

OSE Reference: 24070

11 August 2025

Chief Executive Officer

Mareeba Sire Council

PO Box 154

Mareeba Qld 4880

**Attention**: Planning – Brian Millard

Dear Brian,

RE: Tourist Park for R & M Patane at 49 Fichera Road Mareeba – MCU/23/0021 – Application for operational works for work on Council Road reserve.

Further to Council issuing the decision notice dated 17<sup>th</sup> of July 2024 for the above project, we now wish to apply for operational works approval to construct three access crossovers and road widening to provide access to various sites.

Council is to confirm the application fee, and we confirm that the construction guarantee (which will also function as the maintenance Guarantee) has been determined to be \$3250.00 and is based on 5% of the estimated construction cost of \$65,000.00.

As this application is being lodged electronically, the OWA application fee and the construction bond of \$3250.00 will be paid upon receipt of Council's Invoice. Early receipt of the invoice would be appreciated, and the invoice should be made out to R & M Patane.

To assist Council to assess this application we enclose the following:

- Certificate of compliance for operational works design
- Security lodgement form
- Operational works receipting check list.
- DA Form 1
- A PDF copy of the engineering drawings. NB: Engineering drawings will be signed following design approval.

The design is relatively simple and comprises the construction of two new concrete access crossovers and the upgrading and road widening of the existing access. The attached engineering drawings give full details of the access design. These drawings include a road signage plan for Fichera Road with particular attention to the approaches to the existing bridge. This plan was produced following completion of a road safety assessment previously submitted to Council. We understand that the provision and installation of these signs is the responsibility of your Council, however, the applicant is prepared to supply and install the required signage on the basis that the cost of this work can be applied as a credit against the infrastructure charges applicable to this project. Should



the cost of the signage exceed the value of the infrastructure charges then Council would be responsible or the additional cost.

We also remind Council of our previous advice relating to the matter of the bridge and part of Fichera road not being contained within the road reserve. This, due to liability issues, needs to be rectified as soon as possible.

Generally, all external requirements of the decision notice have been met in these engineering drawings.

We trust that the provision of these drawings, documents and details is sufficient to enable you to process and issue the OWA. Please do not hesitate to contact this office should you require additional details or clarification of any item. We look forward to your early response as the applicant is anxious to complete this work prior to the forthcoming wet season.

Yours Sincerely,

Madample

Alan McPherson

Senior Civil Engineer, RPEQ 809

**OSE Group Pty Ltd** 

#### FNQROC DEVELOPMENT MANUAL

Council Mareeba Shire Council (INSERT COUNCIL NAME)

# STATEMENT OF COMPLIANCE OPERATIONAL WORKS DESIGN

This form duly completed and signed by an authorised agent of the Designer shall be submitted with the Operational Works Application for Council Approval.

Name of De	velopment Tourist Park for R & M Patane
	Development 49 Fichera Road Mareeba
	R & M Patane
	OSE Group (Alan McPherson)

It is hereby certified that the Calculations, Drawings, Specifications and related documents submitted herewith have been prepared, checked and amended in accordance with the requirements of the FNQROC Development Manual and that the completed works comply with the requirements therein, **except** as noted below.

Compliance with the requirements of the Operational Works Design Guidelines	Non-Compliance refer to non-compliance report / drawing number		
Plan Presentation			
Geotechnical requirements	n/a		
Geometric Road Design	n/a		
Pavements			
Structures / Bridges	n/a		
Subsurface Drainage	n/a		
Stormwater Drainage			
Site Re-grading	n/a		
Erosion Control and Stormwater Management			
Pest Plant Management	n/a		
Cycleway / Pathways	n/a		

FNQROC DEVELOPMENT MANUAL APPLICATION PROCEDURES AP1 - 01/11

Appendix A

Landscaping	
Water Source and Disinfection/Treatment Infrastructure (if applicable)	n/a
Water Reticulation, Pump Stations and water storages	n/a
Sewer Reticulation and Pump Stations	n/a
Electrical Reticulation and Street Lighting	n/a
Public Transport	n/a
Associated Documentation/ Specification	
Priced Schedule of Quantities	Estimate only
Referral Agency Conditions	n/a
Supporting Information (AP1.08)	
Other	

Conscientiously believing the above statements to be true and correct, signed on behalf of:

Designer Alan McPherson for OSE Group RPEQ No 809

Name in Full Alan McPherson

Signature Alan C McPherson RPEQ 809 Date 11th August 2025

## Operational Works Receipting Checklist (To be completed by Consulting engineer making the application)



Name of Council: Mareeba Shire

Development Name and Location: Tourist Park for R & M Patane at 49 Fichera Road Mareeba

Planning Permit No/Council File No: MCU/23/0021

DESIGN SUBMISSION	CHECK	COMMENT
Completed 'Statement of Compliance' form.  (FNQROC - AP1 – Appendix A)	Y	
2. IDAS Forms A ,E & IDAS Assessment Checklist (Available from <a href="https://www.ipa.qld.gov.au">www.ipa.qld.gov.au</a> )	N	
Payment of Engineering Application Fees (Copy of receipt to be attached)	N	Council to advise and provide invoice
Copy of Decision Notice for Development     Application Conditions, inc. explanation of how each condition is to be addressed (Statement of Compliance)	Y	Only for works within the Council road reserve
5. Engineering Design drawings - Complete sets (1 x A1 set, 2 x A3 sets and 1 x electronic copy on compact disc in 'PDF' format)	Y	
6. One copy of Design and Standard Specifications (Unbound Copy Preferable)	N/A	Included on drawings
7. Written consent from adjoining property owners authorising any works on their property	N/A	
8. Water reticulation network in electronic format (Engineer to confirm system requirements and compatibility with Cairns Water)	N/A	
9. Landscape drawings - Complete set (1 x A1 set, 2 x A3 sets and 1 x electronic copy on compact disc in 'PDF' format). These must be accompanied by elements of the stormwater & street ltg. layout design, to avoid conflicts.	N/A	

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Version: 1, Version Date: 13/08/2025



# Operational Works Receipting Checklist (To be completed by Consulting engineer making the application)

DESIGN SUBMISSION	CHECK	COMMENT
10. Overall network drawings (for staged development) for:		
• Water	N/A	
Stormwater	Y	
Sewer	N/A	
Pathways and roads	Y	Road widening and access crossovers only.
Street Lighting	N/A	
Electrical	N/A	
• Gas	N/A	
Public Transport	N/A	
Park Reserves	N/A	
Drainage Reserves	N/A	
11. Pavement design criteria	Y	
12. Geotechnical reports for proposed earthworks	N/A	
Structural and geotechnical certificates for retaining walls etc.	N/A	
14. Water supply/sewerage pump station design parameters	N/A	
15. Stormwater drainage calculations	N/A	
16. Erosion and Sediment Control Strategy (ESCS)	N/A	
17. Declared Pest Management Plan (if applicable)	N/A	
18. The approval of any other Authorities & concurrence agencies likely to be affected by the works.	N/A	

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## Operational Works Receipting Checklist (To be completed by Consulting engineer making the application)

19. Contact details of the Consulting Engineer who is submitting the Application:

Name of Engineer	Alan McPherson			
Name of Company	OSE Group			
Telephone Number (s)	Office: 0428772311 Mobile: 0428772311			
Email address	Alan.mcpherson@osegroup.com.au			
RPEQ No.	809			

20. Date of submission of application ...11.. / ...08../ 2025 ....

(For further information on all of the above refer to the FNQROC Development Manual Section AP1)

#### FNQROC DEVELOPMENT MANUAL

#### **Mareeba Shire Council**

#### SECURITY LODGEMENT FORM

This sheet must be completed prior to the acceptance of any bond by Council.					
Developmen	nt Name: Tourist Park for R & M Patane				
Applicant: I	R & M Patane				
Consultant:	OSE Group				
Purpose of E	Bond:				
□□Construc	ction Security				
Construction/De	Defects Liability Bond Assessment				
Engineer's e	estimated value of completed works \$65	6000.00			
Construction	n/Maintenance Bond Value (apply Factor 0.05)(min \$500.00) \$32	50.00			
Council shall retain any interest accrued on cash monies paid to Council and held in trust fund by Council.					
Consulting Engir	neer: Alan McPherson for and on behalf of <i>OSE Group</i>				
	RPEQ No.: 809				
Date: 11th Aug	gust 2025				

#### DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving building work only, use DA Form 2 - Building work details.

For a development application involving **building work associated with any other type of assessable development** (i.e. material change of use, operational work or reconfiguring a lot), use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008.* For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

#### PART 1 - APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	OSE Group
Contact name (only applicable for companies)	Alan McPherson
Postal address (P.O. Box or street address)	PO Box 809
Suburb	Edge Hill
State	Qld
Postcode	4870
Country	Australia
Contact number	0428772311
Email address (non-mandatory)	alan.mcpherson@osegroup.com.au
Mobile number (non-mandatory)	0428772311
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	24070

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
☐ Yes – the written consent of the owner(s) is attached to this development application
No − proceed to 3)



#### PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)								
<b>Note</b> : Provide details below and attach a site plan for any or all premises part of the development application. For further information, see <u>DA</u> <u>Forms Guide: Relevant plans.</u>								
3.1) St	reet addres	s and lo	ot on pl	an				
			-		ots must be liste			
Stre	eet address er but adjoining	AND lo	ot on pla	an for a nd e.g. je	an adjoining etty, pontoon. A	or adjacent p Il lots must be lis	roperty of the sted).	premises (appropriate for development in
	Unit No.	Stree	l No.	Stree	t Name and	Туре		Suburb
		49		Fiche	ra Road			Mareeba
a)	Postcode	Lot N	٥.	Plan	Type and Nu	ımber <i>(e.g. Rl</i>	P, SP)	Local Government Area(s)
	4880	1,2 ar Lot 4	nd 3	SP31 NR37				Mareeba Shire
	Unit No.	Stree	l No.	Stree	t Name and	Туре		Suburb
b)								
b)	Postcode	Lot No	٥.	Plan	Type and Nu	ımber (e.g. RI	P, SP)	Local Government Area(s)
3.2) C	oordinates o	of prem	ises (ap	propriate	e for developme	ent in remote are	as, over part of a	lot or in water not adjoining or adjacent to land
	g. channel dred lace each set d				e row			
					le and latitud	e		
Longit			Latitu			Datum		Local Government Area(s) (if applicable)
	(- )			(- )		□ WGS84		
						☐ GDA94		
						Other:		
☐ Cod	ordinates of	premis	es by e	asting	and northing	]		
Easting	g(s)	North	ing(s)		Zone Ref.	Datum		Local Government Area(s) (if applicable)
					<u></u> 54	☐ WGS84		
					☐ 55	☐ GDA94		
					□ 56	Other:		
3.3) Ad	dditional pre	mises						
					this developr opment appli		ion and the d	etails of these premises have been
☐ Not	t required							
							ovide any rele	vant details
	-					in or above a	an aquifer	
	of water boo				•			
					-	tructure Act	1994	
	plan descrip		-	•	land:			
	of port auth	ority fo	the lot	:				
—	a tidal area							
Name of local government for the tidal area (if applicable):								
Name of port authority for tidal area (if applicable):								
☐ On	On airport land under the Airport Assets (Restructuring and Disposal) Act 2008							

Name of airport:					
Listed on the Environmental Management Register (EM	IR) under the Environmental Protection Act 1994				
EMR site identification:					
Listed on the Contaminated Land Register (CLR) under	the Environmental Protection Act 1994				
CLR site identification:					
5) Are there any existing easements over the premises?					
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see <u>DA Forms Guide.</u>					
Yes – All easement locations, types and dimensions are included in plans submitted with this development application					
⊠ No					

#### PART 3 – DEVELOPMENT DETAILS

#### Section 1 – Aspects of development

6.1) Provide details about the	e first development aspect		
a) What is the type of develo	pment? (tick only one box)		
☐ Material change of use	Reconfiguring a lot	Operational work	Building work
b) What is the approval type?	? (tick only one box)		
□ Development permit	☐ Preliminary approval	☐ Preliminary approval that	t includes a variation approval
c) What is the level of assess	sment?		
	Impact assessment (requir	res public notification)	
d) Provide a brief description lots):	of the proposal (e.g. 6 unit apart	ment building defined as multi-unit d	welling, reconfiguration of 1 lot into 3
Works on Council Road Res	erve		
e) Relevant plans  Note: Relevant plans are required to  Relevant plans.	o be submitted for all aspects of this o	development application. For further	information, see <u>DA Forms quide:</u>
Relevant plans of the prop	posed development are attach	ned to the development applic	cation
6.2) Provide details about the	e second development aspect		
a) What is the type of develo	pment? (tick only one box)		
☐ Material change of use	Reconfiguring a lot	Operational work	☐ Building work
b) What is the approval type?	? (tick only one box)		
☐ Development permit	☐ Preliminary approval	☐ Preliminary approval tha	t includes a variation approval
c) What is the level of assess	sment?		
Code assessment	☐ Impact assessment (requir	res public notification)	
d) Provide a brief description <i>lots</i> ):	of the proposal (e.g. 6 unit apart	tment building defined as multi-unit d	welling, reconfiguration of 1 lot into 3
e) Relevant plans  Note: Relevant plans are required to  Relevant plans.	be submitted for all aspects of this d	levelopment application. For further in	nformation, see <u>DA Forms Guide:</u>
Relevant plans of the prop	posed development are attach	ned to the development applic	cation
6.3) Additional aspects of de	velopment		
	elopment are relevant to this on nder Part 3 Section 1 of this fo		

Not required     ■							
Section 2 – Further deve	elopment	details					
7) Does the proposed deve	•		lve any of the follo	wing?			
Material change of use			division 1 if assess		t a local i	olanning instru	ument
Reconfiguring a lot	Y€	es – complete	division 2	<del>-</del>			
Operational work	⊠ Ye	es – complete	division 3				
Building work	☐ Ye	es – complete	DA Form 2 – Build	ing work det	ails		
Division 1 – Material chang Note: This division is only required to local planning instrument.		ed if any part of th	ne development applicat	tion involves a ı	material ch	ange of use asse	ssable against a
8.1) Describe the proposed	material c	hange of use					
Provide a general description proposed use	on of the		ne planning scheme ch definition in a new ro			er of dwelling (applicable)	Gross floor area (m²) (if applicable)
8.2) Does the proposed use	e involve th	ne use of exist	ing buildings on the	e premises?			
∐ No							
Division 2 – Reconfiguring  Note: This division is only required to  9.1) What is the total numb	be complete				configuring	a lot.	
9.2) What is the nature of the	ne lot reco	nfiguration? (ti	ck all applicable boxes)				
Subdivision (complete 10))			☐ Dividing land	into parts by	agreem	ent (complete 1	1))
Boundary realignment (complete 12))		Creating or changing an easement giving access to a lot from a constructed road (complete 13))					
10) Subdivision							
10.1) For this development	how man	y lots are bein	g created and wha	t is the inten	ded use	of those lots:	
Intended use of lots created	d Res	idential	Commercial	Industrial	-	Other, please	e specify:
Number of lots created							
10.2) Will the subdivision be	e staged?			<u>'</u>			
☐ Yes – provide additional	details be	low					
How many stages will the w	orks inclu	de?					
What stage(s) will this developply to?							

11) Dividing land in parts?	to parts by	y agreement – h	now many par	ts are being	created and wh	at is the intended use of the
Intended use of par	rts created	d Residentia	l Com	ımercial	Industrial	Other, please specify:
Number of parts cre	eated					
Training of the parties of						
12) Boundary realig						
12.1) What are the	current ar		eas for each lo	ot comprisin		anagad lat
Lot on plan descrip		Area (m²)			an description	posed lot  Area (m²)
Lot on plan descrip	tion	Alea (III-)		Lot on pia	in description	Alea (III-)
12.2) What is the re	eason for	the boundary re	alignment?			
,		·				
13) What are the di				asements b	eing changed an	d/or any proposed easement?
Existing or	Width (r			of the easer	ment? (e.g.	Identify the land/lot(s)
proposed?			pedestrian a	access)		benefitted by the easement
Division 3 – Operat	ional wo	rk				
Note: This division is only				opment applica	ation involves operati	onal work.
14.1) What is the n	ature of th	ne operational w	_			
<ul><li>☒ Road work</li><li>☒ Drainage work</li></ul>			☐ Stormwater ☐ Earthworks			nfrastructure e infrastructure
Landscaping			Signage		☐ Clearing vegetation	
☐ Other – please s	specify:	Access cro			<u> </u>	<u> </u>
14.2) Is the operation	onal work	necessary to fa	cilitate the cre	eation of ne	w lots? (e.g. subdiv	vision)
Yes – specify nu	umber of r	new lots:				
⊠ No						
14.3) What is the m	nonetary v	alue of the prop	osed operation	onal work?	(include GST, materia	als and labour)
\$65000						
PART 4 – ASS	ESSME	ΕΝΙΤ ΜΔΝΙΔ	GER DET	2117		
1 7111 4 - 700	LOOIVIL		OLIVDLI	AILO		
15) Identify the ass	essment i	manager(s) who	will be asses	sing this de	evelopment appli	cation
Mareeba Shire Cou	ıncil					
16) Has the local g	overnmen	t agreed to app	ly a supersed	ed planning	scheme for this	development application?
Yes – a copy of				•	• •	
The local govern	nment is t	aken to have ag	reed to the su	uperseded p	planning scheme	request – relevant documents
No No						

#### PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?  Note: A development application will require referral if prescribed by the Planning Regulation 2017.
No, there are no referral requirements relevant to any development aspects identified in this development application − proceed to Part 6
Matters requiring referral to the Chief Executive of the Planning Act 2016:
☐ Clearing native vegetation
Contaminated land (unexploded ordnance)
☐ Environmentally relevant activities (ERA) (only if the ERA has not been devolved to a local government)
☐ Fisheries – aquaculture
☐ Fisheries – declared fish habitat area
☐ Fisheries – marine plants
☐ Fisheries – waterway barrier works
Hazardous chemical facilities
Heritage places – Queensland heritage place (on or near a Queensland heritage place)
Infrastructure-related referrals – designated premises
Infrastructure-related referrals – state transport infrastructure
☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
☐ Infrastructure-related referrals – near a state-controlled road intersection
☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
☐ Koala habitat in SEQ region – key resource areas
Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
Ports – Brisbane core port land – environmentally relevant activity (ERA)
Ports – Brisbane core port land – tidal works or work in a coastal management district
Ports – Brisbane core port land – hazardous chemical facility
Ports – Brisbane core port land – taking or interfering with water
Ports – Brisbane core port land – referable dams
Ports – Brisbane core port land – fisheries
Ports – Land within Port of Brisbane's port limits (below high-water mark)
SEQ development area
<ul> <li>SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity</li> </ul>
SEQ regional landscape and rural production area or SEQ rural living area – community activity
SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
SEQ regional landscape and rural production area or SEQ rural living area – urban activity
SEQ regional landscape and rural production area or SEQ rural living area – combined use
Tidal works or works in a coastal management district
Reconfiguring a lot in a coastal management district or for a canal
☐ Erosion prone area in a coastal management district
Urban design
Water-related development – taking or interfering with water
Water-related development – removing quarry material (from a watercourse or lake)
Water-related development – referable dams
Water-related development –levees (category 3 levees only)
Wetland protection area
Matters requiring referral to the local government:
Airport land
Environmentally relevant activities (ERA) (only if the ERA has been devolved to local government)

☐ Heritage places – Local heritage places				
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:				
☐ Infrastructure-related referrals – Electricity infrastructur	e			
Matters requiring referral to:				
The Chief Executive of the holder of the licence, if	not an individual			
	The holder of the licence, if the holder of the licence is an individual			
☐ Infrastructure-related referrals – Oil and gas infrastruct	ure			
Matters requiring referral to the <b>Brisbane City Council:</b>				
Ports – Brisbane core port land				
Matters requiring referral to the <b>Minister responsible for</b>	administering the <i>Transport Ir</i>	nfrastructure Act 1994:		
Ports – Brisbane core port land (where inconsistent with the	Brisbane port LUP for transport reasons,	)		
Ports – Strategic port land				
Matters requiring referral to the relevant port operator, if	applicant is not port operator:			
Ports – Land within Port of Brisbane's port limits (below)	high-water mark)			
Matters requiring referral to the Chief Executive of the relevant port authority:				
Ports – Land within limits of another port (below high-water mark)				
Matters requiring referral to the Gold Coast Waterways Authority:				
Tidal works or work in a coastal management district (in Gold Coast waters)				
Matters requiring referral to the Queensland Fire and Em				
☐ Tidal works or work in a coastal management district (involving a marina (more than six vessel berths))				
18) Has any referral agency provided a referral response f	or this development application?			
Yes – referral response(s) received and listed below ar	e attached to this development a	application		
⊠No				
Referral requirement	Referral agency	Date of referral response		
Identify and describe any changes made to the proposed				
referral response and this development application, or incl (if applicable).	ude details in a schedule to this	development application		
тарричини).				

#### PART 6 - INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
☑ I agree to receive an information request if determined necessary for this development application
☐ I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:
<ul> <li>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> </ul>
<ul> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>
Further advice about information requests is contained in the <u>DA Forms Guide</u> .

#### PART 7 – FURTHER DETAILS

20) Are there any associated dev	velopment applications or curi	ent appro	ovals? (e.g. a prelimi	inary approval)	
<ul><li>✓ Yes – provide details below o</li><li>✓ No</li></ul>	or include details in a schedule	to this de	evelopment applic	cation	
List of approval/development application references	Reference number	Date		Assessment manager	
☐ Approval ☐ Development application	MCU/23/0021	17 <sup>th</sup> J	uly 2024	MSC	
☐ Approval ☐ Development application					
21) I lea the newtoble long comic	a lagua lagua bagan naid?				
21) Has the portable long service operational work)	e leave levy been paid? (only a	ррисавіе то	development applicat	tions involving building work or	
	QLeave form is attached to t		• • •		
No − I, the applicant will prov assessment manager decide:	ide evidence that the portable s the development application				
give a development approval	only if I provide evidence that	the porta	able long service l	eave levy has been paid	
Not applicable (e.g. building a		than \$150		,	
	Date paid (dd/mm/yy)		QLeave levy nur	mber (A, B or E)	
\$					
22) Is this development applicati notice?	22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?				
☐ Yes – show cause or enforcement notice is attached ☐ No					
23) Further legislative requirements					
23) Further legislative requirements  Environmentally relevant activities					
Environmentally relevant activities  23.1) Is this development application also taken to be an application for an environmental authority for an					
Environmentally Relevant Activity (ERA) under section 115 of the Environmental Protection Act 1994?					
Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below					
⊠ No					
<b>Note</b> : Application for an environmental a requires an environmental authority to op-				at <u>www.qld.gov.au</u> . An ERA	
Proposed ERA number:	Pr	oposed E	RA threshold:		
Proposed ERA name:					
☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.					
Hazardous chemical facilities					
23.2) Is this development applica	ation for a <b>hazardous chemic</b>	al facility	<b>y</b> ?		
	☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development				
application ☑ No					
Note: See <a href="https://www.business.gld.gov.au">www.business.gld.gov.au</a> for further information about hazardous chemical notifications.					

Clearing native vegetation
23.3) Does this development application involve <b>clearing native vegetation</b> that requires written confirmation that the chief executive of the <i>Vegetation Management Act</i> 1999 is satisfied the clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act</i> 1999?
☐ Yes – this development application includes written confirmation from the chief executive of the <i>Vegetation Management Act 1999</i> (s22A determination)
No  Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  2. See <a href="https://www.qld.gov.au/environment/land/vegetation/applying">https://www.qld.gov.au/environment/land/vegetation/applying</a> for further information on how to obtain a s22A determination.
Environmental offsets
23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a <b>prescribed environmental matter</b> under the <i>Environmental Offsets Act 2014</i> ?
<ul> <li>Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter</li> <li>No</li> </ul>
Note: The environmental offset section of the Queensland Government's website can be accessed at <a href="https://www.qld.gov.au">www.qld.gov.au</a> for further information on environmental offsets.
Koala habitat in SEQ Region
23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?
Yes – the development application involves premises in the koala habitat area in the koala priority area
☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area ☐ No
Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at <a href="https://www.des.gld.gov.au">www.des.gld.gov.au</a> for further information.
Water resources
23.6) Does this development application involve taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the <i>Water Act</i> 2000?
Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development
No  Note: Contact the Department of Natural Resources, Mines and Energy at <a href="https://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.
DA templates are available from <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . If the development application involves:
Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
<ul> <li>Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2</li> <li>Taking overland flow water: complete DA Form 1 Template 3.</li> </ul>
Waterway barrier works 23.7) Does this application involve waterway barrier works?
☐ Yes – the relevant template is completed and attached to this development application
No  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . For a development application involving waterway barrier works, complete
DA Form 1 Template 4.
Marine activities
23.8) Does this development application involve aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?
Yes – an associated <i>resource</i> allocation authority is attached to this development application, if required under the <i>Fisheries Act 1994</i>
No Note: See guidance materials at <a href="https://www.daf.qld.gov.au">www.daf.qld.gov.au</a> for further information.

Quarry materials from a watercourse or lake	
23.9) Does this development application involve the <b>removal of quarry materials from a watercourse or lake</b> under the <i>Water Act 2000?</i>	
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing developmer ☐ No	ıt
Note: Contact the Department of Natural Resources, Mines and Energy at <a href="https://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> and <a href="https://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.	
Quarry materials from land under tidal waters	
23.10) Does this development application involve the removal of quarry materials from land under tidal water under the Coastal Protection and Management Act 1995?	
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing developmer ☐ No	nt
<b>Note</b> : Contact the Department of Environment and Science at <u>www.des.gld.gov.au</u> for further information.	
Referable dams  23.11) Does this development application involve a referable dam required to be failure impact assessed under section 343 of the Water Supply (Safety and Reliability) Act 2008 (the Water Supply Act)?	
<ul> <li>Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application</li> <li>No</li> </ul>	
Note: See guidance materials at www.dnrme.qld.gov.au for further information.	
Tidal work or development within a coastal management district	
23.12) Does this development application involve tidal work or development in a coastal management district?	
<ul> <li>Yes – the following is included with this development application:</li> <li>□ Evidence the proposal meets the code for assessable development that is prescribed tidal work (only requir if application involves prescribed tidal work)</li> <li>□ A certificate of title</li> </ul>	ed
No  Note: See guidance materials at <a href="https://www.des.qld.gov.au">www.des.qld.gov.au</a> for further information.	
Queensland and local heritage places	
23.13) Does this development application propose development on or adjoining a place entered in the <b>Queensland</b> heritage register or on a place entered in a local government's <b>Local Heritage Register</b> ?	d
Yes – details of the heritage place are provided in the table below	
No  Note: See guidance materials at <a href="https://www.des.qld.gov.au">www.des.qld.gov.au</a> for information requirements regarding development of Queensland heritage places.	
Name of the heritage place:  Place ID:	
<u>Brothels</u>	
23.14) Does this development application involve a material change of use for a brothel?	
Yes – this development application demonstrates how the proposal meets the code for a development	
application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> ⊠ No	
Decision under section 62 of the Transport Infrastructure Act 1994	
23.15) Does this development application involve new or changed access to a state-controlled road?	
<ul> <li>Yes – this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied)</li> <li>No</li> </ul>	

# Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation 23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended? ☐ Yes − Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered ☐ No Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

#### PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17  Note: See the Planning Regulation 2017 for referral requirements	⊠ Yes
If building work is associated with the proposed development, Parts 4 to 6 of <u>DA Form 2 – Building work details</u> have been completed and attached to this development application	<ul><li>☐ Yes</li><li>☑ Not applicable</li></ul>
Supporting information addressing any applicable assessment benchmarks is with the development application  Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.	⊠ Yes
Relevant plans of the development are attached to this development application  Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.	⊠ Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	☐ Yes ☑ Not applicable

#### 25) Applicant declaration

- By making this development application, I declare that all information in this development application is true and correct
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the Right to Information Act 2009); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002.* 

# PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:	Reference numb	per(s):	
Notification of engagement of	of alternative assessment man	ager	
Prescribed assessment man	ager		
Name of chosen assessmen	t manager		
Date chosen assessment ma	anager engaged		
Contact number of chosen a	ssessment manager		
Relevant licence number(s) of chosen assessment			
manager			
QLeave notification and payment			
Note: For completion by assessment manager if applicable			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted	Date receipted form sighted by assessment manager		
Name of officer who sighted the form			



18 July 2024

65 Rankin Street PO Box 154 MAREEBA QLD 4880

**P:** 1300 308 461 **F:** 07 4092 3323

W: www.msc.qld.gov.au E: info@msc.qld.gov.au

Planning Officer: Direct Phone: Our Reference: Brian Millard 07 4086 4649 MCU/23/0021

Your Reference:

F22/41

R Patane and M Patane C/- Freshwater Planning Pty Ltd 17 Barron View Drive FRESHWATER QLD 4870

Dear Applicants,

# **Decision Notice Planning Act 2016**

I refer to your application and advise that on 17 July 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No:

MCU/23/0021

Street Address:

49 Fichera Road, Mareeba

Real Property Description:

Lot 1, 2 & 3 on SP311305 and Lot 4 on NR3750

Planning Scheme:

Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision:

Approval

Development Permit for Material Change of Use – Tourist Park

Type of Approval:

(Up to 74 Persons Maximum)

Date of Decision:

17 July 2024

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

#### **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

- (C) 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 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

The applicant shall ensure there is no on site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) An on-site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

#### 3.5 Emissions

Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

Tourist Park guests are not permitted to play amplified music of any kind.

#### 3.6 Bushfire Management

- 3.6.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.
- 3.6.2 The applicant must ensure any open fires are appropriately managed and contained.
- 3.7 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.

#### 3.8 Signage

- 3.8.1 No more than 1 advertising sign for the approved development is permitted on the subject site.
- 3.8.2 The sign must not exceed a maximum sign face area of 6m2 and must not move, revolve, strobe or flash.

- 3.8.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
- 3.8.4 The sign must be removed when no longer required.
- 3.8.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
- 3.9 The campground shall not accommodate more than 74 persons at any time.

Upon request, booking records must be made available to Council demonstrating compliance with this condition.

- 3.10 The maximum length of stay for any self-contained campers must not exceed seven (7) consecutive days.
- 4. Infrastructure Services and Standards
  - 4.1 Access Crossover

All access crossovers used for this development must be upgraded/constructed/maintained (from the edge of Fichera Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Road Safety Assessment

A Road Safety Assessment must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

• Fichera Road (between Tinaroo Creek Road and the access into Camping Site 1/B).

The road safety assessment/s must be consider (but not be limited to) the following:

- (i) Road geometry (horizontal & vertical).
- (ii) Carriageway width (pavement, seal and shoulders) ability for opposing traffic to safely pass each other.
- (iii) Vehicle sightlines.
- (iv) Intersection treatments.
- (v) Approaches to the Fichera Road Tinaroo Creek bridge.
- (vi) Other roadside hazards.

The road safety assessment must provide recommendations on <u>practical</u> treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

#### 4.3 Stormwater Drainage/Water Quality

- 4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.3.2 All stormwater drainage must be discharged to an approved legal point of discharge.

#### 4.4 Car Parking/Internal Driveways

- 4.4.1 The applicant/developer must ensure that the development is provided with sufficient on-site car parking. No parking of vehicles associated with the development is permitted to occur outside the property boundary or within road reserve.
- 4.4.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise erosion and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.4.3 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

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

#### 4.5 Non-Reticulated Water Supply

All non-potable water supplied to campground visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the campground is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

#### 4.6 On-Site Wastewater Management

- 4.6.1 No black or grey water from any campground guest is to be discharged on site.
- 4.6.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.
- 4.6.3 Should permanent ablutions facilities be constructed onsite, all on site wastewater disposal associated with these facilities must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.
- 4.6.4 Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 Sewerage Treatment) and an Environmental Authority is required.

#### 4.7 Lighting

Lighting associated with the development must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 — Control of the Obtrusive Effects of Outdoor Lighting.

#### REFERRAL AGENCIES

Not Applicable.

#### **APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0744 DA01 C	Proposed Overall Site	Gregory G Terzi	06/12/2023
0744 DA02 C	Site-1/B	Gregory G Terzi	06/12/2023
0744 DA03 B	Site-2/A, -2/B and Site 3	Gregory G Terzi	06/12/2023
0744 DA04 C	Site-4	Gregory G Terzi	06/12/2023

#### **ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (d) 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.

#### (e) 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.

#### (f) 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.dcceew.gov.au.

#### (g) 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.dsdsatsip.qld.gov.au.

#### (h) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

#### (i) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a *general biosecurity obligation*) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at <u>Electric ants in</u> <u>Queensland</u> or contact Biosecurity Queensland 13 25 23.

#### **PROPERTY NOTES**

Not Applicable.

#### **FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work (Dependent on Road Safety Assessment)
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

#### **SUBMISSIONS**

There were six (6) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

NAME OF PRINCIPAL SUBMITTER	ADDRESS
1. D & B Berry	PO Box 983, Mareeba QLD 4880
	4barberry@gmail.com
2. M & J Perkowicz	PO Box 749, Mareeba QLD 4880
	mjperkowicz@gmail.com
3. T Tiraboschi (The Lime Man)	PO Box 867, Mareeba QLD 4880
	thelimeman@bigpond.com
4. A Flegler	216 Lockwood Road, Mareeba QLD 4880
	infonq@tropicanabanana.com.au
5. V McCann & R Reddicliffe	PO Box 746, Mareeba QLD 4880
	vikki.m.c@hotmail.com
6. D Foley (Dans Mountain Biking)	dan@iig.com.au

#### **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** 

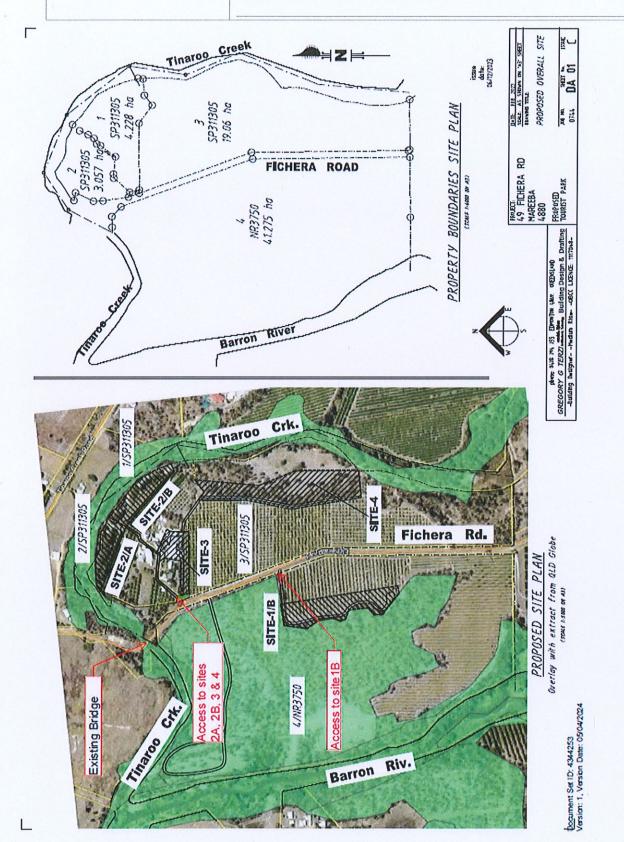
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Approved Plans/Documents

**Appeal Rights** 

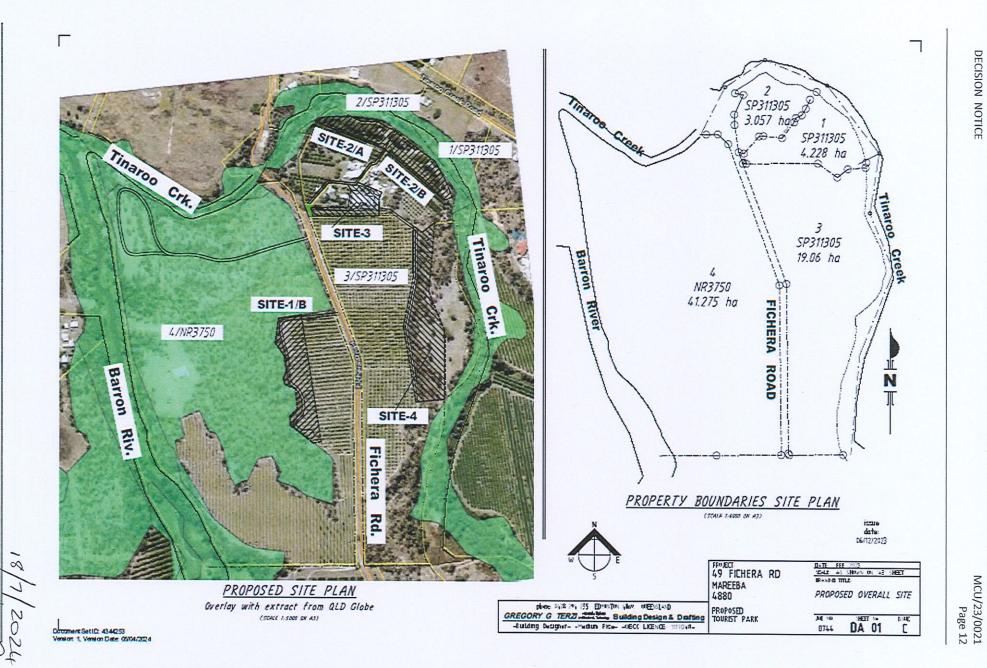
Adopted Infrastructure Charge Notice

### **Approved Plans/Documents**



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Mareeba Shire Council



Document Set ID: 4535692 Version: 1, Version Date: 13/08/2025 Г



DETAIL SITE-1/8 Suset Views Camping Overlay with extract from QLD Globe

# # th





SITE-1/B Sunset Views Camping Overlay with extract from QLD Globe cone is son on an

Mareeba Shire Council



#### SITE-3 Powered Site and Day Parking

Overlay with extract from QLD Globe



#### SITE-2/A and -2/B Tinaroo Creek Camping

Overlay with extract from QLD Globe (SCALE 1,2000 SN AS)

issue date: 06/12/2023

GREGORY G TERZI Building Design & Desfe -Building Designer - Walter First - OECC LICE/OE: HIND/R	
FFOECT 49 FICHERA RD MAREEBA 4880	DATE FEE 2023
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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 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.

Mareeba Shire Council

Document Set ID: 4535692 Version: 1, Version Date: 13/08/2025

- (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

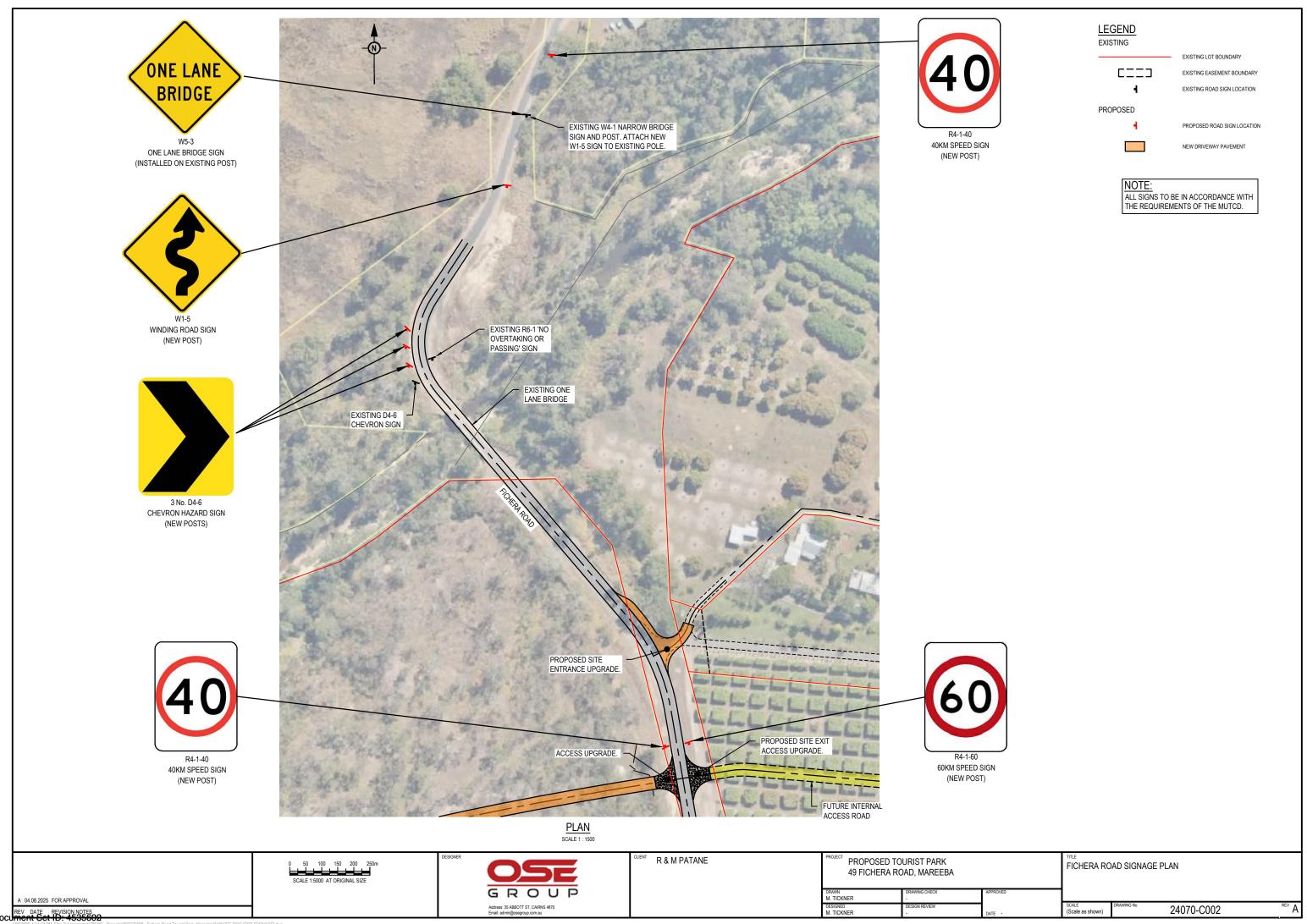
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

# PROPOSED TOURIST PARK 49 FICHERA ROAD, MAREEBA

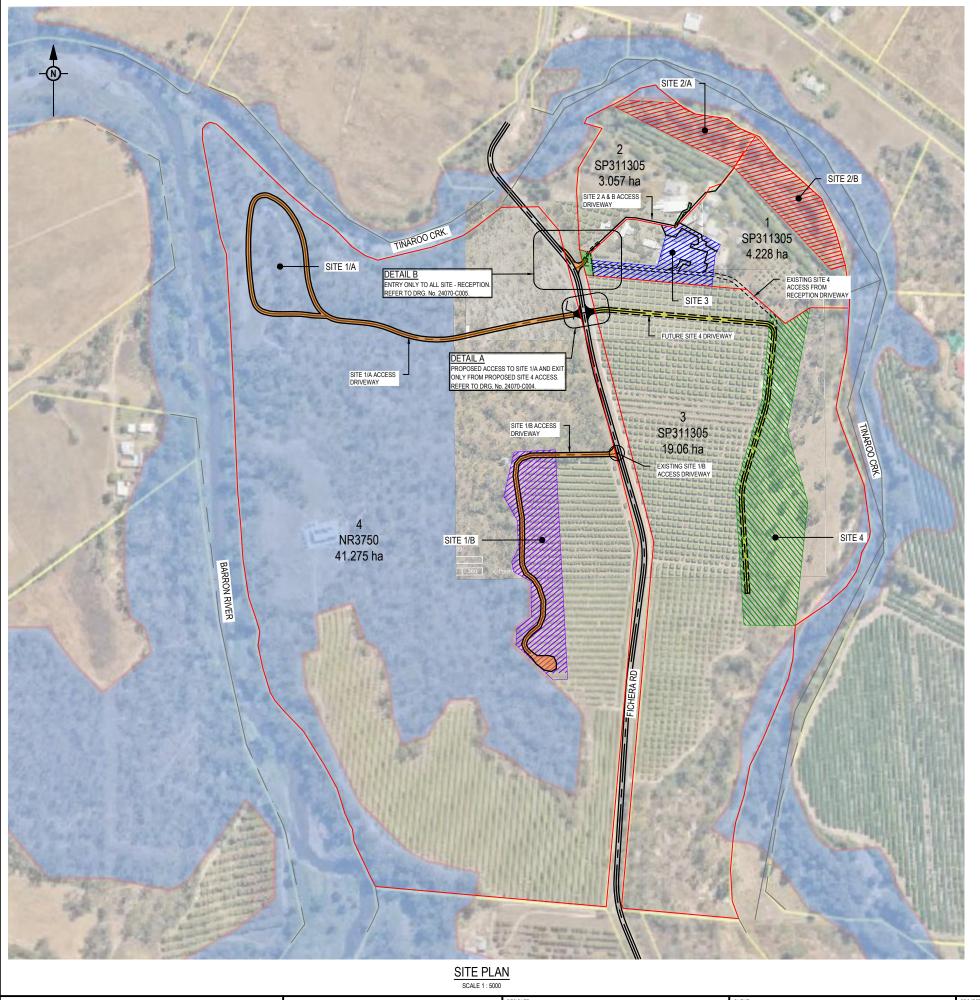
**FOR** 

R & M PATANE





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**LEGEND EXISTING** EXISTING LOT BOUNDARY EXISTING EASEMENT BOUNDARY REGULATED VEGETATION ZONE PROPOSED NEW DRIVEWAY PAVEMENT SITE 2 SITE 3 SITE 4

#### PAVEMENT NOTES & DATA:

SURFACE TREATMENT = 2-COAT BITUMEN SEAL

BASE COURSE = 125mm TYPE 2.2 (CBR 60) COMPACTED TO 100% SRDD.

SUB BASE COURSE = 125mm TYPE 2.3 (CBR 45) COMPACTED TO 100% SRDD.

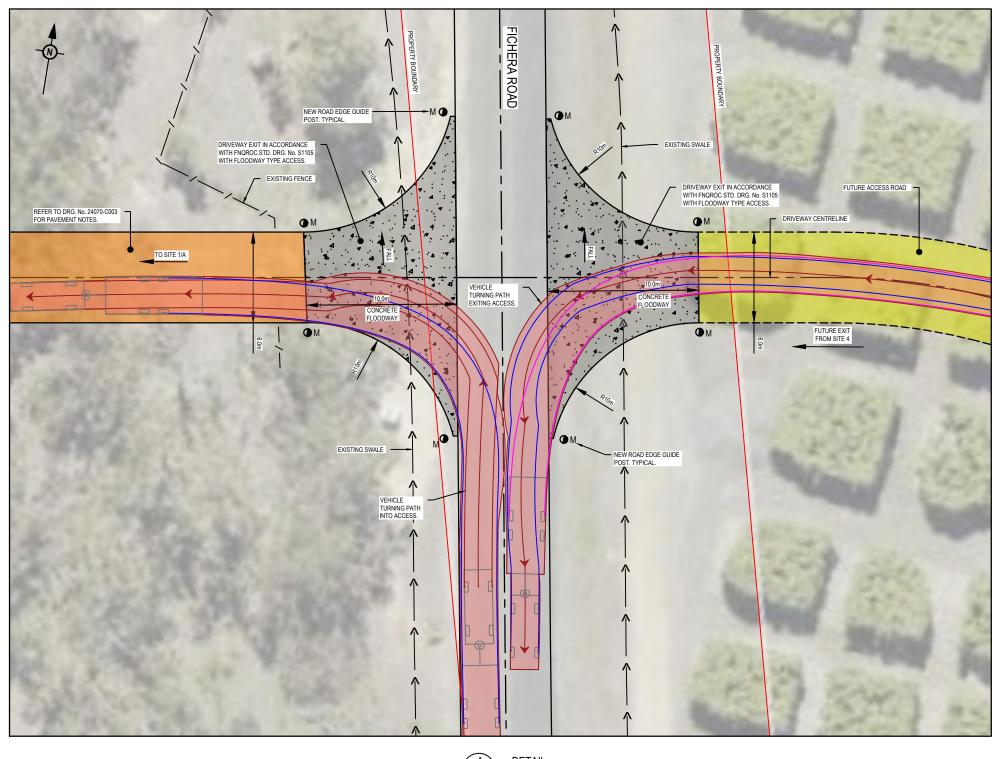
GRAVEL TYPES SHALL COMPLY WITH DEPARTMENT OF TRANSPORT AND MAIN ROADS QUEENSLAND STANDARD SPECIFICATION MRS 11.05- UNBOUND PAVEMENTS.

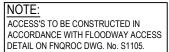
- 1. PAVEMENT AREAS SHALE BE CLEARED AND GRUBBED OUT TO REMOVE TOPSOIL AND ORGANIC MATERIAL.
- 2. ANY TREES TO BE REMOVED SHALL BE EXCAVATED AND THE HOLE FILLED WITH APPROVED FILL COMPACTED AS NOTED UNDER.
- 3. EXPOSED EXISTING/NATURAL SUB GRADE MATERIAL SHALL BE BOXED OUT TO REQUIRED LEVEL, TRIMMED AND COMPACTED TO 95% SRDD TO A DEPTH OF AT LEAST 250mm (ASSUMED MIN. SOAKED CBR = 7 WHEN COMPACTED TO 98%
- 4. ALL SOFT SPOTS SHALL BE EXCAVATED BACK TO FIRM GROUND. THE BASE OF THE EXCAVATION COMPACTED AND BACKFILLED WITH APPROVED FILL COMPACTED AS ABOVE.
- 5. ALL FILL SHALL CONSIST OF APPROVED FILL AND SHALL BE SPREAD IN LAYER NOT EXCEEDING 200mm AND COMPACTED USING VIBRATORY ROLLER TO 98% SRDD AT OPTIMUM MOISTURE CONTENT.
- 6. THE CONTRACTOR SHALL VERIFY THE SUBGRADE CBR BY TESTING AND SUBMIT THE CBR TEST RESULTS TO THE SUPERINTENDENT, FOR CONFIRMATION OF PAVEMENT DESIGN, AT LEAST TWO WEEKS PRIOR TO THE PLACEMENT OF ANY GRAVEL. REFER SUPERINTENDENT FOR THE TEST FREQUENCY AND LOCATION HOWEVER ALLOW FOR A MINIMUM OF TWO (2) TESTS PER MATERIAL.
- 7. ALL EARTHWORKS FILL SHALL BE TESTED FOR COMPACTION IN ACCORDANCE WITH AS.3798. FILL WITH DEPTH GREATER THAN 400mm SHALL BE SUPERVISED TO LEVEL 2 IN ACCORDANCE WITH AS 3798 AND SHALL COMPLY WITH THE REQUIREMENTS OF THE FNQROC DEVELOPMENT MANUAL.
- 8. THE CONTRACTOR SHALL ADVISE THE COUNCIL, IN WRITING, OF THE SOURCE OF GRAVEL SUPPLY, PROOF OF GRADING, CBR AND TYPE, AT LEAST ONE WEEK PRIOR TO PAVEMENT GRAVEL BEING DELIVERED TO THE SITE.
- 9. THE CONTRACTOR SHALL ENSURE THAT THE PAVEMENT COURSES ARE SET DOWN SUFFICIENTLY TO ALLOW FOR THE THE THICKNESS OF ADDITIONAL LAYERS OR CONCRETE FLOODWAYS.
- 10. THE PAVEMENT SHALL BE BROOMED CLEAN AND SHALL BE DRY PRIOR TO

APPLICATION OF BITUMEN SEAL.

R & M PATANE PROPOSED TOURIST PARK ENTRY/EXIT SITE PLAN 49 FICHERA ROAD, MAREEBA GROUP 24070-C003

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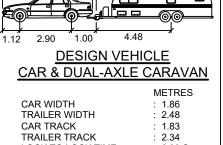


6.39

4.91

A DETAIL
C003 SCALE: 1:250

PROPOSED SITE 1/A ENTRANCE & PROPOSED SITE 4 EXIT



TRAILER WIDTH : 2.48
CAR TRACK : 1.83
TRAILER TRACK : 2.34
LOCK TO LOCK TIME : 6.00 S
STEERING ANGLE : 23.86 DEG.
ARTICULATING ANGLE : 70.00 DEG.

0 2.5 5 7.5 10 12.5m SCALE 1:250 AT ORIGINAL SIZE GROUP
Address: 35 ABBOTT ST, CAIRNS 4870
Email: admin@csegroup.com.au

R & M PATANE

PROPOSED TOURIST PARK 49 FICHERA ROAD, MAREEBA

ACCESS/EXIT DRIVEWAY DETAILS SHEET 1 OF 2

SCALE (Scale as shown) DRAWING No 24070-C004

Document Set 1D: 4535602 Version: 1, Version Date: 13/08/2025 - Fichers Road Tourist Park, Mareebal CADIOSE-DRG-C003-C005 [DETAIL] dwg

EXISTING LOT BOUNDARY

EXISTING EASEMENT BOUNDARY

EXISTING DRAINAGE PIPE

EXISTING ROADSIDE SWALE

PROPOSED SWALE ALIGNMENT

PROPOSED DRIVEWAY PAVEMENT

PROPOSED CONCRETE FLOODWAY

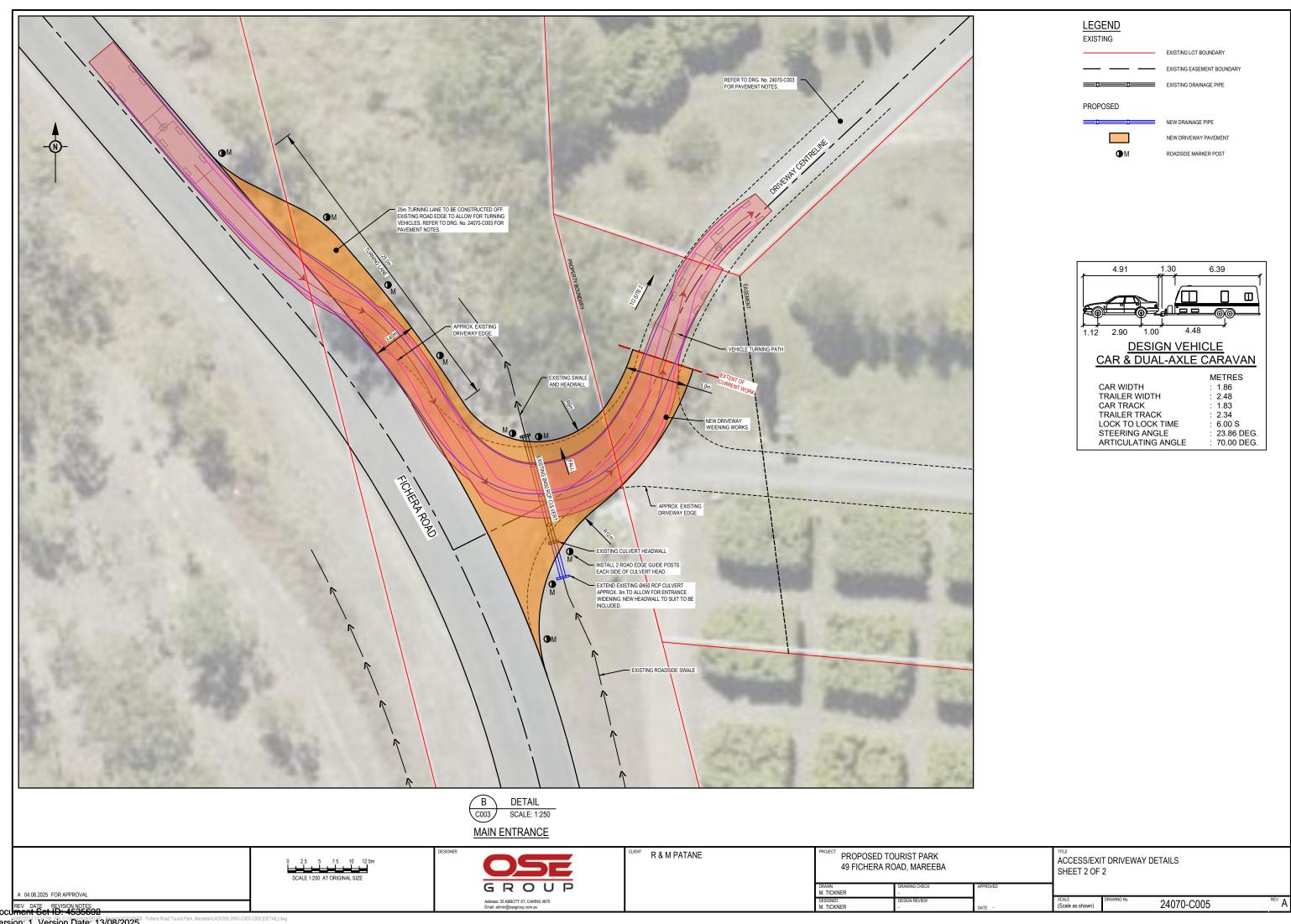
ROADSIDE MARKER POST

LEGEND

PROPOSED

**●**M

**EXISTING** 



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