



14 June 2018

Entegra Signature Structures  
C/- Flanagan Consulting Group  
PO Box 891  
TOWNSVILLE QLD 4810

Planning Officer: Carl Ewin  
Direct Phone: (07) 4086 4656  
Our Ref: BM:CE:nj  
Your Ref: Howe Farming

Dear Sir/Madam

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 14 June 2018 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No:	MCU/18/0009
Street Address:	1687 Chewko Road MAREEBA QLD 4880
Real Property Description:	Lot 515 on NR6791
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Rural Industry (Packing Shed)
Date of Decision:	12 June 2018

#### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**INFRASTRUCTURE**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “***necessary infrastructure condition***” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

**ASSESSMENT MANAGER CONDITIONS****(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 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.
  - 3.4 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.

### 3.5 Waste Management

- 3.5.1 Any on-site refuse storage areas must be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.
- 3.5.2 Where bulk bins are used and are to be serviced on site, internal access must be of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.
- 3.5.3 Putrescible waste receptacles are to be located and secured to prevent access by wildlife and vermin, to the satisfaction of Council's delegated officer.
- 3.5.4 Prior to the commencement of the use, the applicant/developer must submit a plan to Council demonstrating how any recycling of waste food products from the approved use on-site will be carried out without attracting wildlife and vermin.

### 3.6 Signage

Any signage/advertising devices relating to the approved use must be wholly sited on the subject land and be limited to a cumulative sign face area of 6m<sup>2</sup> and must:

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

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.7 Bushfire Management

- 3.7.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes in proximity to the approved use. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.
- 3.7.2 A Bushfire Management Plan for the approved use, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved uses must comply with the requirements of the Management Plan at all times.



### 3.8 Environmental

- 3.8.1 The use of any chemical or other substance in the washing, processing and packing processes, any wastewater discharge, and the disposal of any accumulated sediment material must not cause environmental harm as defined by the *Environmental Protection Act 1994*.
- 3.8.2 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols are to be emitted beyond the property boundaries of the subject land.
- 3.8.3 No incineration or open burning associated with the approved use is to be carried out on the subject land.
- 3.8.4 Chemicals associated with the approved use that are stored on the subject land must be stored in a bunded area that is large enough to contain 110% of the largest container of chemical stored.
- 3.8.5 The approved use must be carried out in such a way as to prevent the release of contaminants to stormwater or nearby waterways. Any stormwater leaving the subject land must contain no visible floating oil, grease, scum, litter or other matter.
- 3.8.6 Any spillage of wastes, chemicals, contaminants or other materials must be cleaned up as quickly as possible.

## 4. Infrastructure Services and Standards

### 4.1 Access

Any access crossovers servicing the approved use and the on-site car parking area must be upgraded/constructed (from the edge of Chewko Road to the property boundary of the subject lot) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

The access crossover/s servicing the car parking area required under Condition 4.3.1 must not be within 100 metres of the 90 degree bend in Chewko Road.

Prior to construction/upgrade of any access crossovers, the applicant/developer must lodge an access crossover application, together with the relevant fee, with the Tablelands Regional Council, and obtain an Access Permit prior to any works commencing.



#### 4.2 Stormwater Drainage

- 4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

- 4.3.1 Prior to the commencement of the use, the applicant/developer must submit a detailed car parking plan for review and approval by Council's delegated officer. The plan must include enough on-site car parking to accommodate all vehicles/trucks/buses associated with the existing and proposed farming operations on the subject land, including the approved use.

All car parking area's must be constructed to an all-weather compacted gravel standard, appropriately drained and maintained for the life of the development, to the satisfaction of Council's delegated officer.

No formal carparking or vehicle set down is permitted within the Chewko Road road reserve.

**Note:** *The on-site car parking area/s do not have to be in proximity to the approved use and can be in proximity to the site access/90-degree bend in Chewko Road for quarantine purposes.*

- 4.3.2 All internal access roads servicing the approved use must be maintained to at least an all-weather, compacted gravel standard, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.4 Roadworks - External

- 4.4.1 Prior to the commencement of the use, the existing informal car parking areas constructed within the Chewko Road road reserve in proximity to the subject land must be decommissioned and rehabilitated to a pre-development state, to the satisfaction of the delegated officer of the Tablelands Regional Council.
- 4.4.2 Prior to the commencement of the use, the applicant/developer must upgrade the existing intersection of the gravel access road and Chewko Road (at the 90 degree bend) in accordance with FNQROC Development Manual Standards.

The applicant/developer must arrange for drawings of the required works to be prepared by a Registered Professional Engineer of Queensland (RPEQ) which must be lodged, together with the relevant fee, as an application for operational works with the Tablelands Regional Council.

- 4.4.3 Any quarantine wash down bay/s, boom gate/s or any other gate/s located along the gravel access road servicing the site must be relocated a minimum distance of 100 metres from the intersection of the access road and Chewko Road.

***Note: Although the gravel access road servicing the subject land is situated within the Chewko Road road reserve, this access road is considered a private access road and is therefore not the maintenance responsibility of the Tablelands Regional Council or the Mareeba Shire Council.***

#### 4.5 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance 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 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.

#### 4.6 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use 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.

**Note:** 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.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
6035-SK01A	Site Plan & Building Layout	Flanagan Consulting Group	16/02/2018
-	Proposed Floor Plan	Entegra Signature Solutions	-
-	West, East, North and South Elevations	Entegra Signature Solutions	-

**REFERENCED DOCUMENTS**

Not Applicable.

**ADVISORY NOTES**

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

(A) ASSESSMENT MANAGER'S ADVICE

- (a) 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.

- (b) 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.

- (c) 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.



(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

**PROPERTY NOTES**

Not Applicable.

**VARIATION APPROVAL**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Development Permit for Operational Work (to be lodged with Tablelands Regional Council)
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (to be lodged with Tablelands Regional Council)

**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](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc:   Approved Plans/Documents  
      Appeal Rights  
      Operational Works Pre-Start Report template

## Approved Plans/Documents

Notes



**LEGEND**

- EXISTING LOT BOUNDARIES
- - - SITE BOUNDARY
- - - EASEMENT BOUNDARY
- ▨ PROPOSED BUILDING LOCATION

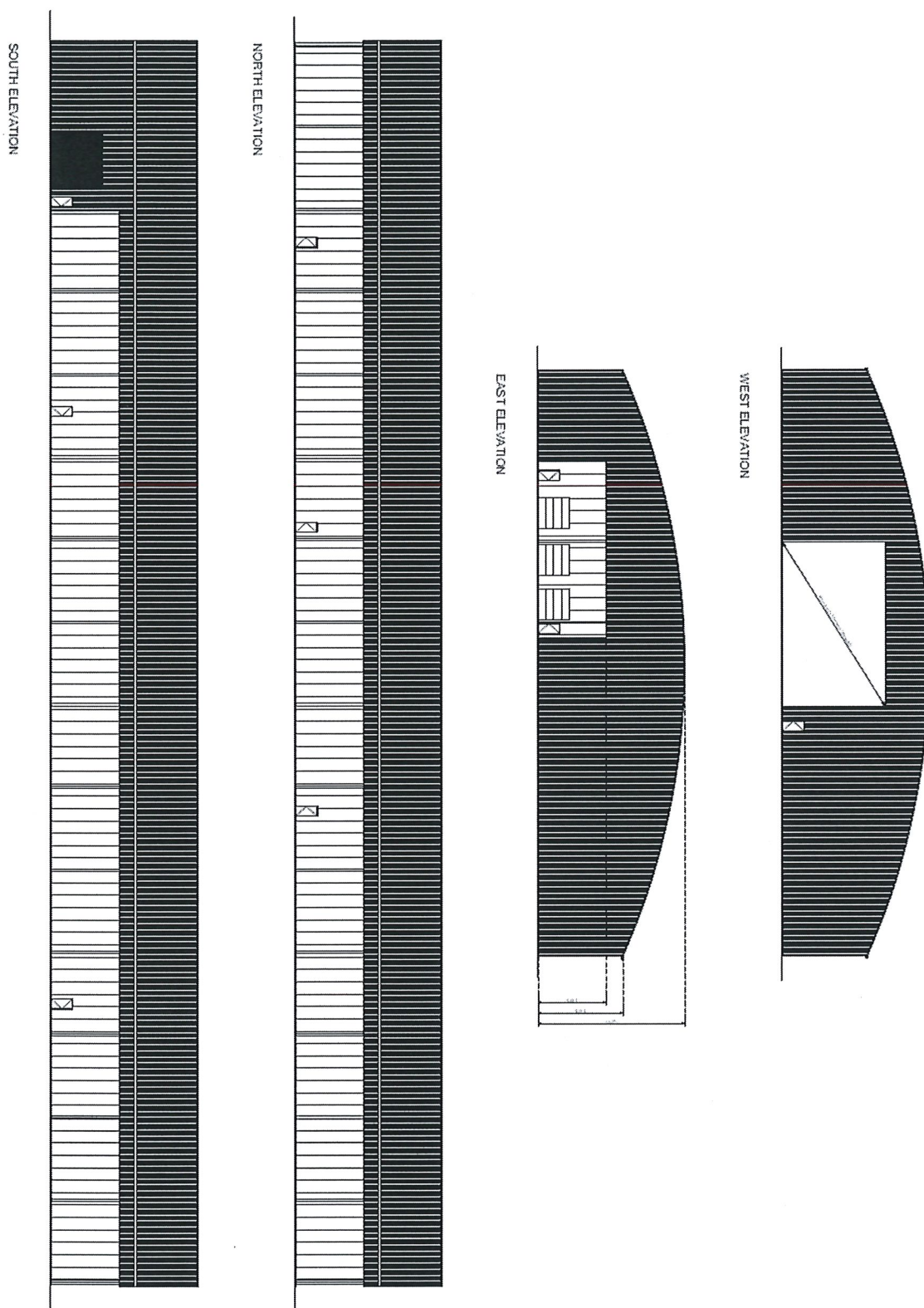
SETOUT POINTS		
POINT	EASTING	NORTHING
16	331149.719	8109419.470
10	331259.332	8109409.825
14	331264.821	8109354.006
15	331145.209	8109361.451





PROPOSED FLOOR PLAN

14/6/2018  
B. Z. Q.



14/6/2018.  
B. M. R.

## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

- (a) Matters that may be appealed to –
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) The person-
  - (i) who may appeal a matter (**the appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-



- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
  - decision* includes-
  - (a) conduct engaged in for the purpose of making a decision; and

- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

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