

Mareeba

SHIRE COUNCIL

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

20 December 2017

Maisel Ag Pty Ltd TTE
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: MCU/17/0007
Your Reference: F17/21

Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0007
Street Address:	308 Byrnes Street MAREEBA QLD 4880
Real Property Description:	Lot 2 on M35663
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Car Wash
Date of Decision:	20 December 2017

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.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 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 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 Noise Nuisance/Control

3.4.1 Refrigeration equipment, pumps, filter systems, mechanical plant, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the *Environmental Protection (Noise) Policy 2008*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the

applicant/developer or any subsequent owner/operator to do so.

3.5 Waste Management

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

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

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

3.7 Signage

3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the

approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Council's delegated officer.

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

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

4.3 Stormwater Management

4.3.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

4.3.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6

of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

- 4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

No fencing is to be erected along the Byrnes Street frontage of the site.

4.6 Lighting

Where 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 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 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.

4.7 Water Supply

A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service

the development requirements in accordance with FNQROC Development Manual Standard (as amended).

4.8 Sewerage Connection

The developer must connect the proposed development to Council’s reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend the reticulated sewerage infrastructure to connect the site to Council’s existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Table 4, item 1	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan/Document Number	Plan/Document Title	Prepared by	Dated
17-025 DA Sheet 1 of 7	Existing Conditions Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 2 of 7	Proposed Site Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 3 of 7	Elevations	TMC Building Design Group	Nov 2017
17-025 DA Sheet 4 of 7	Sections	TMC Building Design Group	Nov 2017
17-025 DA Sheet 5 of 7	Proposed Stormwater & Sewer Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 6 of 7	Proposed Landscaping & Lighting Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 7 of 7	Car Swept Paths & Car Parking Layout	TMC Building Design Group	Nov 2017

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 a result of conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Water Meters/Water Service Connection

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

(c) Property Connection to existing sewer main

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

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

(e) 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.

(f) 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.

(g) 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

(h) 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

(i) 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.

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 31 October 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (road widening works)
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were two (2) 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.	N Brtevnik & Steve Kemp	1 Lerra Street, Mareeba QLD 4880
2.	Mareeba Chamber of Commerce	345 Byrnes Street, Mareeba QLD 4880

RIGHTS OF APPEAL

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

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

defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

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

Yours faithfully

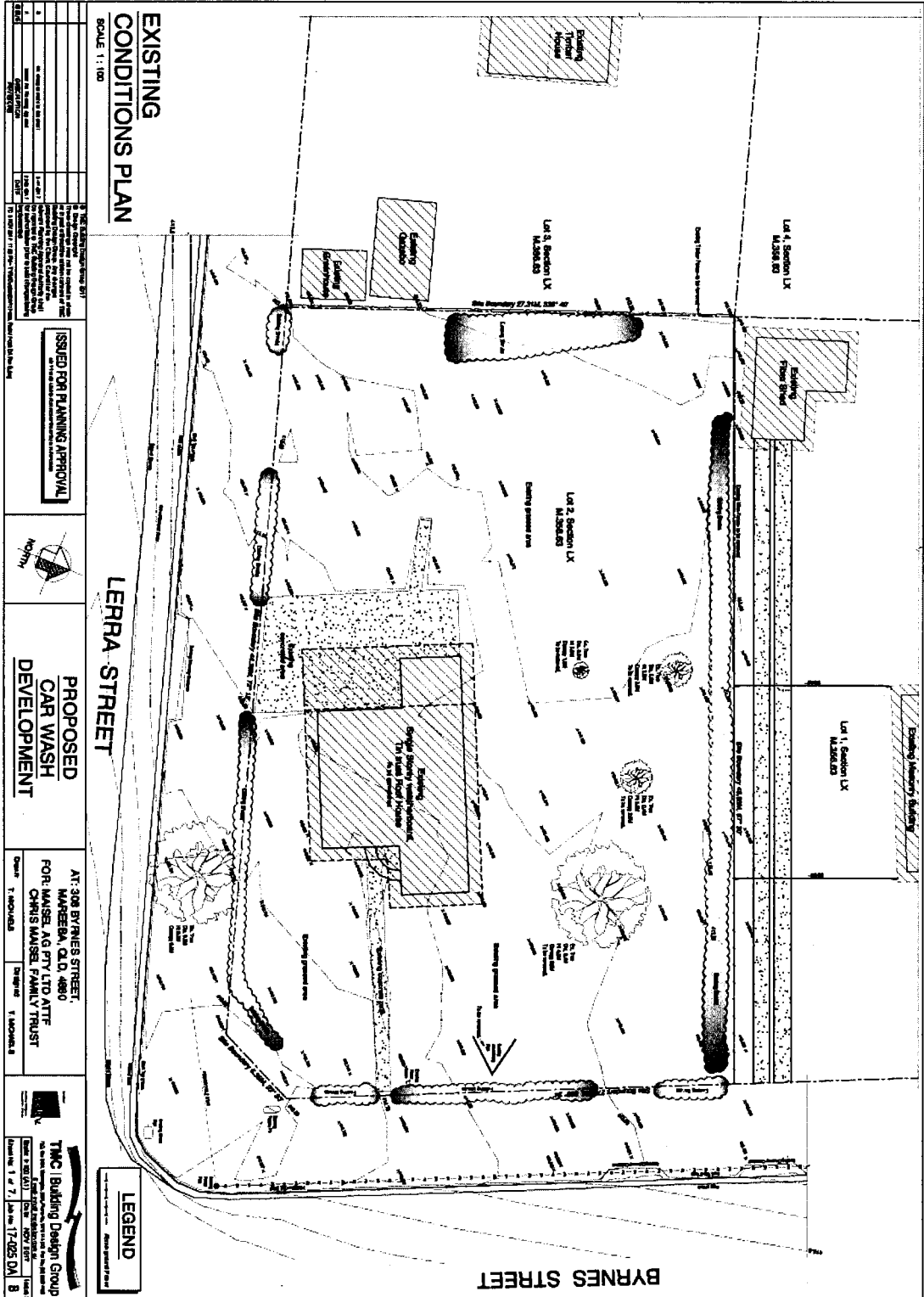


BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

Approved Plans/Documents



EAST ELEVATION
CAR WASH BUILDING

WEST ELEVATION
CAR WASH BUILDING

NORTH ELEVATION
CAR WASH BUILDING & VERTICAL STRUCTURE WASH STRIP CURB

SOUTH ELEVATION
VERTICAL STRUCTURE WASH STRIP CURB & CAR WASH BUILDING

1	Light Grey Concrete	2	Light Grey Concrete
3	Light Grey Concrete	4	Light Grey Concrete
5	Light Grey Concrete	6	Light Grey Concrete
7	Light Grey Concrete	8	Light Grey Concrete
9	Light Grey Concrete	10	Light Grey Concrete
11	Light Grey Concrete	12	Light Grey Concrete
13	Light Grey Concrete	14	Light Grey Concrete
15	Light Grey Concrete	16	Light Grey Concrete
17	Light Grey Concrete	18	Light Grey Concrete
19	Light Grey Concrete	20	Light Grey Concrete
21	Light Grey Concrete	22	Light Grey Concrete
23	Light Grey Concrete	24	Light Grey Concrete
25	Light Grey Concrete	26	Light Grey Concrete
27	Light Grey Concrete	28	Light Grey Concrete
29	Light Grey Concrete	30	Light Grey Concrete
31	Light Grey Concrete	32	Light Grey Concrete
33	Light Grey Concrete	34	Light Grey Concrete
35	Light Grey Concrete	36	Light Grey Concrete
37	Light Grey Concrete	38	Light Grey Concrete
39	Light Grey Concrete	40	Light Grey Concrete
41	Light Grey Concrete	42	Light Grey Concrete
43	Light Grey Concrete	44	Light Grey Concrete
45	Light Grey Concrete	46	Light Grey Concrete
47	Light Grey Concrete	48	Light Grey Concrete
49	Light Grey Concrete	50	Light Grey Concrete
51	Light Grey Concrete	52	Light Grey Concrete
53	Light Grey Concrete	54	Light Grey Concrete
55	Light Grey Concrete	56	Light Grey Concrete
57	Light Grey Concrete	58	Light Grey Concrete
59	Light Grey Concrete	60	Light Grey Concrete
61	Light Grey Concrete	62	Light Grey Concrete
63	Light Grey Concrete	64	Light Grey Concrete
65	Light Grey Concrete	66	Light Grey Concrete
67	Light Grey Concrete	68	Light Grey Concrete
69	Light Grey Concrete	70	Light Grey Concrete
71	Light Grey Concrete	72	Light Grey Concrete
73	Light Grey Concrete	74	Light Grey Concrete
75	Light Grey Concrete	76	Light Grey Concrete
77	Light Grey Concrete	78	Light Grey Concrete
79	Light Grey Concrete	80	Light Grey Concrete
81	Light Grey Concrete	82	Light Grey Concrete
83	Light Grey Concrete	84	Light Grey Concrete
85	Light Grey Concrete	86	Light Grey Concrete
87	Light Grey Concrete	88	Light Grey Concrete
89	Light Grey Concrete	90	Light Grey Concrete
91	Light Grey Concrete	92	Light Grey Concrete
93	Light Grey Concrete	94	Light Grey Concrete
95	Light Grey Concrete	96	Light Grey Concrete
97	Light Grey Concrete	98	Light Grey Concrete
99	Light Grey Concrete	100	Light Grey Concrete

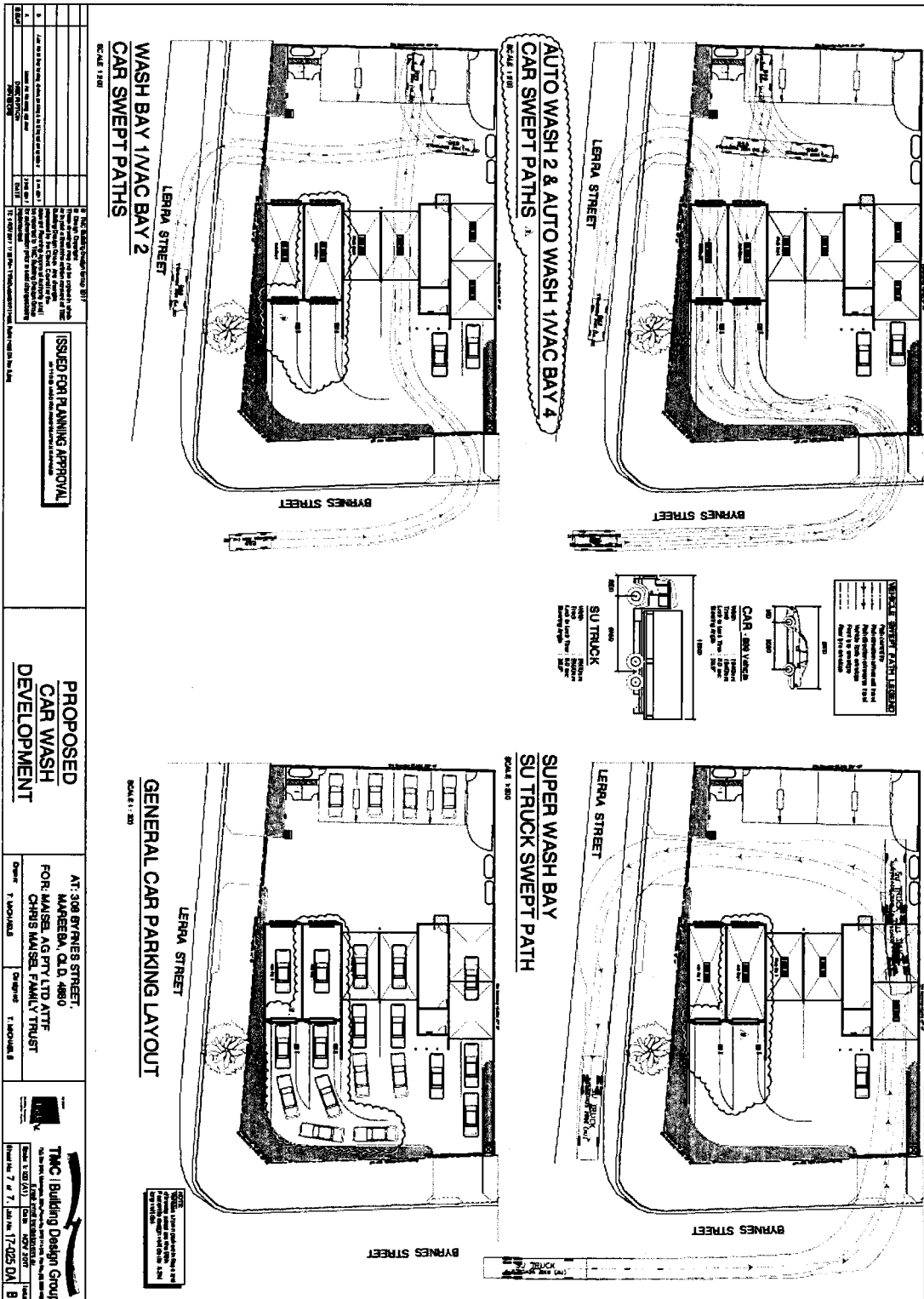
ISSUED FOR PLANNING APPROVAL
AT 308 BYRNES STREET, MAREEBA QLD 4880 FOR MAISEB AG PTY LTD ATTF CHRIS MAISEB FAMILY TRUST

PROPOSED CAR WASH DEVELOPMENT

AT 308 BYRNES STREET, MAREEBA QLD 4880 FOR MAISEB AG PTY LTD ATTF CHRIS MAISEB FAMILY TRUST

TMC Building Design Group
Phone: 07 5531 1111
Fax: 07 5531 1111
Email: info@tmc.com.au
Web: www.tmc.com.au

20/12/2017
B. n. [Signature]



20/12/2017
B. [Signature]

	Referral Agency Response
--	---------------------------------

RA6-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1709-1647 SRA
Your reference: MCU/17/0007

31 October 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
info@msc.qld.gov.au

Attention: Mr Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 28 September 2017.

Applicant details

Applicant name:	MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust
Applicant contact details:	C/- Freshwater Planning Pty Ltd, 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

Location details

Street address:	308 Byrnes Street, Mareeba
Real property description:	Lot 2 M35663
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for car wash facility
--------------------	--

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1709-1647 SRA

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

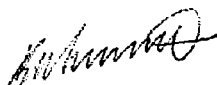
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (664-0.96km)	Queensland Government Transport and Main Roads	23/10/2017	RMR17-22649(500-1174)	B
Proposed Car Wash Development	TMC Building Design Group	August, 2017	17-025 DA Sheet 2 of 7	A

A copy of this response has been sent to the applicant for their information.

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust c/- freshwaterplanning@outlook.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

1709-1647 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.2.1 State transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Proposed Site Layout prepared by TMC Building Design Group dated August 2017, reference Sheet No. 2 of 7 and revision A. 	Prior to the commencement of the use and to be maintained at all times
2.	<p>(a) The road access locations, are to be located generally in accordance with TMR Layout Plan (664-0.96km), prepared by Queensland Government Transport and Main Roads, dated 23/10/2017, reference TMR17-22649(500-1174), Issue B. In particular road access location from Byrnes Street is to be located near the northern boundary of Lot 2 on M35663 and approximately 40m north of Lerra Street. The access is to be entry only and restricted to a design vehicle up to a maximum size single body truck – Class 5 heavy vehicle as described in Austroads Vehicle Classification System.</p> <p>(b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNQROC Standard Drawing S1015.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
3.	Direct access is not permitted between Byrnes Street and the subject site at any location other than the permitted road access location identified in Condition 1.	At all times
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) and (b) at all times

1709-1647 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

1709-1647 SRA

Attachment 3—Advice to the assessment manager

General advice	
Road access works approval	
1.	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

1709-1647 SRA

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: SDA-1709-1647 SRA

Date: 31 October, 2017

Road Access Location
Near the northern boundary of Lot 2805663, and
approx. 40m north of Lerra Street (0.96km LHS)
E 143.424432, N -17.005151

Access Restrictions

- Entry only
- Design vehicles up to a maximum size single
body truck - Class 5 Heavy Vehicle** associated
with the proposed development
- Note: ** as described in Austroads Vehicle
Classification System

Branch/Unit: Corridor Management/Far North Region

Project/Draw: 1709-1647 SRA/1709-1647 SRA

PROPERTY BOUNDARY

SUBJECT LAND

SCALE SEE FOOTPRINT

TMR Layout Plan
(664 - 0.96km)

Queensland Government
Transport and Main Roads

Plan No: 1/1 sheet: B Issue: 29/10/2017

Drawn by: RPK File of: TMR 17-23848 (300-1176)

1709-1647 SRA

BYRNES STREET

LERRA STREET

PROPOSED CAR WASH DEVELOPMENT

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: SDA: 1709:1647 SRA
Date: 31 October, 2017

PROPOSED CAR WASH DEVELOPMENT

ISSUED FOR PLANNING APPROVAL

TMC Building Design Group
(Proposed Site Layout) Dep 17-025 DA (Issue A Aug 2017) (Revised THIR 28-08-17)

Lot 3 Municipality of Maree
Lot 4 Municipality of Maree
Lot 5 Municipality of Maree
Lot 6 Municipality of Maree
Lot 7 Municipality of Maree
Lot 8 Municipality of Maree
Lot 9 Municipality of Maree
Lot 10 Municipality of Maree
Lot 11 Municipality of Maree
Lot 12 Municipality of Maree
Lot 13 Municipality of Maree
Lot 14 Municipality of Maree
Lot 15 Municipality of Maree
Lot 16 Municipality of Maree
Lot 17 Municipality of Maree
Lot 18 Municipality of Maree
Lot 19 Municipality of Maree
Lot 20 Municipality of Maree
Lot 21 Municipality of Maree
Lot 22 Municipality of Maree
Lot 23 Municipality of Maree
Lot 24 Municipality of Maree
Lot 25 Municipality of Maree
Lot 26 Municipality of Maree
Lot 27 Municipality of Maree
Lot 28 Municipality of Maree
Lot 29 Municipality of Maree
Lot 30 Municipality of Maree
Lot 31 Municipality of Maree
Lot 32 Municipality of Maree
Lot 33 Municipality of Maree
Lot 34 Municipality of Maree
Lot 35 Municipality of Maree
Lot 36 Municipality of Maree
Lot 37 Municipality of Maree
Lot 38 Municipality of Maree
Lot 39 Municipality of Maree
Lot 40 Municipality of Maree
Lot 41 Municipality of Maree
Lot 42 Municipality of Maree
Lot 43 Municipality of Maree
Lot 44 Municipality of Maree
Lot 45 Municipality of Maree
Lot 46 Municipality of Maree
Lot 47 Municipality of Maree
Lot 48 Municipality of Maree
Lot 49 Municipality of Maree
Lot 50 Municipality of Maree
Lot 51 Municipality of Maree
Lot 52 Municipality of Maree
Lot 53 Municipality of Maree
Lot 54 Municipality of Maree
Lot 55 Municipality of Maree
Lot 56 Municipality of Maree
Lot 57 Municipality of Maree
Lot 58 Municipality of Maree
Lot 59 Municipality of Maree
Lot 60 Municipality of Maree
Lot 61 Municipality of Maree
Lot 62 Municipality of Maree
Lot 63 Municipality of Maree
Lot 64 Municipality of Maree
Lot 65 Municipality of Maree
Lot 66 Municipality of Maree
Lot 67 Municipality of Maree
Lot 68 Municipality of Maree
Lot 69 Municipality of Maree
Lot 70 Municipality of Maree
Lot 71 Municipality of Maree
Lot 72 Municipality of Maree
Lot 73 Municipality of Maree
Lot 74 Municipality of Maree
Lot 75 Municipality of Maree
Lot 76 Municipality of Maree
Lot 77 Municipality of Maree
Lot 78 Municipality of Maree
Lot 79 Municipality of Maree
Lot 80 Municipality of Maree
Lot 81 Municipality of Maree
Lot 82 Municipality of Maree
Lot 83 Municipality of Maree
Lot 84 Municipality of Maree
Lot 85 Municipality of Maree
Lot 86 Municipality of Maree
Lot 87 Municipality of Maree
Lot 88 Municipality of Maree
Lot 89 Municipality of Maree
Lot 90 Municipality of Maree
Lot 91 Municipality of Maree
Lot 92 Municipality of Maree
Lot 93 Municipality of Maree
Lot 94 Municipality of Maree
Lot 95 Municipality of Maree
Lot 96 Municipality of Maree
Lot 97 Municipality of Maree
Lot 98 Municipality of Maree
Lot 99 Municipality of Maree
Lot 100 Municipality of Maree

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.