



Tablelands Regional Council

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8 March 2011

Jim Papas
Jim Papas Drafting Pty Ltd
PO Box 413
EARLVILLE QLD 4870

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Sir

**APPLICATION FOR OPERATIONAL WORKS
LOT 72 ON RP 903071
JUMRUM RAINFOREST ESTATE - STAGE 1 - (11 LOTS)
SITUATED AT FALLON ROAD, KURANDA**

I wish to advise that, under Council's delegated authority on 8 March 2011, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 5 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 Notices approves a **Development Permit for Operational Works made assessable by the Mareeba Shire Planning Scheme 2004.**

2. Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

3. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the *Sustainable Planning Act 2009* if development does not start within the relevant period as stated below:

- Any other development – two (2) years (starting the day the approval takes effect).

*Decide
11/03/11*

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.

4. The approved plans -

The approved plans and/or documents for this development approval are listed in the following table -

Drawing Number	Amendment	Date
1180 - C01	A	17.12.10
1180 - C02	A	17.12.10
1180 - C03	A	17.12.10
1180 - C04	B	28.02.11
1180 - C05	A	17.12.10
1180 - C06	A	17.12.10
1180 - C07	B	28.02.11
1180 - C08	A	17.12.10
1180 - C09	B	28.02.11
1180 - C10	B	28.02.11
1180 - C11	A	17.12.10
1180 - C12	A	17.12.10
1180 - C13	A	17.12.10

5. Conditions -

(A) DETAILS OF PREMISES AND APPROVED USE

LOCATION: Fallon Road, Kuranda

PROPERTY DESCRIPTION: Lot 72 on RP 903071

OPERATIONAL WORK: Roadworks and Drainage, Erosion and Sediment Control, Stormwater Management, Water Reticulation

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

General

- (1) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (2) 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, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (3) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.

- (4) The following plans are required to be submitted for approval by Council's Delegated Officer to complete the Operational Works Application:
- Street lighting plans (note this has to be a separate Operational Works application)
- (5) Revised A1 & A3 sized engineering plans (and digital copies), signed by an RPEQ are to be submitted for approval by Council's Delegated Officer prior to arranging a pre-start meeting:

Pre-Start Meeting

- (6) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a Pre-Start Meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** Pre-Start Meeting process is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

Inspections

- (7) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the Pre-Start meeting.

Construction Security Bond and Defects Liability Bond

- (8) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$750 and Bank Guarantees shall have no termination date.
- (9) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The Bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the Bond to have the work completed.

Hours of Work

- (10) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
- a. 7.00am to 6.00pm, Monday to Friday;
 - b. 7.00am to 1.00pm Saturdays;
 - c. No work is permitted on Sundays or Public Holidays.

No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

As Constructed Information

- (11) In addition to Clause CP1.21 of the FNQROC Development Manual; a materials listing and a bill of quantities are also required prior to project being placed 'On Maintenance'.

Contrary to Clause CP1.25 of the FNQROC Development Manual; Digital copy of CCTV survey of stormwater drainage piped systems is to be submitted at 'Final Acceptance' stage on completion of the Defects Liability Period.

Transportation of Soil

- (12) 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 pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

Permanent Survey Marks

- (13) Two permanent survey marks must be installed and connected to real property control unless otherwise advised at the Pre-Start meeting. Permanent survey marks must also be connected to two, Council established, AMG coordinated permanent survey marks, as directed by Council's Delegated Officer. All levels are to be related to Australian Height Datum.

(C) ADVICE

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that it does not harm 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 help 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.

6. Other necessary development permits –

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

- Nil

7. IDAS referral agencies –

The application does not require referral to any Referral Agency.

8. Submissions -

Not applicable

9. Appeal rights –***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 1 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 2 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

10. When the development approval takes effect -

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

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 development approval other than a Material Change of Use or reconfiguration, the development does not substantially start within the relevant period stated in section 3 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 341 of SPA for further information.

Should you require any further information please contact Council's **Development Engineer, Brian Parnell** on the above telephone number.

Yours faithfully



BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures: **Attachment 1 - SPA Extract - Making Representations about Decision**
 Attachment 2 - SPA Extract on Appeal Rights
 Attachment 3 - TRC Pre-Start Meeting Process