



1 February 2021

Planning Officer: Carl Ewin

Direct Phone: 4086 4656

Our Reference: MCU/21/0001

Cougar Homes Pty Ltd
C/- The Building Approval Company
PO Box 74
REDLYNCH QLD 4870

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 1 February 2021 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/21/0001
Street Address: 99 Pin Road, Mutchilba
Real Property Description: Lot 86 on HG754
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Rural Workers' Accommodation and Secondary Dwelling
Date of Decision: 1 February 2021

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 rural workers' accommodation shall not be used for any other purpose, including rental to any person who is not engaged in 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 rural workers' accommodation 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 worker/s and their immediate family (if any) with rent free or discounted accommodation in lieu of providing labor on the subject property is acceptable by Council, provided evidence of such an agreement can be supplied upon Council's request.*

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated.
CH - 611 Dwg. No.: 02	Overall Site Plan	Cougar Homes Pty Ltd	Nov 2020
CH - 611 Dwg. No.: 03	Part Site Plan	Cougar Homes Pty Ltd	Nov 2020
-	Building Setout Plan	Applicant	Nov 2020
CH - 611 Dwg. No.: 04	Floor Plan	Cougar Homes Pty Ltd	Nov 2020
CH - 611 Dwg. No.: 06	Elevations	Cougar Homes Pty Ltd	Nov 2020

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) 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.

(b) 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.

(c) 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.

(d) 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

Not Applicable.

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

LOT 86

LAND CLASSIFICATION - C2 (WB9C)

LOT NUMBER: 86
 HG NUMBER: HG794
 PARISH: MASTERTON
 COUNTY: HODKINSON
 AREA: 44.0168ha

SITE NOTES

ALL BUILDERS WORK TO BE CARRIED OUT WITHIN SITE BOUNDARY. THIS NOTE TO TAKE PRECEDENCE OVER ANY OTHER DOCUMENTATION. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS STRA GUIDELINES ON NETWORKS FOR DEVELOPMENT AND RESIDENTIAL DEVELOPMENT.

ALL WORK INCLUDING TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AUTOMATICALLY APPLICABLE CODES OF PRACTICE TO PROVIDE AN ENGINEERED CONTROLLED FIELD LAYOUT.

EXTENDING TO A MINIMUM 1.5 METERS OUTSIDE BUILDING STRUCTURE FOOTPRINT OF TORSION AND UNCONTROLLED FILLERS AND THE BUILDING PLATFORM SHALL BE RAISED TO LEVEL WITH ENGINEERED FOUNDATION MAINTENANCE SHALL BE IN ACCORDANCE WITH THE CSIRO BROCHURE 'GUIDE TO HOME OWNERS ON FOUNDATION PERFORMANCE' (2017).

PLUMBING SHOWN IS DIAGRAMMATIC ONLY. LICENSED PLUMBER TO CONFIRM FINAL POSITION OF HOUSE SEWER AND STORMWATER PIPES, QUANTITIES AND POSITIONS. CONFIRM ALL FALLS PRIOR TO CONSTRUCTION.

CLIENT TO PROVIDE DETAIL PLAN AND SPECIFICATIONS FOR SWIMMING POOL, TO BE POSITIONED MIN. 200mm AWAY FROM BUILDING EXTERIOR WALL. SWIMMING POOLS ETC. SO HOUSE SEWER AND STORMWATER CAN BE RELOCATED TO ACCOMMODATE SWIMMING POOL.

ALL PLUMBING AND DRAINAGE WORK SHALL BE IN ACCORDANCE WITH AS STRA AND WATER ASSOCIATED AMENDMENTS AND RELEVANT AUSTRALIAN STANDARDS. BUILDING TO BE POSITIONED A MIN. 200mm AWAY FROM BUILDING EXTERIOR WALL. SEWER ON STORMWATER DRAIN. SEWER ALL WATERS TO BE DRAINED AWAY FROM BUILDING DURING AND AFTER FINISHED STAGE LEVEL TO BE MINIMUM 200mm ABOVE FINISHED GROUND LEVEL.

211.145m 305*20'

40.230m 28*22'

211.270m 113*20'

12.600m 220*29*45'

230.850m 114*20'

14.925m

25m

302.800m 30*20'

86 HG 754

85 HG 418

87

80 HG 80

WALSH RIVER

LEGEND

30m DENOTES 100mm DUNC SEWER DRAIN

150mm² DENOTES BOUNDARY LINE WITH LOCATED PEG

CLIENT TO BE INVOLVED IN SETTING OUT OF BUILDING ON SITE.

PLUMBING NOTES

PLUMBING SHOWN IS DIAGRAMMATIC ONLY. LICENSED PLUMBER TO CONFIRM FINAL ALIGNMENT OF HOUSE SEWER AND STORMWATER, WASTE POSITIONS AND DOWNPIPE QUANTITIES AND POSITIONS. CONFIRM ALL FALLS PRIOR TO CONSTRUCTION.

PRELIMINARY

CONSTRUCTION PURPOSES

WHERE AND IF ANY DISCREPANCIES OCCUR BETWEEN THIS PLAN AND THE SCHEDULE, THE SCHEDULE WILL ALWAYS TAKE PRECEDENCE.

CLIENT'S SIGNATURE _____ **DATE** _____

CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers Civil & Structural
 10/100 Sturt St, Masterton, 6130
 Ph: 06 422 7777 | F: 06 422 7778 | E: info@kfb.co.nz

CLIENT: JOHN JOSEPH GAUCH
ADDRESS: LOT 86 - FIN ROAD MAITCHILLA QLD - 4872

TITLE: OVERALL SITE PLAN
SCALE: 1:5000 **DATE:** NOV 2020

Cougar Homes
 P.O. Box 345N North Clun 4570
 Tel: 07 40427777
 Fax: 07 40427789
 QSSA ACT License No. 1035396

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 PROJ. No: CH-611 DWG. No: 02 OF 12

EXACT HOUSE POSITION TO BE CONFIRMED ONCE SP PLAN RECEIVED AND SITE BOUNDARY AND EASEMENT DIMENSIONS CONFIRMED. HOUSE POSITION SUBJECT TO OBTAINING A COUNCIL SITING DISPENSATION THAT OCCURS A FEE AND IS NOT GUARANTEED.

Install a sediment barrier

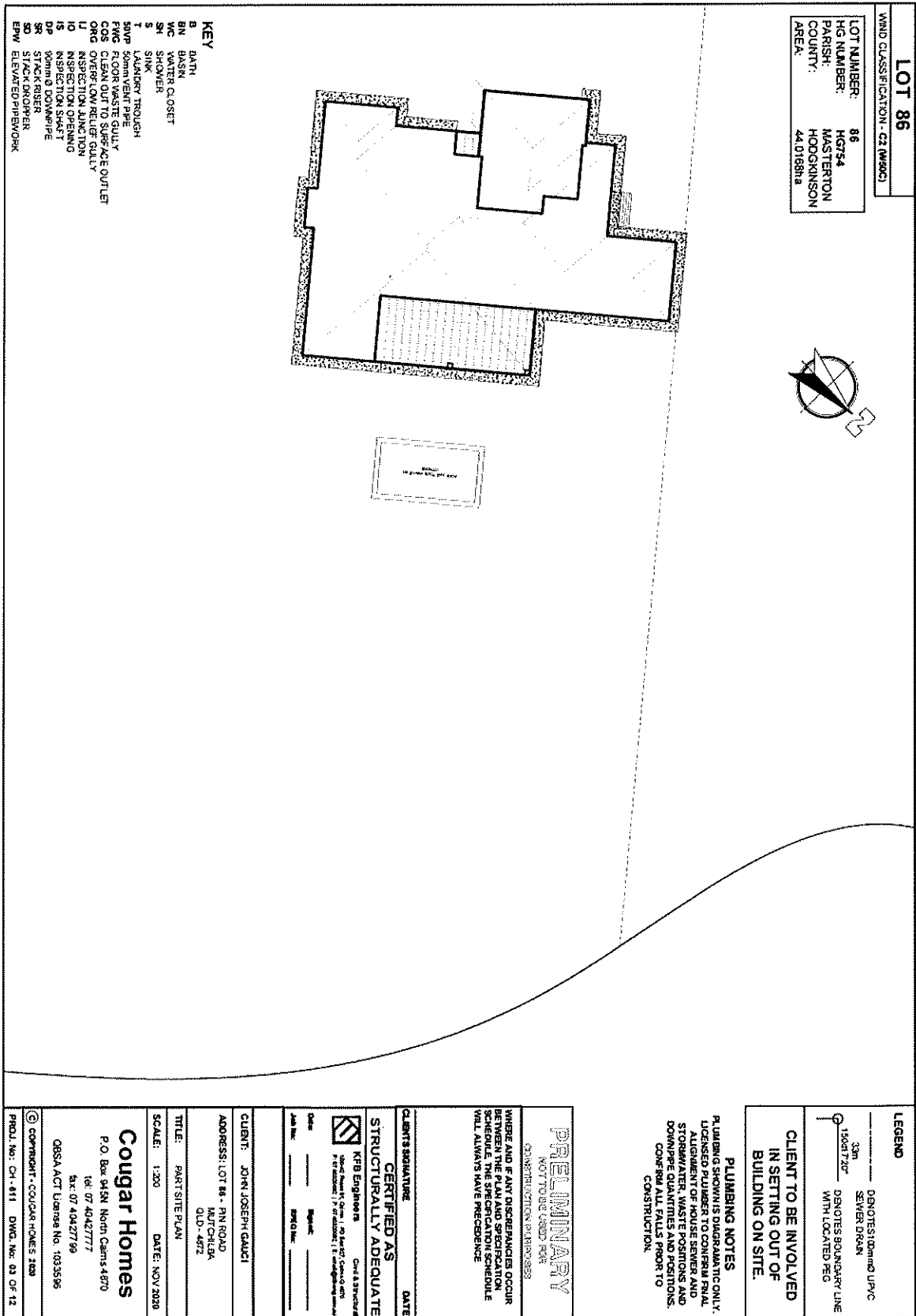
Install a sediment barrier down slope of the building on the concrete sedimentation tank. The barrier should be installed on the concrete sedimentation tank. The barrier should be installed on the concrete sedimentation tank. The barrier should be installed on the concrete sedimentation tank.

Barrier must be installed with a minimum 100mm gap between the barrier and the concrete sedimentation tank.

Barrier must be installed with a minimum 100mm gap between the barrier and the concrete sedimentation tank.

Barrier must be installed with a minimum 100mm gap between the barrier and the concrete sedimentation tank.

1/2/2021
 B. Will



LOT 86
 WARD CLASSIFICATION - C2 (RURAL)
 LOT NUMBER: 86
 HG NUMBER: HQ754
 PARISH: MASTERTON
 COUNTY: HODGKINSON
 AREA: 4.0168ha



KEY
 B BATH
 BN BATH
 WC W.C.
 SH SHOWER
 S SINK
 T LAUNDRY TROUGH
 50VP 50mm VENT PIPE
 FWC FLOOR WASTE GULLY
 COS CLEAN OUT TO SURFACE OUTLET
 OWS OVERFLOW REILDER GULLY
 INSPECTION POINT
 ID INSPECTION POINT
 IS INSPECTION SHAFT
 DP 50mm DOWNPIPE
 SR STACK RISER
 SD STACK DOWNPIPER
 EPW ELEVATED PIPEWORK

Part Set ID: 3003131
 n: 1, Version Date: 20/12/2020

LEGEND
 --- DEVOTES TO ROAD UP/IC
 35m SEVEN DRAIN
 150mm/75mm DEVOTES BOUNDARY LINE WITH LOCATED PEG
CLIENT TO BE INVOLVED IN SETTING OUT OF BUILDING ON SITE.

PLUMBING NOTES
 PLUMBING SHOWN IS DIAGRAMATIC ONLY, LICENSED PLUMBER TO CONFIRM FINAL ALIGNMENT OF HOUSE SEWER AND STORM/WATER, WASTE POSITIONS AND DOWNPIPE QUANTITIES AND POSITIONS. ALL WORK IS TO BE DONE PRIOR TO COMMENCEMENT OF CONSTRUCTION.

PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION PURPOSES
 ERRORS AND OMISSIONS ARE THE RESPONSIBILITY OF THE CLIENT. ANY DISCREPANCIES OCCUR BETWEEN THE PLAN AND SPECIFICATION SHALL ALWAYS HAVE PRECEDENCE.

CLIENT'S SIGNATURE _____ DATE _____
CERTIFIED AS STRUCTURALLY ADEQUATE

 NFB ENGINEERS
 Chris Stevens
 1000 Northgate Drive, Level 10, Northgate, QLD 4013
 Ph: 07 40427777 Fax: 07 40427799
 Date: _____ Sign: _____
 Job No: _____ ENG No: _____

CLIENT: JOHN JOSEPH GALCZI
 ADDRESS: LOT 86 - BN ROAD
 MUTCHELAN QLD - 4872
 TITLE: PART SITE PLAN
 SCALE: 1:250 DATE: NOV 2020

Cougar Homes
 P.O. Box 945N North Cairns 4870
 Tel: 07 40427777
 Fax: 07 40427799
 QBSA ACT License No: 1833596
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 PROJ No: CH-411 DWG No: 03 OF 12

1/2/2021
 [Handwritten signature]

Building Setout Plan

27/1/2021



177°29'S 145°17'58"E

177°29'S 145°18'2"E

A product of

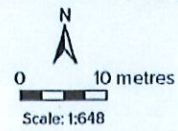


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For more information, visit
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Department of Natural Resources, Mines and Energy

1/2/2021
 B. Hill

Document Set ID: 303131
Version: 1, Version Date: 23/12/2020

<p>LOT 86</p> <p>LAND CLASSIFICATION - C2 (RURAL)</p> <p>GENERAL NOTE DETAIL SHOWN IN ELEVATIONS IS SUBJECT TO MATERIAL PRODUCT CONSTRAINTS.</p>	<p>ROOF PITCH - 22.5°</p> <p>ROOF OVERHANG - 600 UNO.</p> <p>SOFFIT TYPE - FLAT</p>	
<p>PLEASE NOTE THAT DIMENSIONS SHOWN ARE NOMINAL SIZES AND ARE TO STRUCTURAL OPENINGS. FINISHED STEEL WALLS, ROOF FINISHES, AND FINISHES IS APPLIED</p>		
<p>ELEVATION KEY</p> <p>ROOF UNO - ULTRA STEEL CUSTOM ORANGE FRONT DOORS - 3041 FIBRE GLASS WITH WOOD GRAIN FINISH SPECIFICATION COLOURBOARD CUTTERS AND FASCIAS WALLS UNO RENDERED PAINTED WALLS WINDOWS UNO - ALUMINIUM FRAMED WINDOWS - TYPES DETICED ON PLAN EXTERNAL SLIDING DOORS UNO POWERCOATED ALUMINIUM FRAMED SLIDING DOORS</p> <p>S-AC - BRONZE SET SYSTEM AIR CONDITIONING UNIT COMPRESSOR POSITIONS MB - DELETED METER BOX POSITION</p>		
<p>WINDOW SCHEDULE</p> <p>UNLESS OTHERWISE NOTED: ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO MANUFACTURE. ALL WINDOWS ARE VIEWED FROM THE OUTSIDE UNLESS NOTED OTHERWISE. ALL GLASS TO BE CLEAR GLASS UNO. FRAMES POWERCOATED ALUMINIUM. SCREENING PAPER GLASS. REFER TO FLOOR PLAN FOR DETAILS OF ANY SCREENING PAPER GLASS TO BE VIEWED FROM OUTSIDE. UNO</p>		
<p>DOOR SCHEDULE</p> <p>EXTERNAL - 3041 FIBRE ENTRY DOORS IN 2113 METAL FRAME</p> <p>INTERNAL - INTERNAL DOORS TO BE 2000MM HIGH X 1000MM WIDE. ALL INTERNAL DOORS TO HAVE TAMBUR DOOR FRAMES. HIC DOOR TO BE FITTED WITH U/L/C/F HINGERS</p>		
<p>PRELIMINARY</p> <p>NOT TO BE USED FOR CONSTRUCTION PURPOSES</p> <p>WHERE AND IF ANY DISCREPANCIES OCCUR BETWEEN THE PLAN AND SPECIFICATION SCHEDULE, THE SPECIFICATION SCHEDULE WILL ALWAYS HAVE PRECEDENCE</p>		
<p>CERTIFIED AS STRUCTURALLY ADEQUATE</p> <p>CLIENT: JOHN JOSEPH GAUCH ADDRESS: LOT 86 - PIN ROAD MURCHILLA QLD - 4872</p> <p>TITLE: ELEVATIONS SCALE: 1:100 DATE: NOV 2020</p> <p>Cougar Homes P.O. Box 54351 North Cairns 4870 Tel: 07 40427777 Fax: 07 40427799 OBSSA ACT License No. 1033596</p> <p>PROJ. NO: CH-411 DWG. NO: 06 OF 12</p>		

1/2/2021
B. Will

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.