

2 May 2024

Enquiries: Neil Beck
Our Ref: OP 2024_5593/1 (1223271)
Your Ref: 1058 L-AR0223

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

MAL Engineers Pty Ltd
Unit 4
194 McLeod Street
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Operational Works (Earthworks& On-Street Works)
At 24-28 Thomas Street Mossman & 8 – 11 Ingles Street Mossman**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: OP 2024_5593/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
- Advice For Making Representations and Appeals



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: MAL Engineers Pty Ltd
Postal Address: Unit 4
194 McLeod Street
CAIRNS QLD 4870
Email: or michael.lancini@malengineers.com.au

Property Details

Street Address: 24-28 Thomas Street Mossman & 8-11 Ingles Street Mossman
Real Property Description: LOT: 9 RP: 715930, LOT: 10 RP: 715930, LOT: 11 RP: 715930,
LOT: 16 RP: 715930, LOT: 17 RP: 715930, LOT: 18 RP:
715930, LOT: 32 SP: 202302
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Operational Works (Earthworks & On-street Works)

Decision

Date of Decision: 2 May 2024
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Title	Reference No.	Revision
Notes Plan	Q24034-CI-01	B
Site Plan	Q24034-CI-02	D
Civil Works Plan	Q24034-CI-03	C
Crossover Access Plan	Q24034-CI-04	B
Crossover Section Plan	Q24034-CI-05	B

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Site Regrading

2. At all times during construction and following the completion of work, the hardstand surface must be free draining and not cause ponding of stormwater on the subject land or adjoining properties.

Concrete Crossover

3. Please provide structural details for the concrete crossovers to Council for approval prior to the commencement of works. Please provide plan view and section drawings as required to confirm the following details:
 - (a) Concrete thickness, edge thickening and joint locations;
 - (b) Steel reinforcement details including type, arrangement and cover;
 - (c) Concrete strength and finish;
 - (d) Dimension of the concrete channel;
 - (e) Grate type; and
 - (f) Connection to existing kerb and channel.

Council Officers note that Council's minimum requirements for access crossovers including grated channels is per FNQROC Development Manual Standard Drawing S1015 (Option 5).

4. The concrete slab must be flush with the bitumen road surface. The completed works must be free draining and not cause ponding of stormwater in the existing road surface.
5. The invert of the grated channel must be flush with the existing kerb and channel invert. The completed works must be free draining and not cause ponding of stormwater in the existing kerb and channel.

Underground Stormwater

6. Council Officers note the existing underground stormwater drain across the site is a 900mm diameter reinforced concrete pipe (RCP) installed in 1960. Confirm the stormwater pipe location with potholing and advise Council the position of the stormwater pipe in relation to the proposed works prior to the commencement of works. Depending on the pipe cover achieved, protection or replacement of the stormwater pipe may be required.
7. A CCTV inspection of the stormwater pipe is to be carried out by the contractor with the CCTV footage and report submitted to Council prior to the commencement of works. A second CCTV inspection and report is required following construction to identify any change to the stormwater following the works. CCTV pipeline inspection footage and reporting to be in accordance with the FNQROC Development Manual requirements.

Sewer

8. Offices note that a 225mm diameter PVC gravity sewer and manhole (Council ID: 7/12) exists in the northwest corner of the site. The sewer manhole cover is to be raised or lowered as required to be flush with the hardstand pavement surface level. The replacement manhole cover must be in accordance with FNQROC Standard Drawing S3000. Burying the existing manhole hole cover is not permitted.
9. A CCTV inspection of the gravity sewer is to be carried out by the contractor with the CCTV footage and report submitted to Council prior to the commencement of works. A second CCTV inspection and report is required following construction to identify any change to the sewer following the works. CCTV pipeline inspection footage and reporting to be in accordance with the FNQROC Development Manual requirements.

Water

10. Officers note that Crossover 4 (Ingles Street) crosses an existing 100mm diameter cast iron cement lined (CICL) watermain. Confirm the watermain location with potholing and advise Council the position of the watermain in relation to the proposed works prior to the commencement of works. If the watermain is within the footprint of works and the FNQROC minimum cover cannot be achieved, protection or replacement of the watermain may be required.

Advices

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse two (2) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Further Development Permits

Not applicable

Concurrence Agency Response

Not Applicable

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

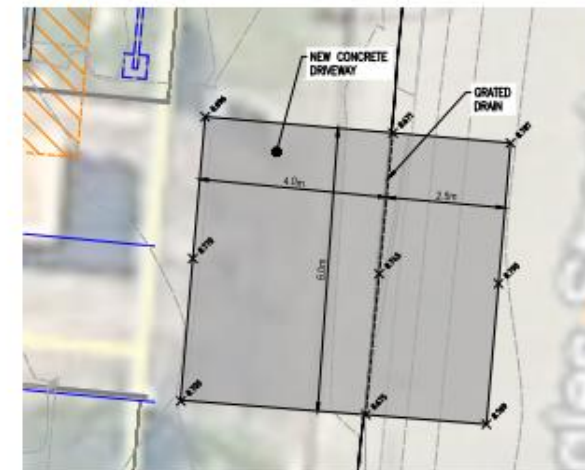
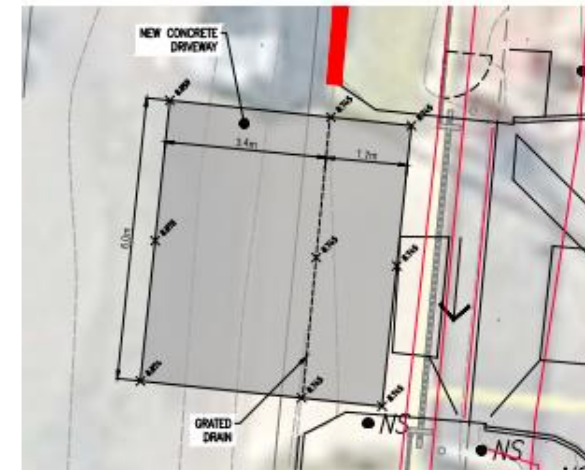
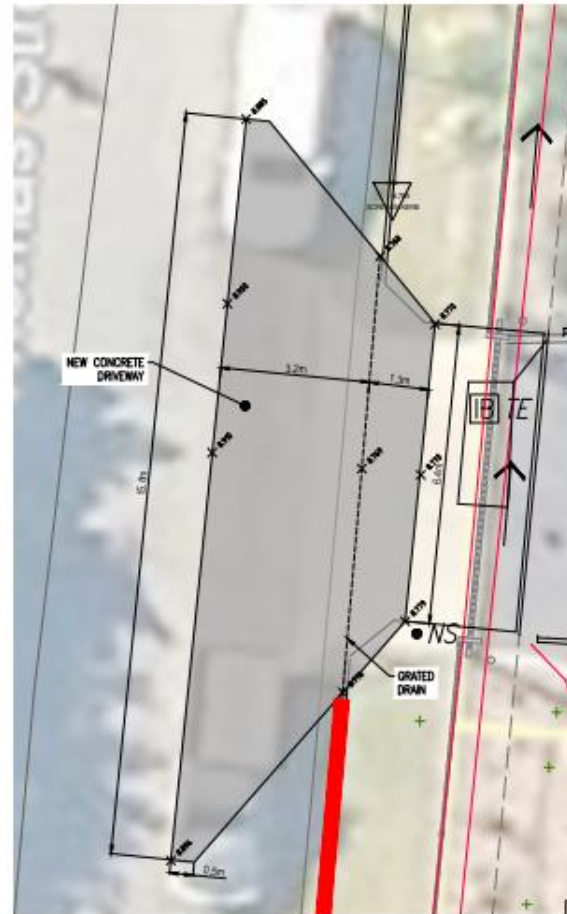
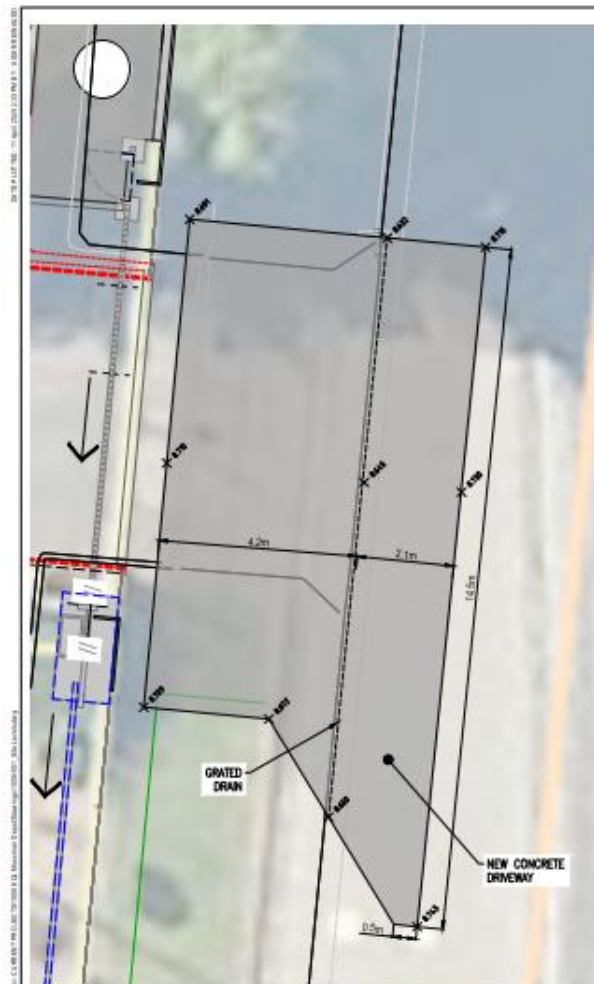
Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

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NOTES:
1 REFER TO CONCRETE CROSSOVER DETAILS.

[illegible]

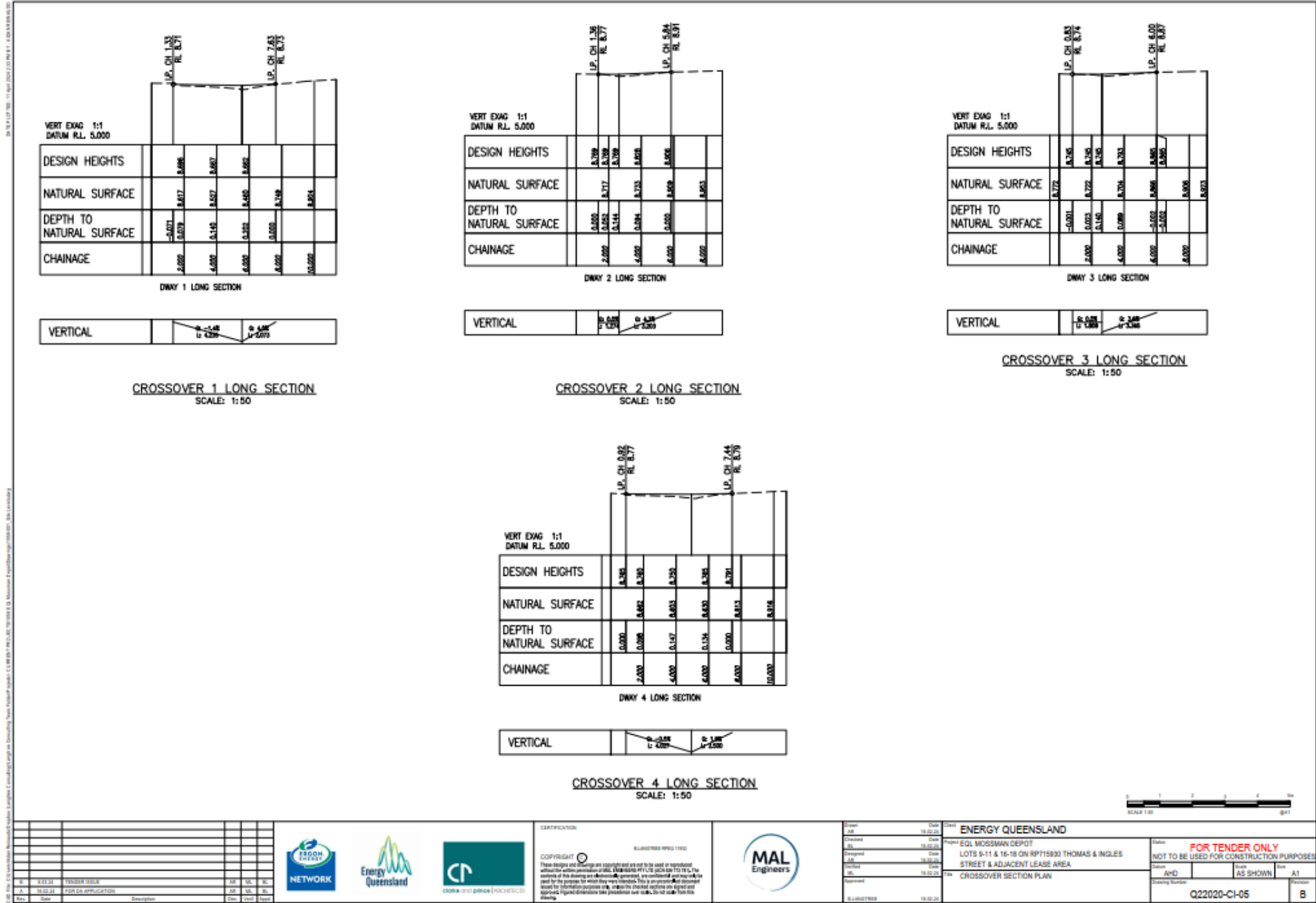
CERTIFICATION

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Owner EQ	Date 18-12-20	City ENERGY QUEENSLAND	Station	Route	Dist
Proposed EQ	Date 18-12-20	Project EQL MOSSMAN DEPOT	FOR TENDER ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES		
Designated EQ	Date 18-12-20	LOTS 5-11 & 16-18 ON RP715830 THOMAS & INGLES STREET & ADJACENT LEASE AREA	Station AHD	Route AS SHOWN	Dist AT
Proposed EQ	Date 18-12-20	City CROSSOVER ACCESS PLAN	Geology Number Q22020-CI-04	Station B	Dist



Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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 the 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.