



Our Ref: LM:DA/4433 AD2022/0001055
Your Ref: 21001.01

25 March 2022

Mac Farms Ltd
c/-Mallee Group
32 Butler Street
TULLY QLD 4854
Email: ben@malleegroup.com.au

Attention: Ben Walsh

Dear Mr Walsh

Decision Notice - approval (with conditions)
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 05 November 2021.

Applicant details

Applicant name:	Mac Farms Ltd c/-Mallee Group
Applicant contact details:	Mac Farms Ltd c/-Mallee Group 32 Butler Street TULLY QLD 4854 <u>Email:</u> ben@malleegroup.com.au <u>Attention:</u> Ben Walsh

Application details

Application number:	DA/4433
Approval sought:	Development Permit for a Material Change of Use
Description of the development proposed:	Non-resident Workforce Accommodation (80 Persons)

Location details

Street address: 75-333 Dawson Road, LAKELAND 4871

Real property description: Lot 215 on RP747485

Decision

Date of Decision: 22 March 2022

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Details of the approval

Development Permit: Material Change of Use for Non-resident Work Force Accommodation (80 persons)

Variation approval details

Not applicable

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Building work.
2. Development Permit for Plumbing and Drainage work.

Properly made submissions

Not applicable - no part of the application required public notification.

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	State Transport Corridor – Schedule 10, Part 9, Division 4, Subdivision 2 Table 4(1)

<p>Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214</p> <p>Email: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/</p>	
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Other requirements under section 43 of the Planning Regulation

Not applicable

Approved plans and specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval for the development, lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 3 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Council's Planning and Environment Department on 07 4082 0500 or email: mail@cook.qld.gov.au.

Yours sincerely



Lisa Miller

Manager

Planning and Environment

cc: SARA - CairnsSARA@dsdilgp.qld.gov.au

encl: **Attachment 1 (A)** – Conditions imposed by the assessment manager

Attachment 1 (B) – Conditions imposed by a concurrence agency.

Attachment 2 – Approved Plans

Attachment 3 – Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

Attachment 1 (A) - Conditions imposed by the assessment manager (Cook Shire Council)

Approved Plan

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Overall Site Plan, Drawing No. 011-2101-01-SK-0002B, dated 27.10.21;
 - Accommodation Site Plan, Drawing No. 011-2101-01-SK-0003B, dated 27.10.21;
 - Accommodation floor Plans, Drawn by Afford A Home, drawings 1-6;
 - Engineering Report, prepared by SKF dated 16 November 2021;
 - Operational Management Plan – Stage 1, prepared by Mallee Group, undated.

Limitations of Use

2. Occupancy of the approved Non-resident Workforce Accommodation must not exceed eighty (80) persons at any one time.

Landscape Plan

3. Prior to the commencement of the use a detailed plan for the proposed mounded vegetation buffers must be submitted and approved by Council. The mound and landscaping must be designed to appropriately screen the development from the Mulligan Highway.
4. Prior to the commencement of use, the approved mounds must be provided on site and vegetation established in accordance with the approved plan.

Recreation Area

5. The applicant must submit a plan to Council prior to the commencement of the use demonstrating that a range of active and passive recreation pursuits have been made available for the Non-resident workforce.

Operational Aspects

6. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan (Stage 1).

Effluent Disposal

7. Wastewater treatment and disposal applications must be carried out generally in accordance with the Engineering Report submitted with the application (prepared by Craig Caplick of SKF dated 16 November 2021).

Water Supply

8. The development must be connected to a potable water supply. This water supply must comply with the Australian Drinking Water Standards.

Access and Parking

9. Vehicle access to the accommodation must be provided from Mulligan Highway, generally in accordance with the approved plan of development.
10. Designated vehicle parking must be provided generally in accordance with the approved plan of development.
11. Internal access driveways and parking areas must be constructed from compacted gravel or similar material and be maintained to ensure no dust nuisance.

Environment

12. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development and appropriate erosion and sediment controls are in place.

Stormwater

13. All stormwater drainage must be to a legal point of discharge and constructed in accordance with section D4 of the FNQROC Manual.
14. The stormwater management system or site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.

Electricity

15. The development must be connected to a reliable electricity supply.

Compliance

16. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

Assessment Manager (Council) Advice

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.

2. Prior to the commencement of use the Environmental Authority for the Environmentally Relevant Activity (ERA) must be obtained.
3. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. The applicant/owner must notify Council their intention to commence the use after acceptance of and compliance with these conditions, or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

Attachment 1 (B) – Conditions imposed by a concurrence agency
State Assessment Referral Agency response dated 15 February 2022.



SARA reference: 2112-26660 SRA
Council reference: DA/4433
Applicant reference: PR21001.01

15 February 2022

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown Qld 4895
mail@cook.qld.gov.au

Attention: Planning and Environment Department

Dear Sir/Madam

SARA response—Non-resident Workforce Accommodation at 75-333 Dawson Road, Lakeland

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 22 December 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	15 February 2022
Conditions:	The condition in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use (Non-Resident Workforce Accommodation)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Development application for a material change of use within 25m of a State-controlled road

SARA reference: 2112-26660 SRA

Assessment Manager: Cook Shire Council

Street address: 75-333 Dawson Road, Lakeland

Real property description: Lot 215 on RP747485

Applicant name: MacFarms Pty Ltd

Applicant contact details: C/- Mallee Group
4 Lalwinya St
Buddina QLD 4575
ben@malleegroup.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR22-035099
- Date: 10 February 2022

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au

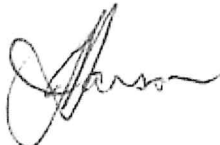
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Mary McCarthy, Senior Planning Officer, on 47583404 or via email CairnsSARA@dsdiltg.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc MacFarms Pty Ltd, ben@malleegroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following condition must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Vehicular access to a State-controlled road		
10.9.4.2.4.1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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:		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (34C-1.88km), prepared by Queensland Government Transport and Main Roads, dated 04/02/2022, reference TMR22-35099 (500-465), Issue A.</p> <p>(b) Road access works comprising of modification access works, (at the road access location) must be provided generally in accordance with TMR Layout Plan – Access Layout (34C – 1.88km), prepared by Queensland Government Transport and Main Roads, dated 04/02/2022, reference TMR22-35099 (500-465), Issue A.</p> <p>(c) The road access works must be designed and constructed in accordance with TMR Standard Rural Property Access Drawing, Sheets 1 and 2, Drawing No. 1807, Type B – Rural Property Access, dated 07/2020, Revision A.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p> <p>(c) Prior to the commencement of use</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
Further development permits required	
2.	<p>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.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>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 the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

SARA has assessed the development against State code 1: Development in a State-controlled road environment of the State Development Assessment Provisions (SDAP), version 2.6, and determined that the development achieves compliance with the performance outcomes of the State code. Subject to reasonable and relevant conditions, the development does not:

- create a safety hazard for users of a State-controlled road
- result in a worsening of the physical conditions or operating performance of a State-controlled road
- comprise the State's ability to construct, maintain or operate State-controlled roads
- impact on the operational performance of the state transport network
- result in a worsening of the physical condition of the state transport network.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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Attachment 2 – Approved Plans

Approved plans have been attached under separate cover. (this page has been intentionally left blank)

Attachment 3 – Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

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) 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.