

**Atherton Service Centre**  
PO Box 573, Atherton QLD 4883  
Telephone: 1300 362 242

**Urban & Regional Planning Group**  
Gary Searle, Planning Officer  
Telephone: (07) 4043 4372  
Facsimile: (07) 4092 3323  
Email:

**File Ref:** MCU/09/0050  
**Our Ref:** BN:GS:kc

25 May 2010

Pat English  
C/- Planning Far North  
PO Box 7801  
CAIRNS QLD 4870

# Decision Notice

## Approval

*Integrated Planning Act 1997 S 3.5.15*

Dear Sir

**APPLICATION FOR MATERIAL CHANGE OF USE - AIRCRAFT FACILITY  
LOT 1 ON RP746336  
SITUATED AT FANTIN ROAD, KOAH**

I wish to advise that, at Council's Ordinary Meeting held *19 May 2010*, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 4 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

**1. Details of the approval –**

This Decision Notice approves a **Development Permit for Material Change of Use – Aircraft Facility made assessable by the Mareeba Shire Planning Scheme 2004.**

**2. The relevant period for the approval -**

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997* (IPA) apply to each aspect of development in this approval, as outlined below—

- Material Change of Use – four (4) years;

If there is one (1) or more subsequent related approvals' for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

**3. Conditions –****(A) DETAILS OF PREMISES AND APPROVED USE**

LOCATION: Fantin Road, Koah

PROPERTY DESCRIPTION: Lot 1 on RP746336

AREA OF LAND: 73.6 hectares

MATERIAL CHANGE OF USE: Aircraft Facility (Private Airstrip)

APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated	Date received by Council
PFN/01	Plan of Proposed Aircraft Facility	Planning Far North	Sept 2009	23/10/2009
PFN/INFO/01	Flight Plan for Take Off North	Planning Far North	Nov 2009	3/12/2009
PFN/INFO/02	Flight Plan for Take Off South	Planning Far North	Nov 2009	3/12/2009

**(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

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 Department of Environment and Resource Management confirming that all conditions of that Department have been complied with to the Departments satisfaction.
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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the 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 Hours of Operation

The permitted hours for machinery to be used for maintaining the airstrip and for aircraft to takeoff and land shall be between 7am and 6pm except for emergency use, which can be whenever necessary.

3.5 Permitted Flights

There shall be not more than 52 take-off / landings per year. This excludes the use of the airstrip by emergency flights, which are permitted to occur whenever necessary.

3.6 Permitted Aircraft

Use of the airstrip is to be by Cessna 172, four seat, non commercial aircraft or similar aircraft with the same or lesser impact approved by Council's delegated officer. This excludes the use of the airstrip by emergency flights, which are permitted to use whatever aircraft necessary.

3.7 Bushfire Management Plan

A Bushfire Management Plan will be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.8 Water Supply for Fire Fighting Purposes

The development is to be provided with a source of water for fire fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located in an accessible position within 40 metres of the existing building.

4. Infrastructure Services and Standards

Access

A rural access crossover 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.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be assessed for compliance by Council's delegated officer.

(C) REFERRAL AGENCY RESPONSES

Department of Transport and Main Roads conditions dated 13 November 2009.

Department of Environment and Resource Management conditions dated 21 December 2009.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.derm.qld.gov.au](http://www.derm.qld.gov.au)

(b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with 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) Scale and Intensity

This development permit is limited in scale and intensity in accordance with the original application and the conditions of approval. Any increase in scale or intensity will trigger the need for a further Material Change of Use application. Any future applications will be assessed on their merits in accordance with the Sustainable Planning Act 2009 and the relevant planning scheme. The approval of the development at the current scale and intensity does not indicate Council would consider future increases in scale or intensity as consistent with the planning scheme."

4. Other necessary development permits –

Listed below are other development permits that are necessary to allow the development to be carried out –

- Development Permit for Operational Works

5. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
<b>MATERIAL CHANGE OF USE</b>			
On land containing a category 1, 2, or 3 area as shown on a property map of assessable vegetation or containing <b>remnant vegetation</b> , and  (i) the existing use is rural or environmental use, and  (ii) the lot is 2ha or larger	Department of Environment and Resource Management	Concurrence	Department of Environment and Resource Management Administration Officer Planning & Environment PO Box 5318 TOWNSVILLE QLD 4810
For those purposes <sup>4</sup> impacting on the provision of <b>public passenger transport</b> or <b>railway safety and efficiency</b> and listed in schedules 13C or 13D of the <i>Integrated Planning Regulation 1998</i> and exceeding the thresholds given in the schedules  <sup>4</sup> Purposes include residential, retail or commercial, community building or facility, tourist facility, sports facility, educational institution, hospital or medical centres, airport, bus or ferry terminals	Queensland Transport	Concurrence	Queensland Transport Far North Queensland Region Senior Planner PO Box 6185 CAIRNS QLD 4870
On land completely or partly within or	Queensland Transport	Concurrence	Queensland Transport

For an application involving	Name of referral agency	Status	Address
abutting <u>rail corridor land, commercial corridor land or future railway land</u>			Far North Queensland Region Senior Planner PO Box 6185 CAIRNS QLD 4870
For other than a domestic activity, if any part of the lot is situated in, or within 100m of, a <u>wetland</u>	Environmental Protection Agency	Advice	Ecoaccess Customer Services Unit Environmental Protection Agency PO Box 15155 CITY EAST QLD 4002

## 6. Submissions -

There **were eight (8)** properly made submissions about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows —

Name of principal submitter	Address
1. N O'Brien	345 Fantin Road, Koah, QLD 4881
2. S Isaacs	345 Fantin Road, Koah, QLD 4881
3. Incorporeal Charity of God Ltd.	PO Box 1322, Mareeba QLD 4880
4. B Greenwood	Lot 3, Two Chain Road, Koah, QLD 4881
5. Craig Thomas	922 Koah Road, Koah QLD 4881
6. M Kostava	922 Koah Road, Koah QLD 4881
7. Kerry Geck & Malcolm McKeen	Po Box 403, KURANDA QLD 4881
8. N O'Brien (Group Submission)	345 Fantin Road, Koah QLD 4881

## 7. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may negotiate with Council or appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA** and the form 'Notice of Appeal' is enclosed for your information.

## 8. When the development approval takes effect -

This development approval takes effect –

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - when the submitter's appeal period ends; or
  - the day the last submitter gives the Assessment Manager written notice that the submitter will not be appealing the decision.

**OR**

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if—

- for a Material Change of Use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a Material Change of Use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a Material Change of Use or for Reconfiguring a Lot, if there is one or more subsequent related approvals the relevant period for the Material Change of Use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 3.5.21 of IPA for further information.

Should you require any further information please contact Council's **Planning Officer, Gary Searle** on the above telephone number.

Yours faithfully

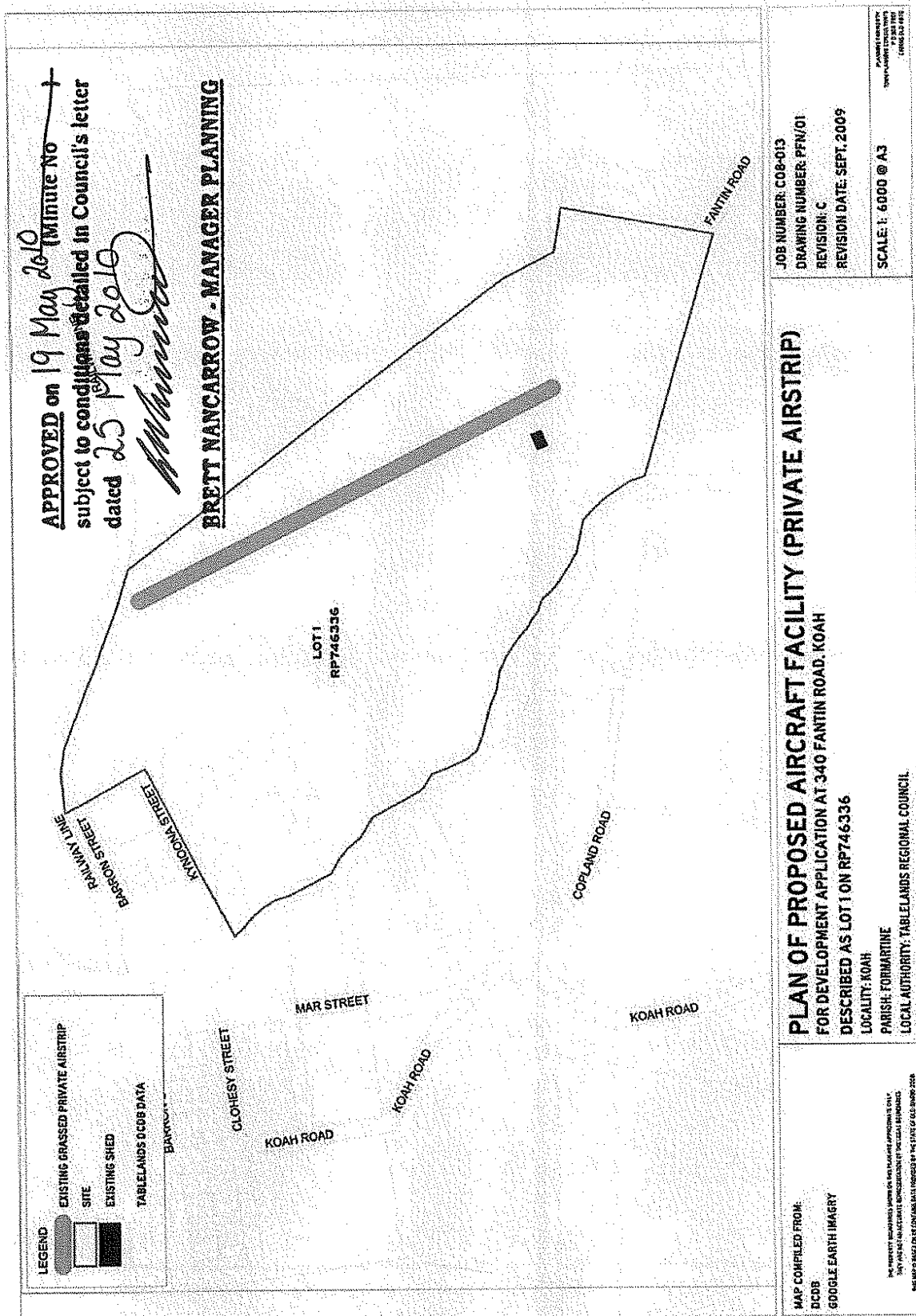
**BRETT NANCARROW**  
**MANAGER URBAN & REGIONAL PLANNING**

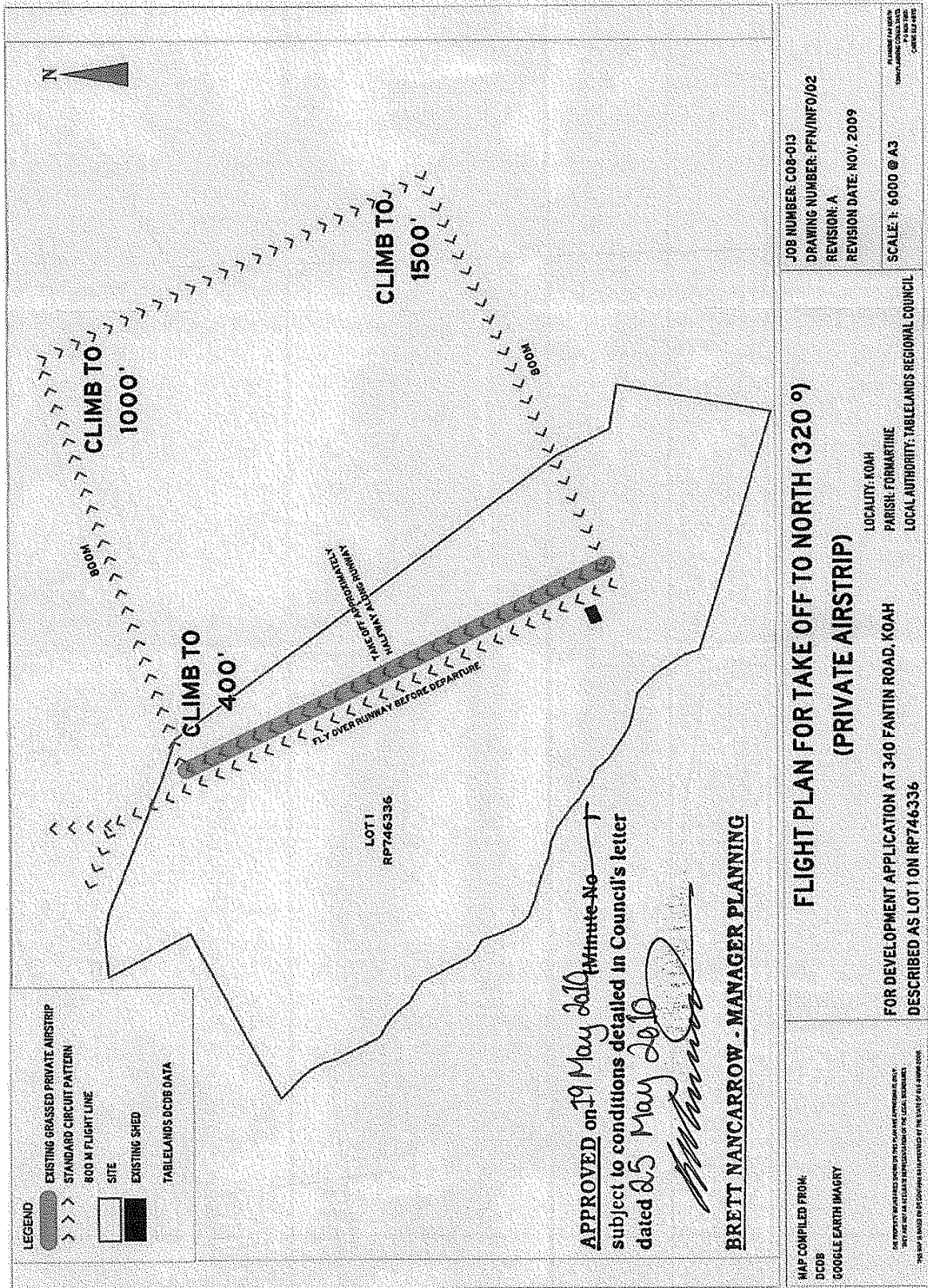
Enclosures – Approved plan/s of development, Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

**Copy:**           **Queensland Transport**  
                  **Far North Queensland Region**  
                  **Senior Planner**  
                  **PO Box 6185**  
                  **CAIRNS QLD 4870**

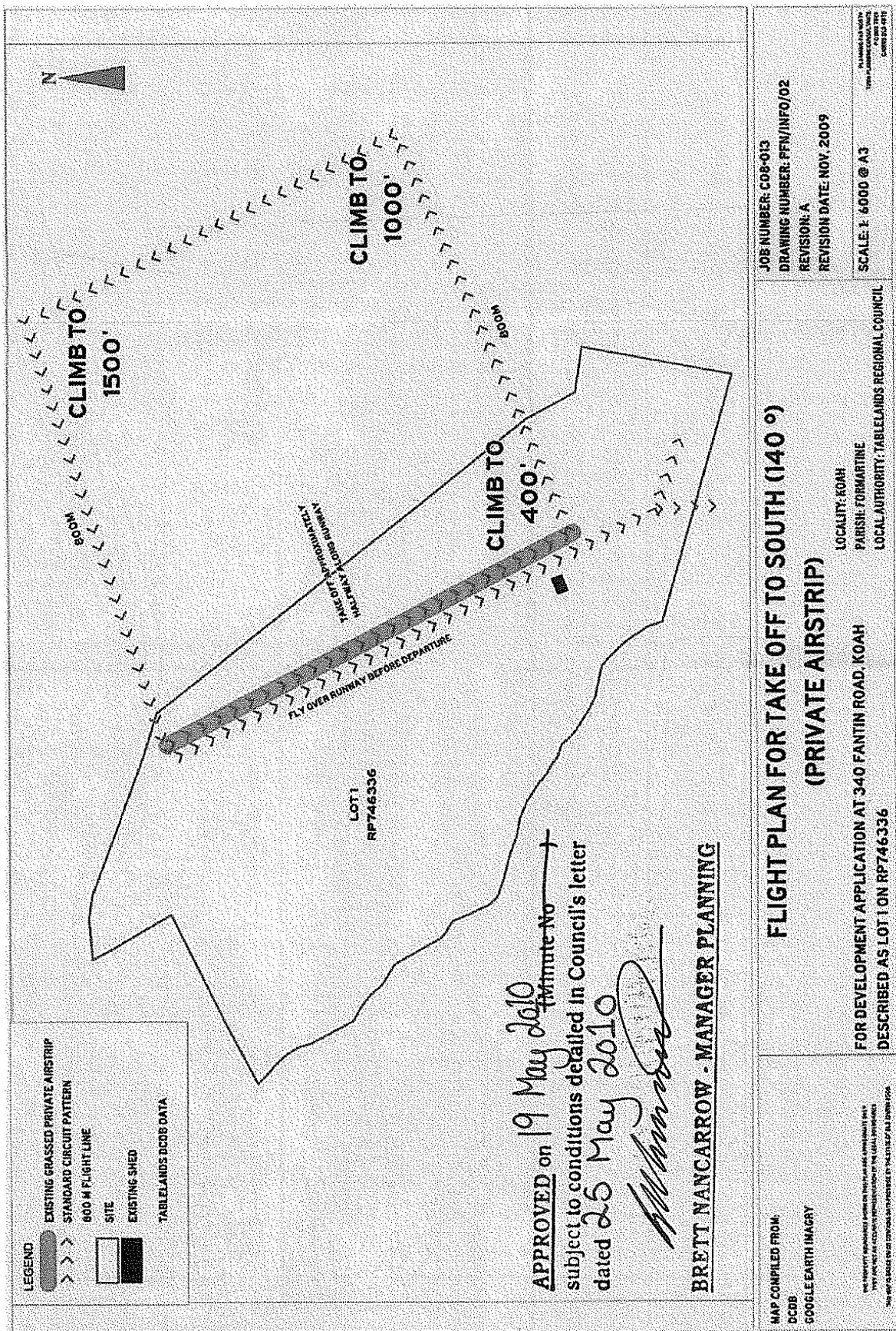
**Development Application Lodgement**  
**Department of Environment and Resource Management**  
**GPO Box 15155**  
**CITY EAST QLD 4002**

**Ecoaccess Customer Services Unit**  
**Environmental Protection Agency**  
**PO Box 15155**  
**CITY EAST QLD 4002**









13 November 2009

Chief Executive Officer  
Tablelands Regional Council  
PO Box 154  
MAREEBA QLD 4880



Attention: *Brian Millard*

**Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16**

**Application for:**        **Development Permit for a Material Change of Use for an Aircraft Facility**  
**349 Fantin Road, Koah**  
**Lot 1 on RP746336**  
**Tablelands Regional Council Reference: MCU/09/0050**  
**Department of Transport and Main Roads Reference: CRN-265**

I refer to correspondence received from Mr Pat English C/- Planning Far North received by this department on 6 November 2009 seeking approval for the above proposal.

This is a response from the Department of Transport and Main Roads as a referral agency for land use and transport coordination and the operational safety and integrity of railways and future railways.

An assessment of the proposed development within the limits of the Department of Transport and Main Roads jurisdiction, namely land use and transport coordination under the *Transport Planning and Coordination Act 1994* has been completed. This jurisdiction extends to the planning for, and management of, transport networks with respect to public passenger transport and active transport.

It is advised that the department has no requirements in regards to the above proposal.

A copy of this letter and attachment has been sent to the applicant for their information and action as required.

If you have a query or wish to seek clarification about any of these details, please contact Byron Jones on 4040 6363.

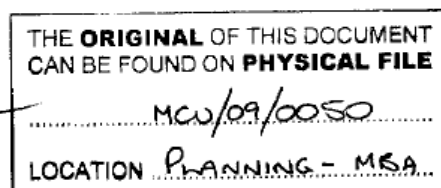
Yours sincerely,

Rachel Reese

**A/ Director, Far North**

**Integrated Transport Planning**

Department of Transport and Main Roads  
Integrated Transport Planning Division  
Transport Strategy Implementation Branch  
Floor 9, 15 Lake Street Cairns QLD 4870  
PO Box 6542 Cairns QLD 4870  
ABN 13 200 336 520



Our ref    CRN-265  
Your ref    MCU/09/0050  
Enquiries    Byron Jones  
Telephone    4040 6363  
Facsimile    4040 6380  
Website    www.tmr.qld.gov.au  
Email        byron.c.jones@tmr.qld.gov.au



**COPY**

File No: 890/02682  
P31903  
CRN-265

C/c Mr Pat English  
C/- Planning Far North  
PO Box 7801  
CAIRNS QLD 4870

*Attention: Mr Bruce Hedley*

For your information and action as required (C08-013). If you have a query or wish to seek clarification about any of these details, please contact Byron Jones on 4040 6363.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rachel Reese".

Rachel Reese  
**A/ Director, Far North  
Integrated Transport Planning**



Department of  
**Environment and Resource  
Management**

Your Reference:           MCU/09/0050  
Our Reference:           IC1109CNS0001  
Contact:                   Cristina Froemmcke  
Directorate / Unit:       Planning and Assessment  
Phone:                     (07) 4057 3890

21 December 2009



The Chief Executive Officer  
Tablelands Regional Council  
PO Box 154  
**MAREEBA QLD 4880**

**Attention: Brian Millard**

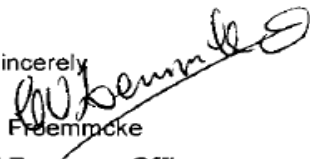
Dear Madam/Sir

**MCU – AIRCRAFT FACILITY AT LOT 1 ON RP746336 SITUATED AT 349 FANTIN RD, KOAH -  
REFERRAL AGENCY RESPONSE**

The Department of Environment and Resource Management (Concurrence and advice agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, is **enclosed**. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemmcke on 07 4057 3890.

Yours sincerely  
  
Cristina Froemmcke  
**Natural Resource Officer**  
**Planning and Assessment**  
**North Region**

CC  
Pat English  
C/- Planning Far North  
PO Box 7801  
**CAIRNS QLD 4870**  
**Attention; Bruce Hedley**

Department of Environment  
& Resource Management  
Level 3, 5b Sheridan Street  
PO Box 937  
Cairns Queensland 4870  
Australia  
Telephone + 617 4057 3890  
Facsimile + 61 7 4057 3365  
Website [www.derm.qld.gov.au](http://www.derm.qld.gov.au)

THE **ORIGINAL** OF THIS DOCUMENT  
CAN BE FOUND ON **PHYSICAL FILE**  
.....MCU/PA/0050.....  
LOCATION **PLANNING - MBA**.....



## Department of Environment and Resource Management – Referral agency response

Given under Section 3.3.16 of the *Integrated Planning Act 1997*

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### Application details

1.1. Applicant's name	Pat English
1.2. Property description	Lot 1 RP746336
1.3. Development type	Material Change of Use (MCU)
1.4. Assessment manager	Tablelands Regional Council
1.5. Referral date	5/11/2009 but properly made on 12/11/09
1.6. Our references	Trackjob: IC1109CNS0001 Recfind: CNS/022868

### 2. Concurrence agency response – Vegetation Management Act 1999 - Remnant Vegetation

Please refer to the attached concurrence agency response from Senior Vegetation Management Officer Daniel Gillinder dated 17 December 2009 (**Attachment 1**).

### 3. Advice Agency Response – Wetlands & Conservation

The lot is within 100 metres of referrable wetland. The Department of Environment and Resource Management (DERM) has reviewed the material provided with the above application and has the same requirements for this proposal as per the concurrence agency response - Vegetation Management Act 1999.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

**Coordinating Officer:** Cristina Froemmcke  
**Address:** PO Box 937, Cairns QLD 4870  
**Phone:** 07 4057 3890



Cristina Froemmcke  
Natural Resource Officer  
Planning and Assessment  
North Region

21 December 2009

DERM – Referral agency response 2009/010568

**4. Additional comments or information**

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over Lot 1 on RP746336 and one Aboriginal cultural heritage noting was found (see below). However, it is not possible to conclusively guarantee the accuracy of this recording (in particular, the longitude and latitude location description for the site) and extra diligence is required when operating in this location.

Number	Noting ID	Reference
1	09N10131	FN:C48

All Aboriginal cultural heritage in Queensland is protected under the Aboriginal *Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care.

Prior to undertaking any activity within the vicinity of the recorded cultural heritage, you must consult with the Aboriginal Party for the area for all the recorded Aboriginal cultural heritage sites. However, as all Aboriginal cultural heritage is protected under the Act, an assessment of the proposed activity against the Duty of Care guidelines is advised. This will help determine whether, or to what extent, any unregistered Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: [cultural.heritage@nrw.qld.gov.au](mailto:cultural.heritage@nrw.qld.gov.au).

Further information on cultural heritage, a copy of the Duty of Care Guidelines and cultural heritage search forms, visit: [http://www.nrw.qld.gov.au/cultural\\_heritage/index.html](http://www.nrw.qld.gov.au/cultural_heritage/index.html).

**Delegated officer signature**


Daniel Gillinder  
Senior Vegetation Management Officer  
North Region, DERM

17/12/2009