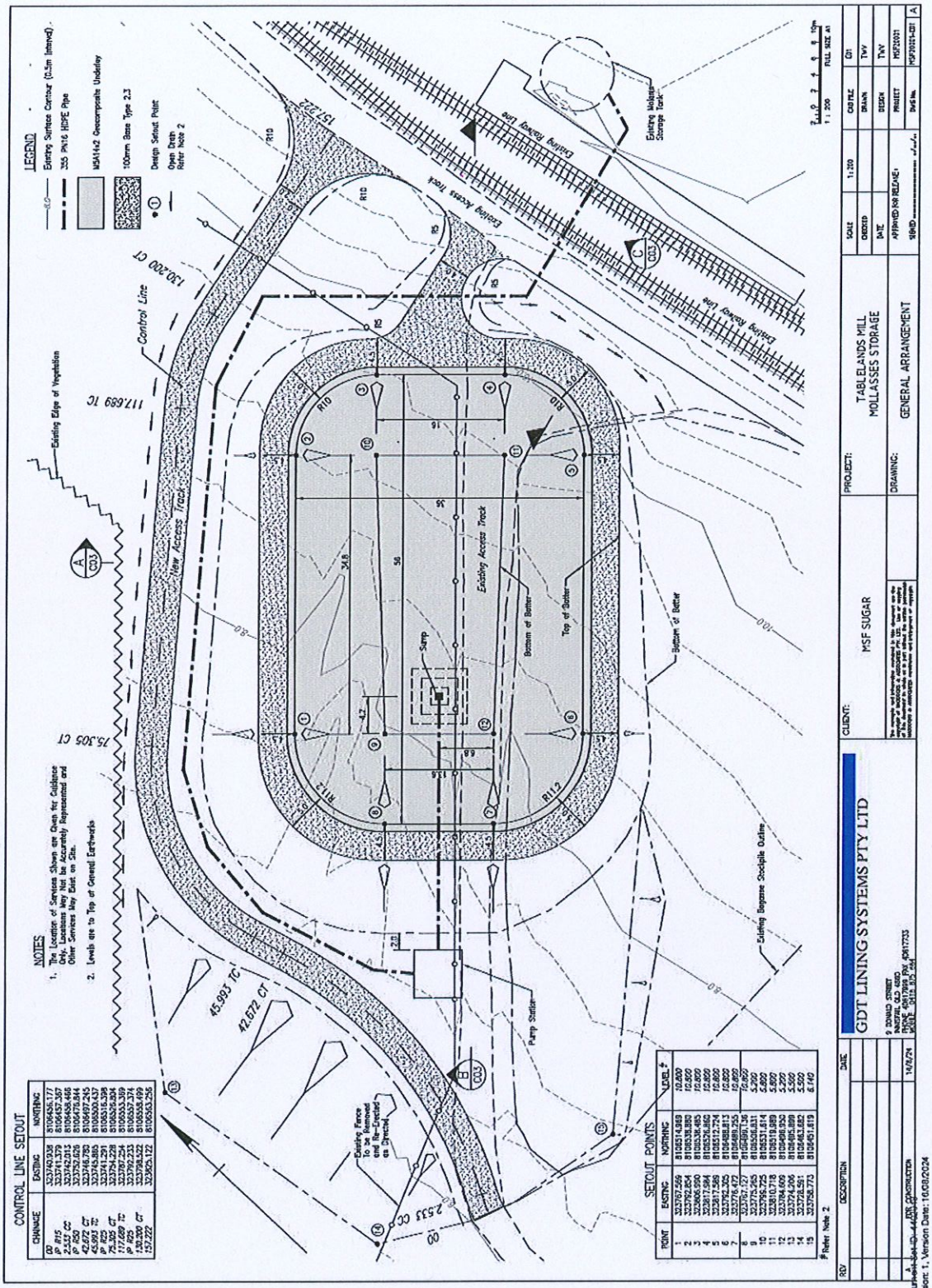
If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

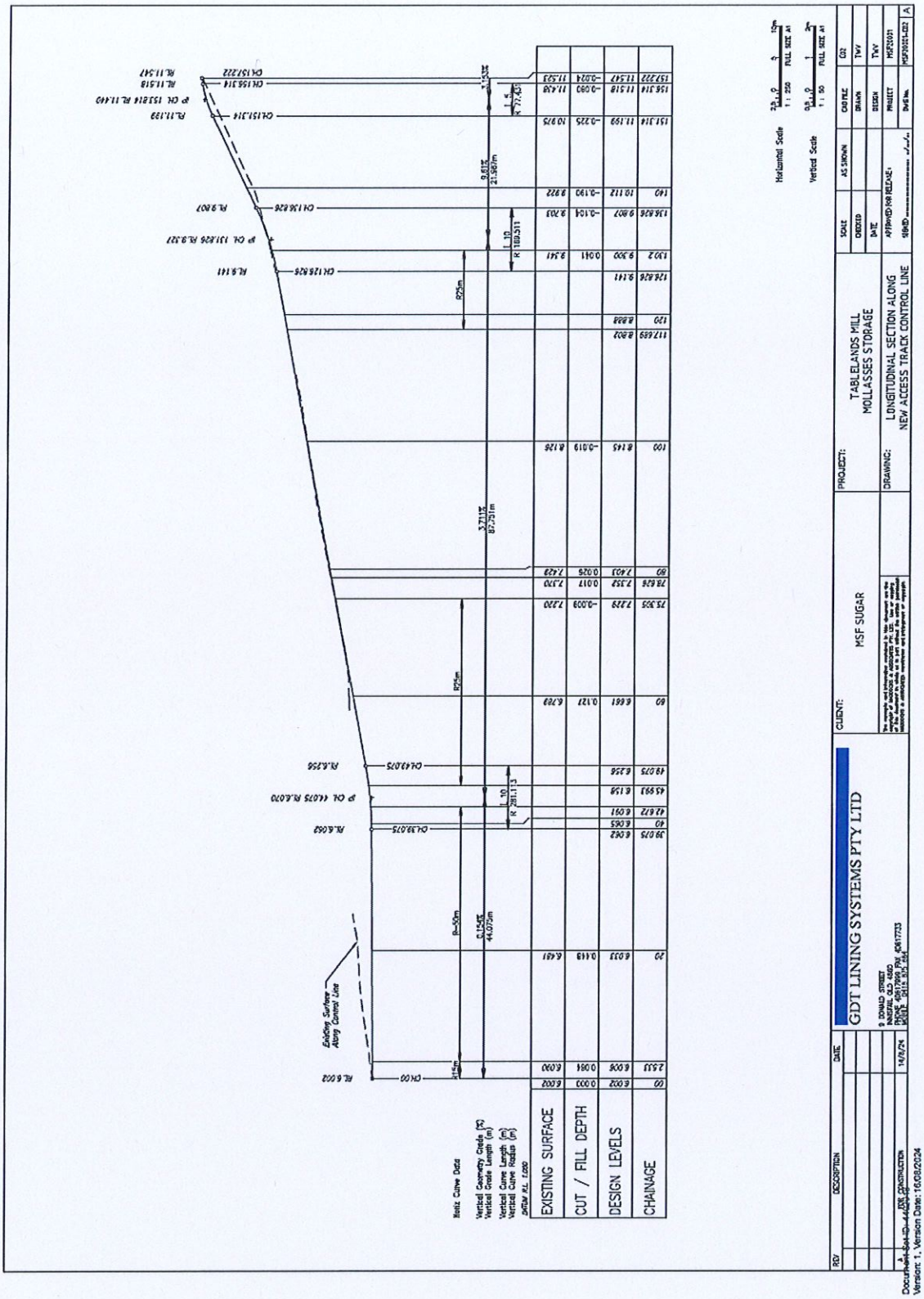
BRIAN MILLARD
COORDINATOR PLANNING SERVICES

Enc: Approved Plans/Documents
Appeal Rights

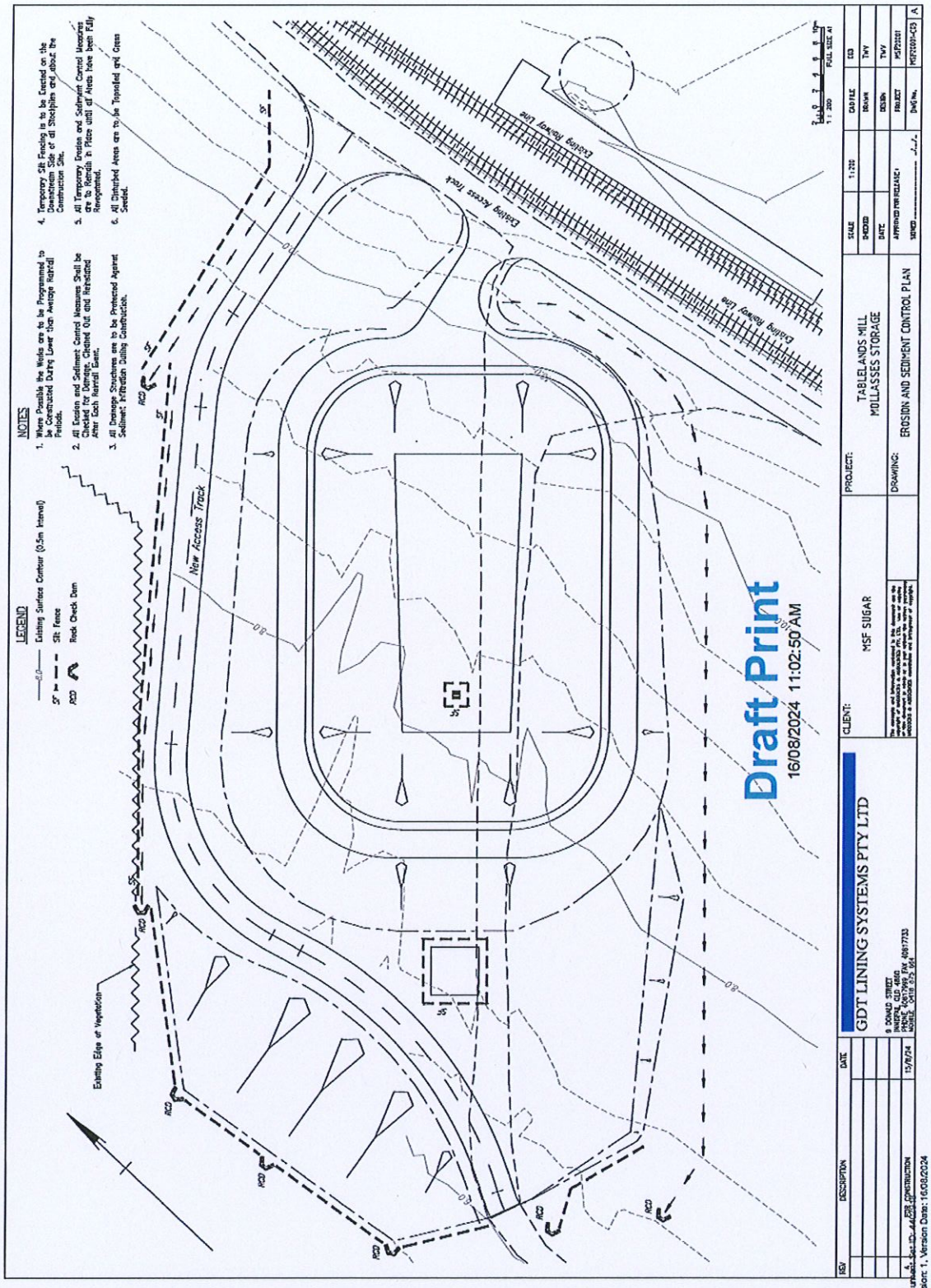
Approved Plans/Documents



28/8/2024


CLIENT:
MSF SUGAR
PROJECT:
TABLELANDS MILL
MOLLASSES STORAGE
DRAWING:
LONGITUDINAL SECTION ALONG
NEW ACCESS TRACK CONTROL LINE
GDT LINING SYSTEMS PTY LTD
EXISTING SURFACE
CUT / FILL DEPTH
DESIGN LEVELS
CHAINAGE
Existing Surface Along Control Line
Horizontal Scale
Vertical Scale
Version: 1, Version Date: 16/08/2024

28/8/2024


NOTES
1. Where Possible the Works are to be Programmed to be Constructed During Lower than Average Rainfall Periods.
2. All Erosion and Sediment Control Measures Shall be Checked for Damage, Cleaned Out and Reinstated After Each Rainfall Event.
3. All Drainage Structures are to be Protected Against Sediment Infiltration During Construction.
4. Temporary Silt Fencing is to be Erected on the Downstream Side of all Stockpiles and about the Construction Site.
5. All Temporary Erosion and Sediment Control Measures are to Remain in Place until all Areas have been Fully Revegetated.
6. All Disturbed Areas are to be Topsoiled and Grass Seeded.
LEGEND
Existing Surface Contour (0.5m Interval)
Silt Fence
Rock Check Dam
New Access Track
Existing Access Track
Existing Railway Line
Existing Edge of Vegetation
Draft Print
16/08/2024 11:02:50 AM
CLIENT:
MSF SUGAR
PROJECT:
TABLELANDS MILL
MOLLASSES STORAGE
DRAWING:
EROSION AND SEDIMENT CONTROL PLAN
GDT LINING SYSTEMS PTY LTD
DESCRIPTION
DATE
15/8/24
Document Set ID: 4402482
Version: 1, Version Date: 16/08/2024

28/8/2024

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 us 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 and 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.