



22 August 2018

Planning Officer: Carl Ewin

Direct Telephone: 4086 4656

Our Reference: BM:CE:nj

Your Reference: 18175

Outback Truckstops Pty Ltd  
C/- TFA Project Group (Damien Mackay)  
PO Box 2339  
FORTITUDE VALLEY QLD 4006

Dear Applicant/s

## **Decision Notice**

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

I refer to your application and advise that on 21 August 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/18/0021                                |
| Street Address:            | 23 - 25 Gowan Street Mareeba               |
| Real Property Description: | Lots 66 and 67 on SP198060                 |
| Planning Scheme:           | Mareeba Shire Council Planning Scheme 2016 |

#### **DECISION DETAILS**

|                   |  |
|-------------------|--|
| Type of Decision: | Approval   |
| Type of Approval: | Development Permit for Material Change of Use - Service Station (Unmanned Truck Refuelling Facility) |
| Date of Decision: | 21 August 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*.)

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**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 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/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.
  - 3.2 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

Any on site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

## 4. Infrastructure Services and Standards

### 4.1 Access

Industrial access crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) The development is to be carried out generally in accordance with the Oily Water Management Statement dated 20 July 2018.
- (c) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

### 4.3 Internal Driveways

All internal driveways must be constructed, surfaced (reinforced concrete, asphalt, two coat bitumen or concrete pavers as per Table 9.4.3.3C of the Parking and Access Code) and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

### 4.4 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The plan is to include landscaping generally in accordance with the Landscaping Code.
- (b) All plant varieties must generally be in accordance with Planning Scheme Policy No. 6 - Landscaping and preferred plan species.
- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

4.5 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade 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 in accordance with FNQROC Development Manual standards (as amended).
- (b) 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.

4.6 Sewerage Connection

- (a) 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 or upgrade 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).
- (b) 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.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

| Plan/Document Number | Plan/Document Title                       | Prepared by       | Dated    |
|----------------------|---|-------------------|----------|
| 18175-MR-A01 A       | Proposed Site Layout B-Double Truck Paths | TFA Project Group | 03.07.18 |
| 18175-MR-A02 A       | Proposed Site Layout B-Double Truck Paths | TFA Project Group | 03.07.18 |
| 18175-MR-A03 A       | Proposed Site Layout                      | TFA Project Group | 03.07.18 |
| 18175-MR-A04 A       | Proposed Site Elevation                   | TFA Project Group | 03.07.18 |
| 18175-MR-A05 A       | Proposed Signage Details                  | TFA Project Group | 03.07.18 |
| 18175-MR-A06 A       | Proposed Oily Water Holding Plan          | TFA Project Group | 03.07.18 |

|                |  |                   |          |
|----------------|--|-------------------|----------|
| 18175-MR-B01 A | Ablutions Block<br>Drainage & Reticulation<br>Plan | TFA Project Group | 03.07.18 |
|----------------|--|-------------------|----------|

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

(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

#### PROPERTY NOTES

Not Applicable.

#### VARIATION APPROVAL

Not Applicable.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

#### 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.

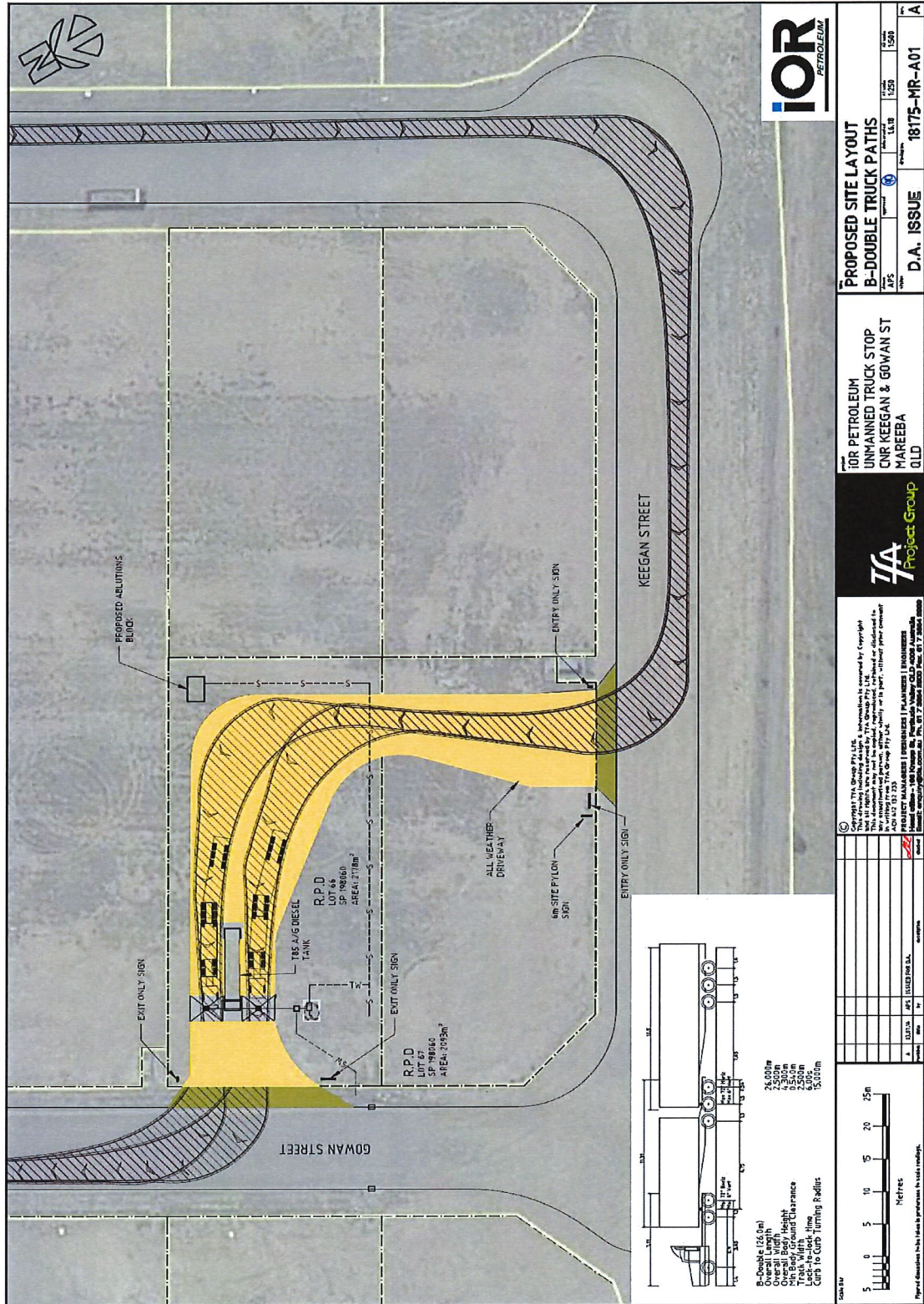
Yours faithfully



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

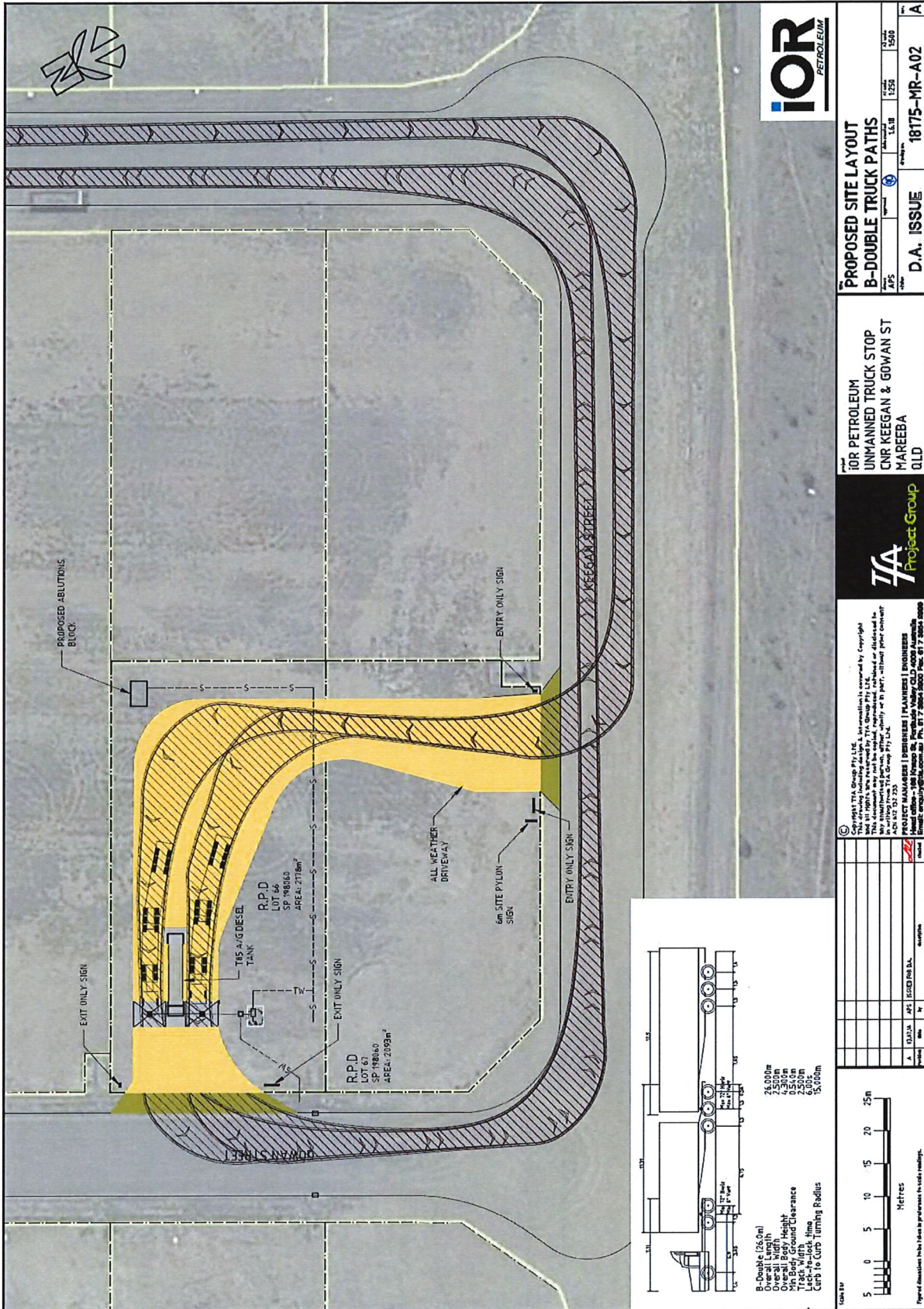
Enc: Approved Plans/Documents  
Appeal Rights

Approved Plans/Documents



22/8/2018  
B. M. O.





**PROPOSED SITE LAYOUT  
B-DOUBLE TRUCK PATHS**

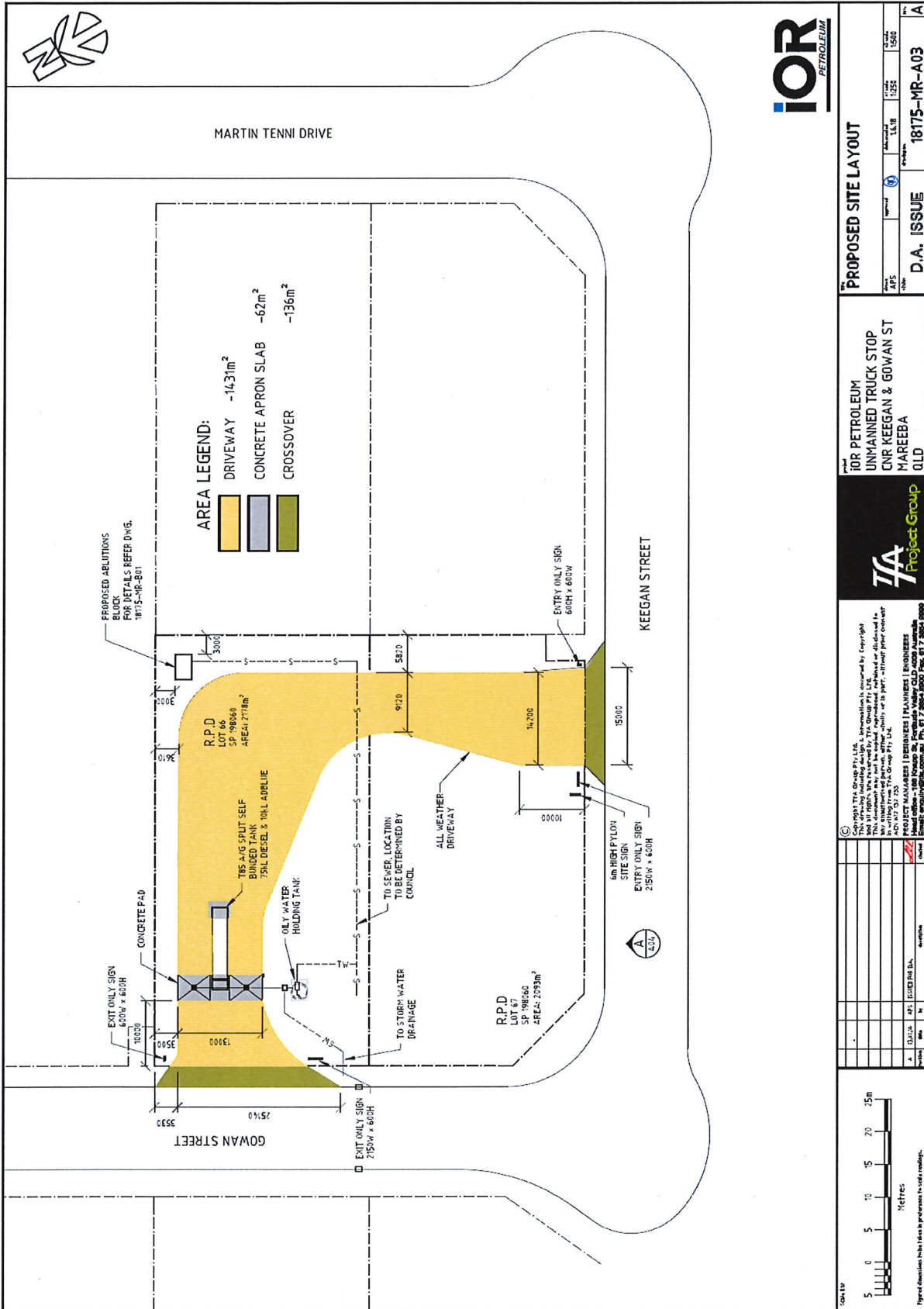
**iOR PETROLEUM  
UNMANNED TRUCK STOP  
CNR KEEGAN & GOWAN ST  
MAREEBA  
QLD**



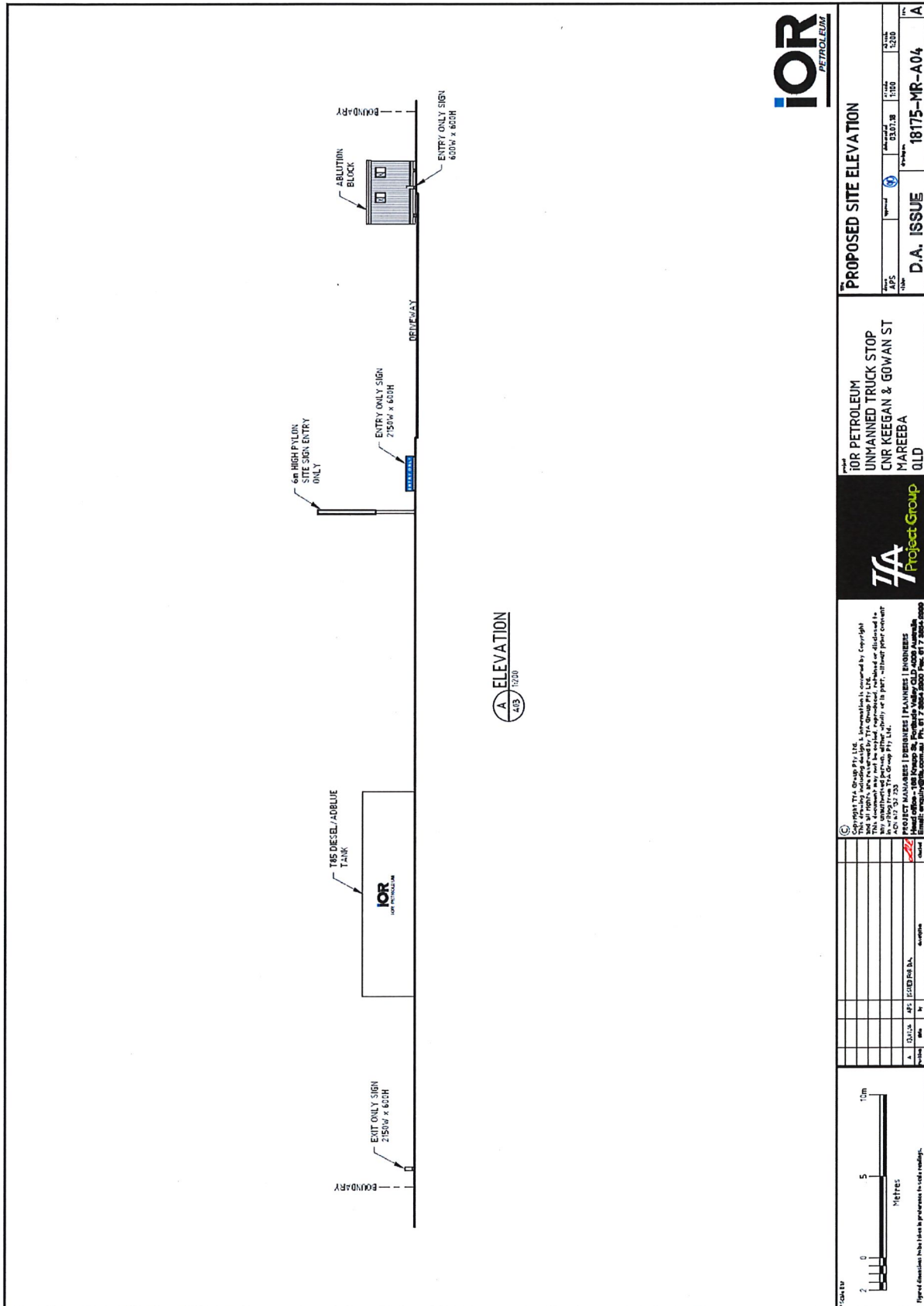
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Phone: 07 5566 8800 Fax: 07 5566 8800

|      |              |      |      |      |
|------|--------------|------|------|------|
| DATE | 15/08        | 1/08 | 1/08 | 1/08 |
| BY   | ...          | ...  | ...  | ...  |
| NO.  | 18175-MR-A02 |      |      |      |

22/8/2018  
B. [Signature]

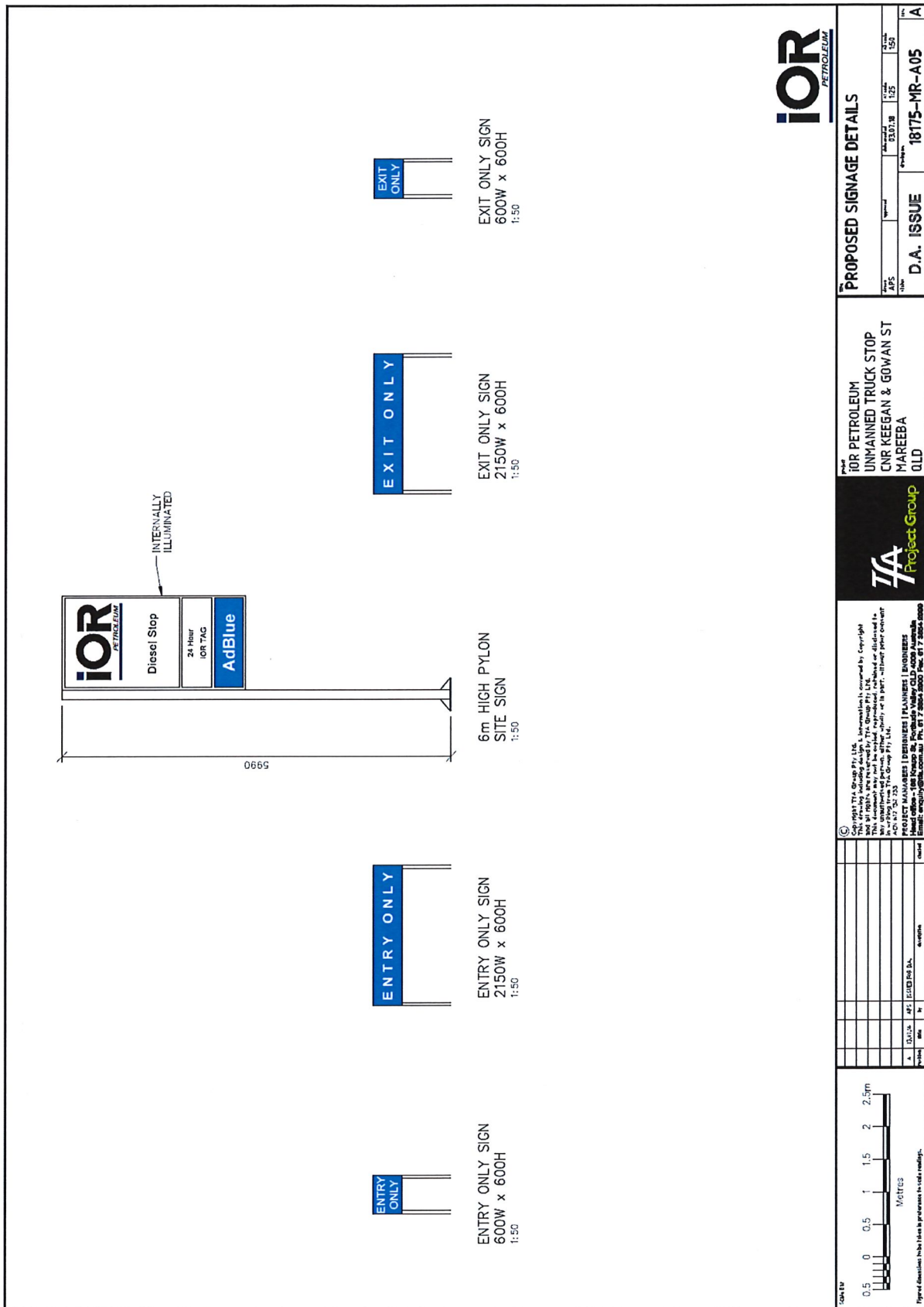


22/8/2018  
B. Mc



|  |                              |
|--|------------------------------|
| <p><b>PROPOSED SITE ELEVATION</b></p> <p>DATE: 03/07/18<br/>DRAWN BY: [Signature]<br/>CHECKED BY: [Signature]</p>  |                              |
| <p><b>IOR PETROLEUM UNMANNED TRUCK STOP</b><br/>CNR KEEGAN &amp; GOWAN ST<br/>MAREEBA<br/>QLD</p>  |                              |
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| <p>DATE: 22/08/18</p>  | <p>ISSUE: 18175-MR-A04</p>   |
| <p>SCALE: 1:500</p>  | <p>PROJECT: 18175-MR-A04</p> |

22/8/2018  
B. [Signature]



22/8/2018  
B. McQ

| PROPOSED SIGNAGE DETAILS |                              |
|--------------------------|------------------------------|
| NO.                      | DESCRIPTION                  |
| 1                        | 6m HIGH PYLON SITE SIGN      |
| 2                        | ENTRY ONLY SIGN 600W x 600H  |
| 3                        | EXIT ONLY SIGN 600W x 600H   |
| 4                        | ENTRY ONLY SIGN 2150W x 600H |
| 5                        | EXIT ONLY SIGN 2150W x 600H  |
| 6                        | EXIT ONLY SIGN 600W x 600H   |

|  |  |
|--|--|
| <b>IOR PETROLEUM UNMANNED TRUCK STOP</b> |  |
| CNR KEEGAN & GOWAN ST                    |  |
| MAREEBA                                  |  |
| QLD                                      |  |

|                                   |  |
|-----------------------------------|--|
| <b>Project</b>                    |  |
| IOR PETROLEUM UNMANNED TRUCK STOP |  |
| CNR KEEGAN & GOWAN ST             |  |
| MAREEBA                           |  |
| QLD                               |  |

|   |  |
|---|--|
| <b>Scale</b>  |  |
| 0 0.5 1 1.5 2 2.5m  |  |
| Metres  |  |
| Types of dimension lines to be used by contractors to be noted. |  |

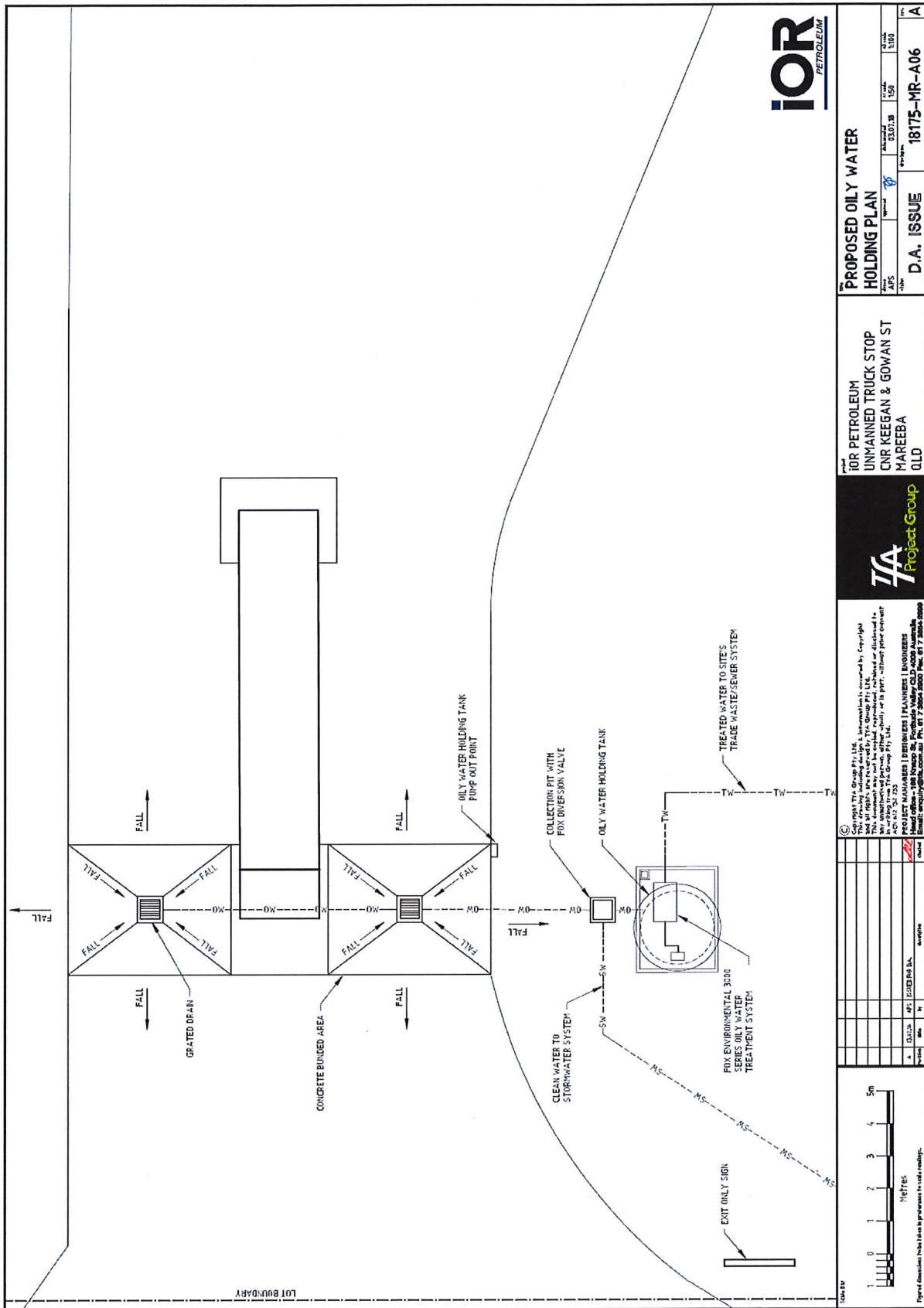
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|                                 |                              |
|---------------------------------|------------------------------|
| <b>PROPOSED SIGNAGE DETAILS</b> |                              |
| NO.                             | DESCRIPTION                  |
| 1                               | 6m HIGH PYLON SITE SIGN      |
| 2                               | ENTRY ONLY SIGN 600W x 600H  |
| 3                               | EXIT ONLY SIGN 600W x 600H   |
| 4                               | ENTRY ONLY SIGN 2150W x 600H |
| 5                               | EXIT ONLY SIGN 2150W x 600H  |
| 6                               | EXIT ONLY SIGN 600W x 600H   |

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| <b>D.A. ISSUE</b> |              |
| NO.               | DESCRIPTION  |
| 1                 | 18175-MR-A05 |



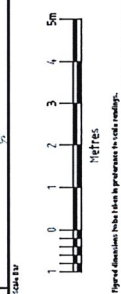
**PROPOSED OILY WATER HOLDING PLAN**  
 D.A. ISSUE 18175-MR-A06

**IOR PETROLEUM UNYANNED TRUCK STOP**  
 CNR KEEGAN & GOWAN ST  
 MAREEBA QLD



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 Email: enquiry@tfa.com.au Ph: 07 2860 2000 Fax: 07 2860 2000

| Revised | By | For | Remarks |
|---------|----|-----|---------|
|         |    |     |         |
|         |    |     |         |
|         |    |     |         |



22/8/2018  
B. [Signature]



## 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.