

Mareeba

SHIRE COUNCIL

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23 January 2019

Ruth Young & Christian Wiechmann
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Planning Officer: Carl Ewin
Direct Telephone: (07) 4086 4656
Our Reference: MCU/19/0001
Your Reference: F18/33

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 22 January 2019 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/19/0001
Street Address:	34 Douglas Track East, Speewah
Real Property Description:	Lot 11 on SP257000
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Caretaker's Accommodation
Date of Decision:	22 January 2019

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*.)

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 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.
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 The caretaker's accommodation shall not be used for any other purpose, including rental to any person who is not engaged in caretaker activities on the property.

Upon request by Council, the applicant/owner shall be responsible for providing an annual return to Council, which demonstrates that the occupants of the caretaker's residence have been employed in accordance with the conditions of this approval, to the satisfaction of Council's delegated officer. The return shall include the names of staff employed, and, employment and wage/s records.

Note: *Providing a caretaker and their immediate family (if any) with rent free or discounted accommodation in lieu of providing caretaking services on the subject site is acceptable by Council, provided evidence of such an agreement can be supplied upon Council's request.*

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover must be upgraded (from the edge of the road pavement to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Non-Reticulated Water Supply

Prior to the commencement of the use, a potable water supply must be provided to the caretaker's accommodation via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) which are installed and connected prior to the occupation or use of the dwelling.

4.3 On-Site Sewerage Disposal

Prior to the commencement of the use, the caretaker's accommodation must be serviced by an on-site effluent disposal system constructed generally in accordance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's delegated officer.

4.4 Stormwater Drainage/Water Quality

4.4.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.4.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.5 Car Parking/Internal Driveways

The caretaker's residence must be provided with at least one (1) on-site designated car parking space.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 the developer must pay \$4,585.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
011 DOU Sheet No. 1-7	Site Plan	Davies Design & Drafting Service	May 2014
011 DOU Sheet No. 2-7	Floor Plan	Davies Design & Drafting Service	May 2014
011 DOU Sheet No. 3-7	Elevations	Davies Design & Drafting Service	May 2014

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) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (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

(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

PROPERTY NOTES

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, or at Council Offices.

Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
 Appeal Rights

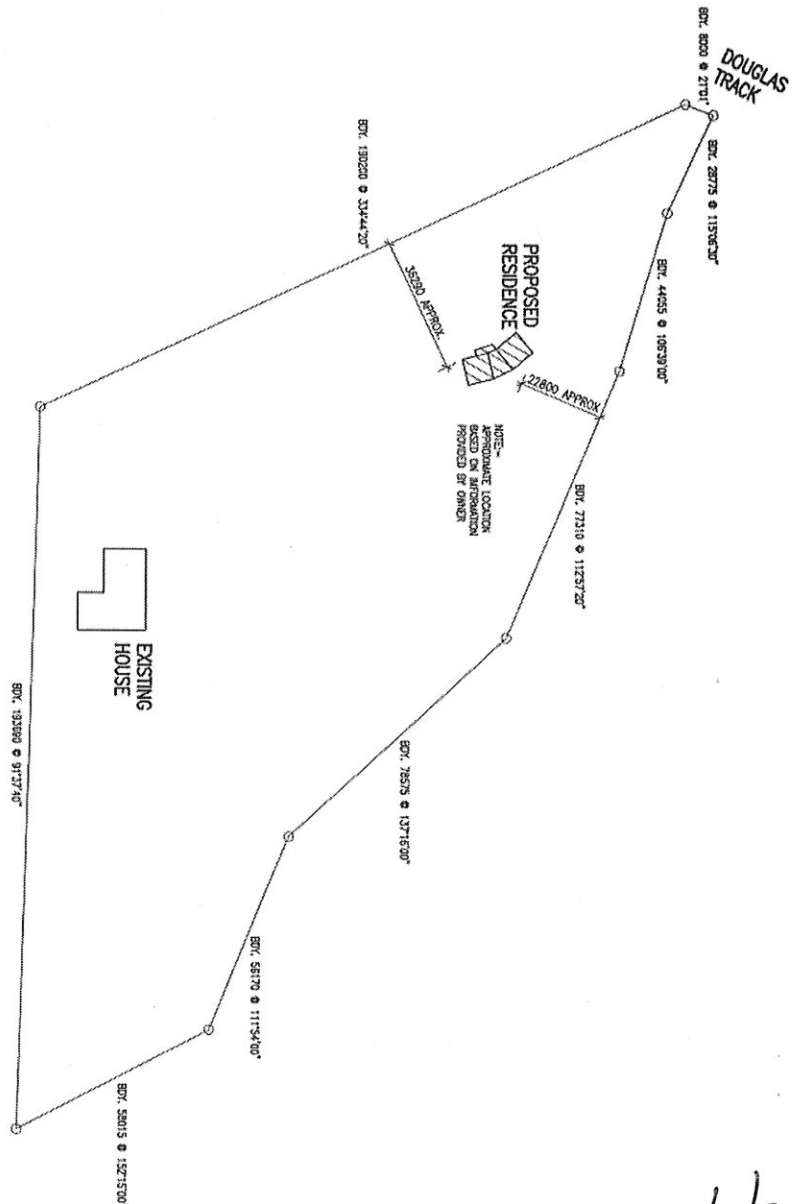
Approved Plans/Documents

Document Set ID: 342700
Version: 1, Version Date: 08/12/2019

Daves Design & Drafting Service BSA Number: 20877 76 Waters Road, Palm Cove QLD 4879 Phone: 40992755 Fax: 40992755 Mobile: 0408774497 E-mail: daves@daresdesign.com.au													
COLLEAF ASSOCIATES P/A 100/100 100/100/100 Date: 10.07.14 Author: [Signature] Date: 10.07.14 Check: [Signature] Date: 10.07.14	CLIENT: CHRIS FOORD PROPOSED RESIDENCE AT:- LOT 11 DOUGLAS TRACK EAST SPOONAH												
Copyright © This document or content within the permission of Daves Design & Drafting Service is undistributed.	DESIGN - REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>REVISIONS</th> <th>DATE</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td>11.08.14</td> <td>PRELIMINARY ISSUE</td> <td>DATE</td> <td>REVISIONS</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	DATE	REVISIONS	DATE	REVISIONS	11.08.14	PRELIMINARY ISSUE	DATE	REVISIONS				
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SITE PLAN 1:1000

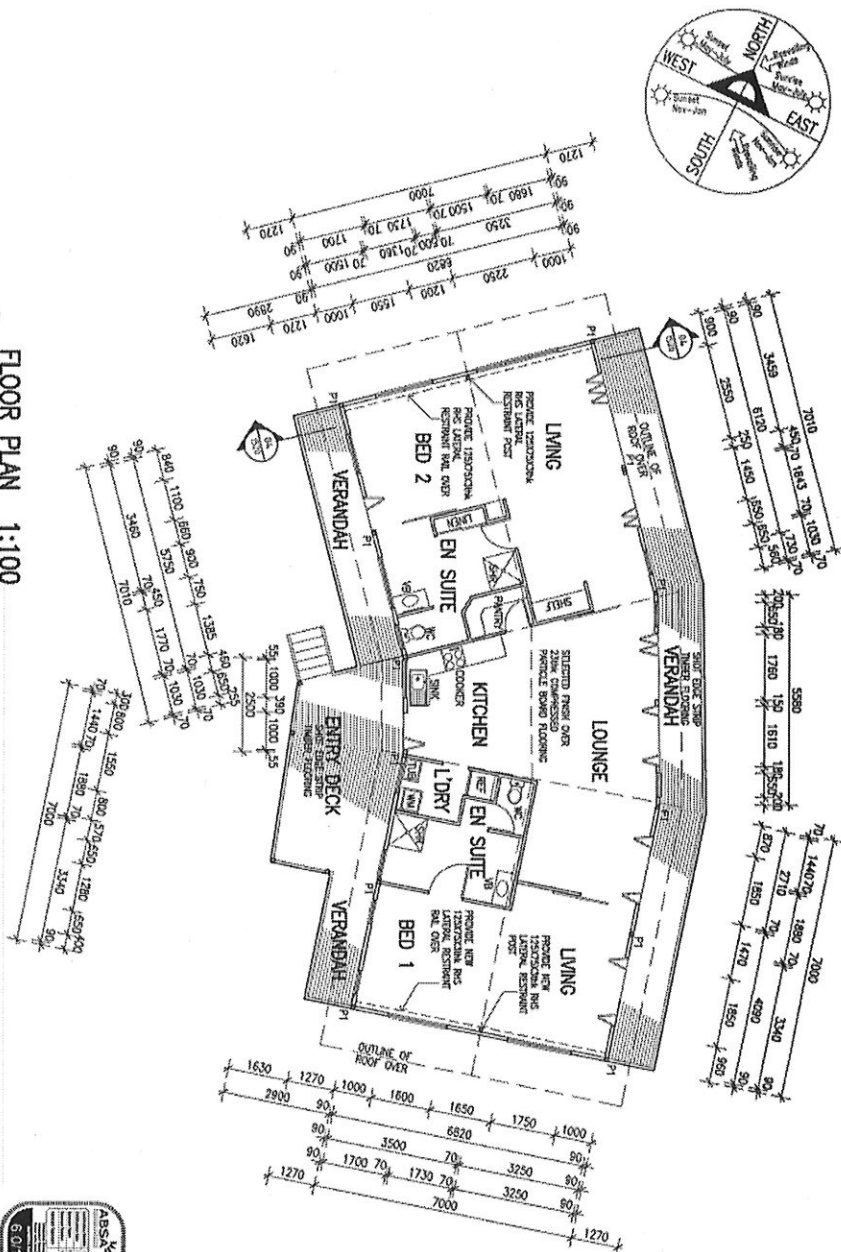


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Daves Design & Drafting Service P 54 Number 20877 76 Vickers Road The Cove 4879 Phone: 08992125 Fax: 08992125 Mobile: 0408774457 E-mail: davesdesign@gmail.com	
COLIFAX ASSOCIATES 124 75th Street Tel: 081 110 Email: info@colifax.com.au Date: 10/09/14 Job No: 140152	CHRIS FOORD PROJ. ECT: PROPOSED RESIDENCE AT - LOT 11 DOUGLAS TRACK EAST SHEPPHART
Copyright © All rights reserved No reproduction or copying without the permission of Traps Group & Drafting Services is authorised.	PREPARED BY: R255 DAVES DATE: 12/04/15 PRELIMINARY ISSUE DATE: MAY 2014 SHEET No: 011 DOU SHEET No: 2-7

FLOOR PLAN 1:100



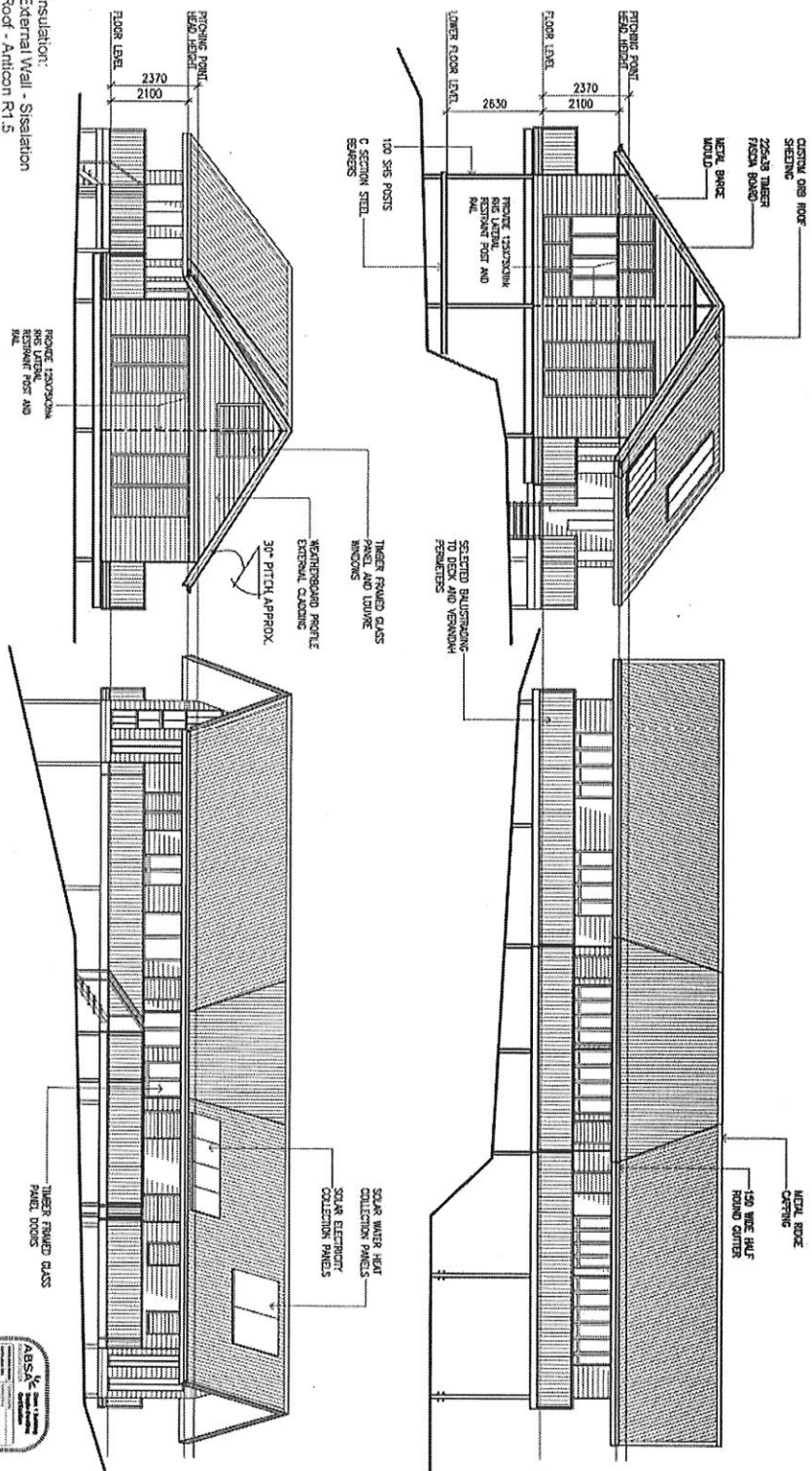
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Davies Design & Drafting Service		COLLEFAK ASSOCIATES		CONCRETE FINDINGS		CLARENCE CHRIS POORD		Copyright © All letters or e-mails reflect the permission of Clarence Chris Poord and his permission to use letters or e-mails.		DIPANAN - BOSS DAVIES	
B-5-A Number 20877 76 Vener's Road Palm Cove 4879 Phone 408-92123 Fax 408-92145 E-mail: rose@clarence.com.au		10/04/1996 P.O. Box 1194 Cairns 4870 Email: info@clarence.com.au Date: 10-04-1996 Signed: [Signature] Job No: 142157 Page No: 9/13		10/04/1996 P.O. Box 1194 Cairns 4870 Email: info@clarence.com.au Date: 10-04-1996 Signed: [Signature] Job No: 142157 Page No: 9/13		PROPOSED RESIDENCE AT- LOT 11 DOUGLAS TRACK EAST SPEWMH		A 19.08.14 PRELIMINARY ISSUE		DIPANAN - BOSS DAVIES P.O. Box 1194 Cairns 4870 Email: info@clarence.com.au Date: 10-04-1996 Signed: [Signature] Job No: 142157 Page No: 9/13	
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Insulation:
External Wall - Sisalation
Roof - Anticon R1.5

Colours:
External Walls - Light
Roof - Medium



23/1/2019
B. m. Q. 1

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.